

STATEMENT OF ENVIRONMENTAL EFFECTS

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Demolition of existing structures and the development of
a part five, part six storey residential flat building,
comprising 31 units, to be wholly used for the purposes
of affordable housing.

9 – 11 Edgeworth Place,
Cartwright

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SEPTEMBER 2016

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a development application to Liverpool City Council for the demolition of existing buildings and the construction of a part five, part six storey residential flat building at 9 – 11 Edgeworth Place, Cartwright.

The development seeks to consolidate the Edgeworth Place properties with land immediately to the east, known as Nos. 249 – 251 Hoxton Park Road given a common ownership by social housing provider, St George Community Housing.

The proposal will result in the creation of 31 residential units, all of which will be used for the purposes of affordable rental housing for a minimum period of 20 years.

This proposal will not alter the existing development located over Nos. 249 – 251 Hoxton Park Road, acknowledging that this land has already been developed for the purposes of a residential flat building (affordable housing).

This application follows discussions with Council officers. As part of this preliminary consultation, two potential design schemes were presented as prepared by DKO Architecture Pty. Ltd.

Scheme 1 comprised of 28 residential units over four storeys plus mezzanine level whilst Scheme 2 provided for 31 units over a part six, part five storey building.

In both Schemes, all proposed units would be nominated as affordable housing to be managed by our client, St George Community Housing. Scheme 2 however would result in a breach of Clause 4.3 Height of Buildings development standard.

Our clients are a dedicated not for profit organisation who seek to provide high quality, affordable residential housing options. In their research, they have identified a growing demand for affordable residential accommodation within the Liverpool local government area.

As a recognised community housing provider, the additional three units sought under the 31 unit scheme were designed to benefit the local community providing for additional housing stock. The proposed units are of a high architectural standard promoting solar access and cross ventilation. The building itself integrates a number of sustainable features exceeding the minimum standards prescribed by BASIX. In fact, it is intended that the building be designed and built to a 4 star Green Star certification and further, that it be 7 Star NatHERS compliant.

It was advised by Council Officers that the proposal be presented to the Design Excellence Panel for review. A meeting was subsequently held on the 16th of June 2016 where both schemes were presented.

In meeting with the Design Excellence Panel, the 31 unit scheme was supported as confirmed by the minutes of the meeting which state, *"The Panel supports the additional height in the Alternative Scheme subject to all the above issues being addressed whilst complying with the floor space ratio control"*.

Minor design issues relating to internal planning, landscape, open space and bulk and scale were however raised by the Panel and have been resolved by the current set of plans. A detailed summary of the development has been provided under Section 3 of this report.

Notwithstanding the feedback received from the Panel, Council's Planning Department have advised that, *"The additional storey proposed is unlikely to be supported and it should be removed in order to reduce the overall height of the building and provide a development which would be more consistent with the desired future character of the area"*.

Accordingly, in subsequent discussions with Council Officers, it was agreed between SGCH and Council Officers that a Clause 4.6 variation be submitted for review, prior to the submission of a formal Development Application. In this manner, a review of the variation may be considered without additional DA costs being incurred by our client.

A Clause 4.6 variation was subsequently submitted on the 26th of July 2016 and it was agreed the 31 unit scheme had value but would be subject to review under a formal development application.

Hence the submission of this development application.

GAT & Associates has been retained by St George Community Housing to prepare a Statement of Environmental Effects to accompany the development application for Liverpool City Council's consideration.

This Statement of Environmental Effects is based on information and details shown on the following architectural plans prepared by DKO Architecture Pty. Ltd. dated 1 September 2016:

- ☐ DA0000 Title Page
- ☐ DA0100 Site Plan
- ☐ DA0101 Demolition Plan
- ☐ DA0200 Ground Floor Plan
- ☐ DA0201 Level 1 & 02
- ☐ DA0202 Level 03
- ☐ DA0203 Level 04
- ☐ DA0204 Level 05

- ☐ DA0205 Roof Plan
- ☐ DA0206 Development Summary
- ☐ DA0207 Adaptable Unit
- ☐ DA0300 Elevations – Sheet 1
- ☐ DA0301 Elevations – Sheet 2
- ☐ DA0302 Elevation – Sheet 3
- ☐ DA0303 Section A
- ☐ DA0304 Sections B
- ☐ DA0400 SEPP 65 Summary Table
- ☐ DA0401 Solar Access
- ☐ DA0402 Cross Ventilation
- ☐ DA0403 No Solar access
- ☐ DA0404 Communal Open Space
- ☐ DA0405 Deep Soil Zone
- ☐ DA0406 Storage Calculations
- ☐ DA0500 Shadows Diagram 9am
- ☐ DA0501 Shadows Diagram 12 noon
- ☐ DA0502 Shadows Diagram 3pm
- ☐ DA0503 View 01
- ☐ DA0504 View 02
- ☐ DA0505 View 03
- ☐ DA0506 View 04
- ☐ DA0507 Notification Plans 1
- ☐ DA0508 Notification Plans 2

This Statement of Environmental Effects is also based on the following plans and documents:

- ☐ Acoustic report prepared by Acouras Consultancy dated August 2016;
- ☐ BASIX certificate prepared by Ecomode dated August 2016;
- ☐ Building Code of Australia report prepared by Technical Inner Sight dated August 2016.
- ☐ Contamination report prepared by Ideal Geotech dated March 2016;
- ☐ Erosion and Sediment Control plan prepared by Webb Australia Group dated August 2016.
- ☐ Flood report prepared by Flood MIT dated July 2016;
- ☐ Landscape plan prepared by Site Design + Studios dated August 2016.
- ☐ Stormwater plan prepared by Webb Australia Group dated August 2016.

- ❑ Survey plan prepared by Norton Survey Partners dated January 2016.

This Development Application demonstrates how the proposal is suitable for the site, assessed against Council's controls, as well as State Environmental Planning Policy No. 65 and the Apartment Design Guide.

This Statement of Environmental Effects has been prepared in support of the proposed development. This report is based on the submitted architectural plans and supporting documentation, discussions with Council Officers, and inspections and knowledge of the site and locality, with the aim of:

- ❑ Assessing the proposal against relevant statutory controls.
- ❑ Determining whether the proposal is acceptable within the existing and likely future context of the area.
- ❑ Considering whether the proposal is acceptable within the broader planning controls.
- ❑ Addressing any likely environmental and external impacts (positive and negative).

The proposed application has also been assessed in relation to:

- ❑ Liverpool Local Environmental Plan 2008.
- ❑ Liverpool Development Control Plan 2008.
- ❑ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- ❑ State Environmental Planning Policy (Affordable Rental Housing) 2009.
- ❑ State Environmental Planning Policy (Infrastructure) 2007.
- ❑ State Environmental Planning Policy No. 55 – Remediation of Land.
- ❑ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- ❑ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- ❑ Section 79C Considerations of the Environmental Planning and Assessment Act, 1979

2.0 SITE AND CONTEXT

As acknowledged in previous correspondence with Council, it is sought that the subject site be developed in conjunction with land immediately to the east being Nos. 249 – 251 Hoxton Park Road, given a common ownership over both sites by social housing provider, St George Community Housing.

The consolidated site is located on the southern side of Edgeworth Place adjoining Hoxton Park Road to the south.

The site incorporates the following allotments: Lot 502 in DP 236840, Lot 503 in DP 236840, Lot 10 in DP 1155995.

The amalgamated site provides for a dual frontage of approximately 73.57 metres to Hoxton Park Road and approximately 60.78 metres to Edgeworth Place. The overall site area is 2,424.2m².

Figure 1 – Site Location Map



Source: SIX Maps, NSW Government 2016

A site location map is provided at Figure 1 below.

Currently located over Nos. 9 – 11 Edgeworth Place are two detached brick dwellings with tiled roofs. Each dwelling has been designed to address Hoxton Park Road. An open design metal palisade fence runs the front boundary and return of each site. Concrete pathways lead to the entry of each dwelling. The front setbacks are landscaped, primarily with turf.

Vehicular access to each dwelling is off Edgeworth Place. A Colorbond fence and gate runs the length of the rear boundary.

Nos. 249 – 251 Hoxton Park Road have already been developed as a residential flat development, with a total of 17 units provided over four storeys. The development is currently used for the purposes of affordable housing. The current proposal seeks to utilise the existing driveway of this development to provide access to the new building. The existing building, including its associated car parking will not be altered by this proposal.

Refer to Figure 2 on the following page for photos of the site and surrounds.

Figure 2 – Photos of site and surrounds



The subject site (No. 9 Edgeworth Place) – view from Hoxton Park Road.



The subject site (No. 11 Edgeworth Place) – view from Hoxton Park Road.



Land immediately to the east of the above – part of the consolidated site (Nos. 249 – 251 Hoxton Park Road).



The rear of
No. 9
Edgeworth
Place (view
from
Edgeworth
Place).



The rear of
No. 11
Edgeworth
Place (view
from
Edgeworth
Place).



The rear of
Nos. 249 –
251 Hoxton
Park Road
(view from
Edgeworth
Place).

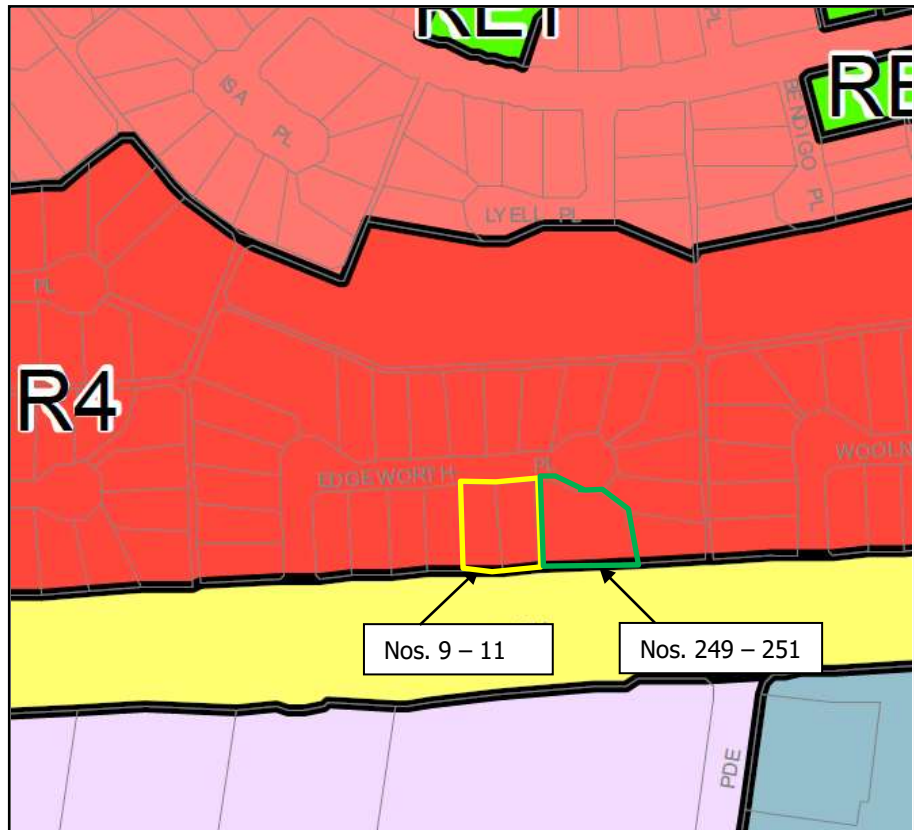
The site is zoned R4 High Density Residential under the Liverpool Local Environmental Plan 2008. Refer to Figure 3 for a zoning map.

The site is located in close proximity to public transport services including bus services along Hoxton Park Road and nearby Cartwright Avenue linking the site to the Liverpool City Centre, Carnes Hill and West Hoxton.

In terms of road connections, Hoxton Park Road is located to the south of the site while the M7 Motorway and Cowpasture Road are located to the west.

Retail and commercial businesses are also located in the vicinity of the subject site along the southern side of Hoxton Park Road, opposite the site.

Figure 3 – Zoning Map



Source: Liverpool LEP 2008 Land Zoning Map – Sheet LZN-010

The proposed works will not create any unreasonable impacts to the adjoining properties. This will be further demonstrated within this Statement of Environmental Effects.

3.0 PROPOSAL

The proposal involves the demolition of the existing buildings located over 9 – 11 Edgeworth Place and the construction of a part five, part six storey residential flat building to be completely used for the purposes of affordable housing for a minimum period of 20 years.

As detailed above, the proposal seeks to consolidate the Edgeworth Place properties with the adjoining site, Nos, 249 – 251 Hoxton Park Road given a common ownership by social housing provider, St George Community Housing.

As depicted in Figure 2, Nos. 249 – 251 Hoxton Park Road has already been developed as a residential flat building (affordable housing). There are no modifications proposed to this building. Rather this proposal seeks to utilise the existing driveway of Nos. 249 – 251 Hoxton Park Road to provide access to the new at grade car park at Nos. 9 – 11 Edgeworth Place.

The proposal also provides for a communal rooftop garden which will be made accessible to residents of Nos. 249 – 251 Hoxton Park Road as recommended by the Panel during the Design Excellence meeting held with Council.

The proposed development will provide for a total of 31 residential units comprising of five x 1 bedroom and 26 x 2 bedroom units.

A detailed summary of the proposal is provided below:

Ground Floor

- ❑ Vehicular access will be shared via Hoxton Park Road, utilising the existing driveway of Nos. 249 – 251 Hoxton Park Road.
- ❑ A total of 15 at grade car parking space are proposed including 3 x accessible spaces. Six bicycle spaces are also proposed.
- ❑ In terms of service rooms, a bin room capable of accommodating 52 bins (24 x general waste, 24 x recycling and 4 x green bins); switch room; fire hydrant pump room; cleaner's store room and WC are also proposed at ground level. A drying courtyard is located adjacent to the western side boundary.
- ❑ A residential lobby is located at the centre of the level with a single lift and stairs providing access to the upper floors.
- ❑ Three x 2 bedroom units and 1 x 1 bedroom unit will be located at ground level and orientated to the front or rear of the site. Each

unit is provided with private open space at ground level in the form of a courtyard.

- ❑ Provision has been made for pedestrian gates along the Edgeworth Place boundary allowing for direct access to the lower level units and the drying courtyard/car park.

Levels 1 and 2

- ❑ Levels 1 and 2 provide for an identical floor plate comprising of 1 x 1 bedroom and 6 x 2 bedroom units.
- ❑ The balconies of each unit have been orientated to address the street frontages.

Level 3

- ❑ Level 3 will comprise of 1 x 1 bedroom and 5 x 2 bedroom units.
- ❑ The balconies of each unit have been orientated to address the street frontages.

Levels 4 and 5

- ❑ Level 4 will provide for 1 x 1 bedroom unit and 6 x 2 bedroom units.
- ❑ Units located on the southern side of the building have been designed as cross over units with the upper level of these units located at Level 5.

These layouts formed part of the key discussions with Council Officers and the Design Excellence Panel as proposed Level 5 will result in the development breaching the maximum building height control by some 3.4 metres.

Notwithstanding the numerical breach, careful consideration was given to the siting of these units to ensure the internal amenity of the proposed units and of the adjoining properties would be protected.

The cross over units have been located to the southern side of the building, enabling any additional overshadowing will fall on to Hoxton Park Road (to the south), rather than on to the adjoining residential properties.

To Edgeworth Place, the proposal will marginally breach the 15m height control by approximately 900mm. The proposed variation does not represent a whole storey and would be generally

consistent with the 15m height control prescribed for the site. As the site has been recognised as flood prone land, it is not feasible to reduce the proposed levels of the building.

The proposed variation to the maximum building height development standard is considered to provide for a better social outcome on the site, by providing for a development wholly comprising of affordable housing in a location well serviced by bus services and retail/commercial facilities.

It is important to note that the additional storey will be compliant with the 1.5:1 floor space ratio, notwithstanding the additional storey.

- ❑ The northern component of Level 5 will provide for an area of communal open space which may be accessed by the future residents of 9 – 11 Edgeworth Place as well as the residents of Nos. 249 – 251 Hoxton Park Road.

The area will be 143m² in area and accessible via the central lift. A BBQ area is proposed with pergola over. A secondary area of communal open space is proposed at ground level of 187m².

Landscaping works are proposed to the perimeter of the communal open space.

Other

- ❑ The proposed development is modern in its design with a strong three storey presentation to both street frontages. The upper levels of the building have been designed to be recessive with increased setbacks, and contrasting materials in a darker finish.

Particular regard has been made to ensure each elevation is well articulated with the northern, southern and eastern elevations stepped in their design, with balconies, glazed windows and overhangs articulating these facades.

To the eastern and western elevations, to ensure visual privacy is maintained to the neighbouring property, window openings have been minimised with contrasting materials and screens used instead to activate the façade.

- ❑ A Landscape Plan has been prepared by Site Design + Studios and is submitted under a separate cover. The plans includes a variety of ground covers, shrub and tree plantings at both ground and rooftop level. The proposal includes 21 trees growing to a mature height of between 3 – 15 metres.

- ❑ A rainwater tank of 5,000 litres will be located below the proposed car park, servicing the ground floor common area outdoor taps.

The following are objectives, which were considered in formulating the proposed development:

- ❑ To implement the outcomes of the following planning documents:
 - Liverpool Local Environmental Plan 2008.
 - Liverpool Development Control Plan 2008.
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
 - State Environmental Planning Policy (Affordable Rental Housing) 2009.
 - State Environmental Planning Policy No. 55 – Remediation of Land.
 - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
 - Section 79C Considerations of the Environmental Planning and Assessment Act, 1979
- ❑ To ensure that the proposal provides a high quality development in a manner that contributes positively to the Liverpool local government area.
- ❑ To ensure that the proposed development provides for a high level of internal and external amenity for the future occupants of the site.

4.0 PLANNING CONTROLS AND ASSESSMENT

4.1 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

The table below summarises the proposal against the relevant controls of the Liverpool Local Environmental Plan 2008.

Planning Guideline	Requirement	Provided	Comply
Zoning	<ul style="list-style-type: none"> R4 High Density Residential <p>Permitted without consent <i>Home-based child care; Home occupations</i></p> <p>Permitted with consent</p> <p><i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top</i></p>	<ul style="list-style-type: none"> The proposal before Council seeks the development of a part five, part six storey residential flat building. The proposed development comprises of 31 residential units, all of which will be nominated for the purpose of affordable housing. <p>Residential flat buildings are listed as permitted with the consent of Council within the R4 High Density zone.</p>	✓

	Planning Guideline	Requirement	Provided	Comply
		<i>housing</i> Prohibited <i>Any development not specified in item 2 or 3.</i>		
	CI 2.6 Subdivision	<ul style="list-style-type: none"> Development consent required. 	<ul style="list-style-type: none"> The application does not seek any subdivision. 	N/A
	CI 2.7 Demolition	<ul style="list-style-type: none"> Development consent required. 	<ul style="list-style-type: none"> The existing dwellings and associated garages located at Nos. 9 – 11 Edgeworth Place will be demolished as part of this application. <p>As the site has not been identified as an item of local or state heritage significance, the demolition of these buildings is considered acceptable.</p>	✓
	CI 4.1 Minimum subdivision lot size	<ul style="list-style-type: none"> Minimum lot size: 1,000m² 	<ul style="list-style-type: none"> The proposal relates to land known as 9 – 11 Edgeworth Place and 249 – 251 Hoxton Park Road. The existing site area is 2,424.2m² and will not be altered by this application. 	✓
	CI 4.3 Height of buildings	<ul style="list-style-type: none"> Maximum building height: 15m 	<ul style="list-style-type: none"> As acknowledged in this report, the proposal will exceed the 15m development standard prescribed for the site. <p>As detailed on the submitted elevations, the proposal will result in a maximum building height of 18.4 metres as measured from existing ground level to the ridge.</p> <p>It should be noted that the maximum building height of 18.4 metres is only realised over the southern portion of the building where the proposal provides for cross over/maisonette style units.</p>	Variation is sought

	Planning Guideline	Requirement	Provided	Comply
			<p>The northern portion of the proposed building (maximum five storeys) will achieve a maximum building height of just 15.9 metres.</p> <p>A detailed assessment of the variation has been provided as part of the submitted Clause 4.6 statement provided as Appendix A to this report.</p>	
	CI 4.4 Floor space ratio	<ul style="list-style-type: none"> Maximum FSR: 1.0:1 	<ul style="list-style-type: none"> The proposal has been designed having regard to the provisions of SEPP (Affordable Rental Housing) 2009 which permits a bonus FSR of 0.5:1 where the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher. <p>As all of the proposed 31 units will be used as affordable housing, the proposal is entitled to an FSR of 1.5:1 as per Clause 13 of the SEPP.</p> <p>The proposal will result in a gross floor area of 3,641m² (combined GFA of Nos. 9 – 11 and Nos. 249 -251 Hoxton Park Road).</p> <p>Based on a site area of 2,424m² (combined site area of Nos 9 – 11 and Nos. 249 – 251 Hoxton Park Road), this is equal to an FSR of 1.5:1. The proposal therefore complies.</p>	✓
	CI 5.9 Preservation of trees or	<ul style="list-style-type: none"> A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control 	<ul style="list-style-type: none"> There are no significant trees located on the subject site. 	✓

	Planning Guideline	Requirement	Provided	Comply
	vegetation	plan applies without the authority conferred by: <ul style="list-style-type: none"> o development consent, or o a permit granted by the Council. 		
	CI 5.10 Heritage conservation	<ul style="list-style-type: none"> • The objectives of this clause are as follows: <ul style="list-style-type: none"> o to conserve the environmental heritage of Liverpool, o to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, o to conserve archaeological sites, o to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<ul style="list-style-type: none"> • The site is not listed as an item of heritage, nor is the site located in a conservation zone. <p>The site is not located in proximity to an item of heritage.</p>	N/A
	CI 7.6 Environmentally significant land	<ul style="list-style-type: none"> • The objectives of this clause are as follows: <ul style="list-style-type: none"> o to maintain bushland, wetlands and wildlife corridors of high conservation value, o to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors, o to protect rare and threatened native flora and native fauna, o to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent. 	<ul style="list-style-type: none"> • The site has not been identified as environmentally significant land. 	N/A
	CI 7.7 Acid sulfate soils	<ul style="list-style-type: none"> • The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. 	<ul style="list-style-type: none"> • The site does not contain acid sulfate soils. 	N/A
	CI 7.8 Flood planning	<ul style="list-style-type: none"> • This clause applies to land at or below the flood planning level. 	<ul style="list-style-type: none"> • The site has been identified as flood prone land. 	✓

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: <ul style="list-style-type: none"> is compatible with the flood hazard of the land, and will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and incorporates appropriate measures to manage risk to life from flood, and will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual. A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Plan. 	<p>A Flood report has been prepared by FloodMit Pty. Ltd. and is submitted under a separate cover.</p> <p>The report acknowledges that the entire area of the subject site has been classified by Council as having a Low Flood Risk.</p> <p>The site is located within the Cabramatta Creek catchment, between Cabramatta Creek and Maxwells Creek.</p> <p>The report makes an assessment of the proposed development with regards to floor levels; building components and methods; structural soundness; flood effects; car parking and driveway access; evacuations; management and design and fencing as per Council's DCP.</p> <p>The report concludes that the proposal is capable of satisfying the relevant controls with the following recommendations:</p> <p><i>"i) that all electrical wiring and equipment susceptible to flood damage within the switch room and fire hydrant pump be located above RL 21.1m AHD (100 year plus 500mm freeboard); and</i></p> <p><i>ii) new fencing across the north-east portion of the site, in front of proposed car spaces 9 to 12, be of a</i></p>	

	Planning Guideline	Requirement	Provided	Comply
			<p><i>permeable nature (e.g. horizontal timber slats) so that it does not impede the potential flow path towards Hoxton Park Road in large flood events".</i></p> <p>These recommendations have been integrated into the architectural plans.</p> <p>Should Council require, a condition of consent may be included with regards to any future fencing.</p>	
	CI 7.13 Minimum lot width	<ul style="list-style-type: none"> This clause applies to the subdivision of land in Zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential. The width of any lot, resulting from a subdivision of land to which this clause applies, that is capable of accommodating residential development but is not the subject of a development application for that purpose, must not be less than 10 metres except as provided by subclause (4). 	<ul style="list-style-type: none"> The site as existing has a frontage of approximately 60.78m to Edgeworth Place and 73.57m to Hoxton Park Road. There is no further subdivision proposed. 	✓
	CI 7.14 Minimum building street frontage	<ul style="list-style-type: none"> Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: <ul style="list-style-type: none"> any building on land in Zone B3 Commercial Core or B4 Mixed Use, or any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or 	<ul style="list-style-type: none"> The site as existing has a frontage of approximately 60.78m to Edgeworth Place and 73.57m to Hoxton Park Road. There is no further subdivision proposed. 	✓

Planning Guideline	Requirement	Provided	Comply
	o any residential flat building.		

4.2 LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

Parts 1 and 4 of the Liverpool Development Control Plan 2008 are relevant to the site within the Liverpool City Centre, and to the proposed mixed use development. A summary of these relevant Parts are provided in the following tables.

4.3.1 Part 1 – General Controls for All Development

The following controls are applicable to all development within Liverpool.

Planning Guideline	Requirement	Provided	Comply
Landscaping and Incorporation of Existing Trees	<ul style="list-style-type: none"> Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. This is particularly important for vegetation which forms part of a ridgeline tree canopy and in foreshore and riparian areas. 	<ul style="list-style-type: none"> The site does not contain any significant vegetation. At present, the front and rear setbacks are predominantly turfed. 	N/A
	<ul style="list-style-type: none"> Landscape planting should be principally comprised of native species provide an integrated streetscape appearance. 	<ul style="list-style-type: none"> The site is not located within a foreshore or riparian area. New landscaping works will be incorporated into the overall design of the development. Landscaping is provided along the street frontages and at a roof level. Details of the species and quantities are provided on the plans prepared by Site Design + Studios. 	✓

	Planning Guideline	Requirement	Provided	Comply
	Water Cycle Management	<ul style="list-style-type: none"> Stormwater runoff shall be connected to Council's drainage system by gravity means. Mechanical/pump will not be permitted except for basement car parks. The acquisition of drainage easements over downstream properties will be required where direct access is not possible to Council's drainage system. For developments that require construction of stormwater drainage, a Stormwater Drainage Concept Plan shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system. All habitable floor levels are to be a minimum of 300mm and garage/non habitable floor levels to be a minimum of 150mm above the maximum design storage water surface level and flow path levels. On-Site Detention (OSD) systems provide temporary storage of stormwater runoff from developments and restrict discharge from the site at a rate which council's existing drainage system can accommodate. 	<ul style="list-style-type: none"> The stormwater and drainage system for the site has been designed by Webb Australia Group. The stormwater design provides for an on-site detention system below the car park. <p>Reference is to be made to the plans.</p>	✓
	Development Near a Watercourse	<ul style="list-style-type: none"> This section applies to: <ol style="list-style-type: none"> Development within 50m of a watercourse, creek or river except where separated from the watercourse, creek or river by land in an <ul style="list-style-type: none"> - RE1 – Public Recreation zone , - E2 – Environmental Conservation zone, - E3 – Environmental Management zone or - W1 – Natural Waterways zone. Development that may impact upon, bed, banks or 	<ul style="list-style-type: none"> The proposed works are not within 50 metres of a water course, creek or river. 	N/A

Planning Guideline	Requirement	Provided	Comply
	stream flow of a watercourse. c) Development with removal of riparian vegetation.		
Erosion and Sediment Control	<ul style="list-style-type: none"> The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1. 	<ul style="list-style-type: none"> Erosion control measures will be provided as detailed on the submitted plans prepared by Webb Australia Group. 	✓
Flooding Risk	<ul style="list-style-type: none"> Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods. 	<ul style="list-style-type: none"> The site has been identified on Council's maps as flood prone land. <p>Reference should be made to Section 4.1 of this report and the submitted Flood report prepared by FloodMit.</p>	✓
Contamination Land Risk	<ul style="list-style-type: none"> Identify the presence of contamination at an early stage of the development process and manage the issues of land contamination to ensure protection of the environment and that of human health is maintained. Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment. 	<ul style="list-style-type: none"> The site is currently used for residential purposes. There is no known site history that would suggest any potential for contamination exists. <p>The subject site is therefore considered to be suitable for the proposed land use.</p>	✓
Salinity Risk	<ul style="list-style-type: none"> Prevent further spread of urban salinity and remedy, where possible, existing areas of salinity. 	<ul style="list-style-type: none"> Soil erosion and sediment control measures will be implemented during demolition and construction works. 	N/A
Acid Sulfate Soils	<ul style="list-style-type: none"> Identify areas of acid sulfate soil risk to prevent any unnecessary impact to the environment. 	<ul style="list-style-type: none"> The site is not identified on Council's maps as being subject to acid sulfate soils. 	N/A
Demolition of Existing Developments	<ul style="list-style-type: none"> All demolition work must comply with the <i>Australian Standard AS2601 - 1991, The Demolition of Structures</i>. 	<ul style="list-style-type: none"> The existing dwellings and detached garages over Nos. 9 – 11 Edgeworth Place will be demolished as part of this development. 	✓

	Planning Guideline	Requirement	Provided	Comply
	Aboriginal Archaeology	<ul style="list-style-type: none"> Identify and where possible preserve relics of the occupation of the land by Aboriginal communities. 	<ul style="list-style-type: none"> The site is not affected by Aboriginal Archaeology. 	N/A
	Heritage and Archaeological Sites	<ul style="list-style-type: none"> Conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views; and conserve archaeological sites. 	<ul style="list-style-type: none"> The site is not affected by heritage or archaeology. 	N/A
	Car Parking and Access	<ul style="list-style-type: none"> Off-Street -Car Parking Provision for multi dwelling housing and residential flat buildings in residential and business zones are as follows: 1 space/small dwelling (<65sqm) or 1 bedroom; 1.5 spaces/medium dwelling (65 – 110sqm) or two bedrooms; 2 spaces/large dwelling (>110sqm) or three or more bedrooms 1 space/4 dwellings or part thereof for visitors; Service access for removalists and garbage servicing Car parking design is to be in accordance with <i>AS 2890.1: 2004</i>. Minimise the number of pedestrian and vehicular entry and exit points, and ensure they are in close proximity to each other and to nearby active uses. Lighting must comply with relevant Australian Standards, with brighter lighting located at entrances and pedestrian path or accessways. Adequate loading facilities for servicing developments shall be provided on-site to ensure loading/unloading 	<ul style="list-style-type: none"> The parking required under the DCP is as follows: 5 x 1 bed = 5 spaces, plus 26 x 2 bed = 39 spaces, plus Visitor: 31 units/4 = 7.75 spaces, plus Total Residential Space Req'd = 51.75 Spaces Residential Parking Proposed = 15 spaces However, the rates under SEPP (Affordable Rental Housing) 2009 are used for the residential component as the units will be nominated as affordable rental housing. Refer to Section 4.4 of this Statement. Car parking is designed in accordance with AS 2890.1:2004. The development provides one main vehicular entry and exit to the site, from Hoxton Park Road. This driveway is existing and currently services the development at Nos. 249 – 251 Hoxton Park Road. Lighting will be provided to the common areas, in accordance with the relevant Australian Standards. As the proposal seeks a residential development on the site, it is not anticipated there will be deliveries to 	<p>Refer to Section 4.4 of this Statement</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>activities do not occur on street and compromise the safety, amenity and capacity of the public road system. Loading facilities shall be provided in accordance with AS 2890.2 – 2002. Service facilities shall be located close to service entrances.</p> <ul style="list-style-type: none"> Where a development site has frontage to a Classified Road, the Driveway Crossings should be located on an alternative street. Where a Driveway Crossing is proposed directly from a Classified Road, a deceleration lane may be required. 	<p>the site other than removalist vans who may use the parking areas provided within the at grade car park.</p> <ul style="list-style-type: none"> Hoxton Park Road is a classified road of State significance. The development will utilise the existing driveway driveway crossing of Nos. 249 – 251 Hoxton Park Road. There are no new vehicle crossing proposed. The existing driveway is currently provided off a service road. This proposal will not alter this arrangement. 	<p>✓</p> <p>✓</p>
	Subdivision of Land and Buildings	<ul style="list-style-type: none"> Subdivision works shall be carried out in accordance the Council Subdivision Specification. 	<ul style="list-style-type: none"> No subdivision is proposed at this time. 	N/A
	Water Conservation	<p>Residential</p> <ul style="list-style-type: none"> New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. 	<ul style="list-style-type: none"> All units within the development have been assessed against the provisions of BASIX. A BASIX Certificate has been issued for the development showing the development meets the energy, water and thermal targets set. These Certificates are submitted with this application. 	✓
	Energy Conservation	<p>Residential</p> <ul style="list-style-type: none"> Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. A complying 	<ul style="list-style-type: none"> As stated, all units within the development have been assessed against the provisions of BASIX. A BASIX Certificate has been issued for the development showing the development meets the energy, water and thermal targets set. These Certificates are 	✓

	Planning Guideline	Requirement	Provided	Comply
		BASIX report is to be submitted with all development applications containing residential activities. • For all commercial office development over \$5 million, applications are to include an Energy Efficiency Report from a suitably qualified consultant. The report is to demonstrate that the building can achieve no less than 4 stars under the National Australian Built Environment Rating System (NABERS).	submitted with this application. • The building does not include office space.	N/A
	Landfill	• Minimise any land cut and filling. • Minimise any adverse impact of land cut or filling on adjoining or nearby lands.	• The proposal includes minimal cut and fill works to ensure appropriate levels are maintained to address the flooding risk affecting the site.	✓
	Waste Disposal and Reuse Facilities	• A Waste Management Plan (WMP) shall be submitted with a Development Application for any activities generating waste, and be provided in three sections: - Demolition - Construction - On-going waste management. • In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. • Bin bays or waste service rooms are to be sufficiently open and well lit. • A hose cock for hosing the garbage bin bay and a sewerage drainage point are to be provided in or adjacent to the bin storage area. • Bin bays are to be adjacent to a street frontage, or if	• A Waste Management Plan has been prepared and is submitted with this application. The plan addresses the demolition and construction stages, as well as the on-going waste management. • A bin storage room is proposed at ground floor level and is capable of accommodating 24 x general waste bins, 24 x recycling bins, 4 x green bins. Garbage trucks are able to enter the car park at ground level and collect the waste. • The garbage room will be ventilated and lit. • The garbage storage areas will be provided with the required water and sewer connection. • Waste collection will occur on site, as detailed.	✓ ✓ ✓ ✓

	Planning Guideline	Requirement	Provided	Comply
		not possible then at a designated point adjacent to the common access driveway provided sufficient level areas (<5% grade) is available for bin collection. The bin bay is to be located so that distance from bin bay to the nearest waste collection point accessible by the collection vehicle is no further than 15m. The bin bay position is to minimise noise impacts on residents from the usage of bins and waste or recycling collection.		
	Outdoor Advertising and Signage	<ul style="list-style-type: none"> • Business Zones One under-awning sign, one fascia sign and one top hamper sign on each shop or business premises. • Signs in excess of a total of 50sqm in area are to be considered on its merits. • Special consideration will be given to commercial uses along Classified Roads where signs are required to be bigger in order to be seen by people travelling in vehicles. • Applications for high wall signs are to be considered on individual merits. They are not allowed in local centres unless it can be demonstrated that it is compatible with the scale of development and amenity of the surrounding land uses. 	<ul style="list-style-type: none"> • There is no outdoor advertising or signage proposed as part of this development. 	N/A
	Social Impact Assessment	<ul style="list-style-type: none"> • A social impact assessment shall be submitted with a development application for all types of development listed in Table 1. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment, as specified in Table 1. 	<ul style="list-style-type: none"> • The DCP identifies the proposed development as one which requires a Social Impact Comment (SIC). This is due to the number of residential units (31) being above the threshold (200) requiring a Social Impact Comment or Assessment. Accordingly, we make the following comments: 	✓

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> A comprehensive SIA is required for RFBs with more than 100 units. 	<p><u>Accommodation</u> The proposal will provide for 31 well designed apartments which will appeal to a range of different sized family groups.</p> <p><u>Health and Wellbeing</u> The apartments will provide for good amenity. The proposal achieves excellent levels of both solar access and natural ventilation. The close proximity of this site to public transport will reduce the reliance upon private vehicles.</p> <p><u>Security and Safety</u> As detailed within this report there are ample opportunities within the development for casual surveillance of public areas including two (2) street frontages which is to the public benefit.</p> <p><u>Values and Expressions</u> The proposed development is of a high architectural standard and will set a tone for this neighbourhood. In this regard the attention to detail in the design of the façade of the building, particularly defining the communal and private open spaces convey a sense of 'ownership' and connection between the future occupants and the precinct.</p>	

4.3.2 Part 3.7 – Residential Flat Buildings

The following controls are applicable to residential flat developments within the R4 High Density Residential.

Planning Guideline	Requirement	Provided	Comply
Frontage and site area	<ul style="list-style-type: none"> Minimum lot width: 24m. Minimum lot area: as per LEP (1,000m²). 	<ul style="list-style-type: none"> The amalgamated site provides for a frontage of approximately 60.78m to Edgeworth Place and approxiamtely 73.57m to Hoxton Park Road. The amalgamated site provides for an area of 2,424.2m². 	✓
Site planning	<ul style="list-style-type: none"> The building should relate to the site's topography with minimal earthworks, except for basement car parking. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design. Site layout should provide safe pedestrian, cycle and vehicle access to and from the street. Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity. 	<ul style="list-style-type: none"> The proposal seeks minor cut and fill works. There is no basement parking proposed. Where possible ground level private open space, balconies and windows have been orientated to the north to maximise solar access and reduce the reliance upon air conditioning. The proposed units have been orientated to address both street frontages providing opportunities for casual surveillance of pedestrian paths and the driveway. The proposal is notably compliant with the maximum FSR achievable on the site. Although a variation is sought to the height control, the additional bulk has been sited towards the southern end of the building to ensure that any resultant overshadowing will fall on to Hoxton Park Road rather than to adjoining properties. With regards to setbacks, the proposal has been designed having regards to ADG and 	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>

Planning Guideline	Requirement	Provided	Comply									
	<ul style="list-style-type: none">Stormwater from the site must be able to be drained satisfactorily. Refer to Water cycle management in Part 1.The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	<ul style="list-style-type: none">includes blank walls, offset windows and blade walls in its design to ensure the amenity of the subejct and adjoining properties is protected.Reference should be made to the submitted Stormwater plans.Reference should be made to Section 4.7 of this report.	<div>✓</div> <div>✓</div>									
Setbacks	<p>Front setback:</p> <table><caption>Table 1</caption><thead><tr><th>Road</th><th>Front Setback</th><th>Secondary Setback</th></tr></thead><tbody><tr><td>Classified Roads</td><td>7.0m</td><td>7.0m</td></tr><tr><td>Other Streets</td><td>5.5m</td><td>5.5m</td></tr></tbody></table> <ul style="list-style-type: none">Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.The secondary setback is along the longest length boundary.	Road	Front Setback	Secondary Setback	Classified Roads	7.0m	7.0m	Other Streets	5.5m	5.5m	<ul style="list-style-type: none">The proposal has been designed to address Hoxton Park Road which is a Classified Road. Accordingly a setback of 7.0m is required. The proposal generally provides for a setback of between 7.0 – 8.4m at ground floor, with the exception of the blade walls, bin storage room and switch room which are setback 6.0m from the boundary. <p>Although non-compliant in part, the extent of the variation is limited to just a 5m portion of the façade and occurs only at ground floor. This wall has been articulated by a feature brick and metal scren wall which extends in front of the carpark to aid in integrating the service rooms into the development.</p> <p>To Levels 1, 2 and 3 the proposed balconies will cantilever into the front setback by 1m. Although numerically non compliant, the design of the balconies in this manner will positively contribute</p>	Variation is sought
Road	Front Setback	Secondary Setback										
Classified Roads	7.0m	7.0m										
Other Streets	5.5m	5.5m										

Planning Guideline	Requirement	Provided	Comply																		
	<p>Side and rear setbacks:</p> <p>Table 2</p> <table><tr><th>Item</th><th>Side Setback</th><th>Rear Setback</th></tr><tr><td>Boundary to land in R2 & R3 zones</td><td>10m</td><td>10m</td></tr><tr><td>Boundary to land in R2 & R3 zones (no windows to habitable rooms)</td><td>10m</td><td>10m</td></tr><tr><td>Boundary to land in R4 zone (First 10m in height, excluding roof/attic)</td><td>3m</td><td>8m</td></tr><tr><td>Boundary to land in R4 zone (Greater than 10m in height)</td><td>8m</td><td>8m</td></tr><tr><td>Boundary to public open space</td><td>6m</td><td>6m</td></tr></table> <ul style="list-style-type: none">Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.	Item	Side Setback	Rear Setback	Boundary to land in R2 & R3 zones	10m	10m	Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m	Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m	Boundary to land in R4 zone (Greater than 10m in height)	8m	8m	Boundary to public open space	6m	6m	<p>towards the articulation of this façade and given its outlook to Hoxton Park Road will not result in any amenity concerns. The balconies have been designed with glass balustrades and as such will not contribute towards the bulk of the building as read from the street.</p> <ul style="list-style-type: none">The proposed side and rear setbacks have been designed with consideration of ADG building separation requirements.	<p>Refer to Section 4.7 of this report</p>
Item	Side Setback	Rear Setback																			
Boundary to land in R2 & R3 zones	10m	10m																			
Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m																			
Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m																			
Boundary to land in R4 zone (Greater than 10m in height)	8m	8m																			
Boundary to public open space	6m	6m																			
Landscaped area and POS	<p>Landscaped Area</p> <ul style="list-style-type: none">A minimum of 25% of the site area shall be landscaped area.A minimum of 50% of the front setback area shall be landscaped area.Optimise the provision of consolidated landscaped	<ul style="list-style-type: none">The site provides for 329m² or 28.4% of 9-11 Edgeworth Place of soft (deep soil) landscaping. There is no change proposed to deep soil planting on Nos. 249 – 251 Hoxton Park Road.The front setback provides for 128m² or 64% of landscaping to Hoxton Park Road and 72m² or 50.3% of landscaping to Edgeworth Place.The subject site does not provide for a basement car	<p>✓</p> <p>✓</p> <p>✓</p>																		

	Planning Guideline	Requirement	Provided	Comply
		<p>area within a site by:</p> <ul style="list-style-type: none"> Promote landscape health by supporting for a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. <p>Open Space</p> <ul style="list-style-type: none"> Provide communal open space, which is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities by: 	<p>park maximising opportunities for deep soil planting. As demonstrated on the submitted Landscape Plan, the proposal includes a variety of tree, shrub and hedge plantings along the front, rear and western side boundaries ensuring that a landscaped presence is maintained to both street frontages and the adjoining undeveloped site.</p> <ul style="list-style-type: none"> A detailed list of species types and quantities is provided as part of the submitted Landscape Plan. To Hoxton Park Road and Edgeworth Place, impervious areas have been limited to pedestrian paths and the driveway to promote soft landscaping. An area of communal open space is proposed at roof level in keeping with the recommendation of the Design Excellence Panel and may be accessed by existing residents of 249 – 251 Hoxton Park Road as well as the future residents of the proposed building. A secondary area of communal open space is proposed at ground level, adjacent to the western side boundary. Given its location at roof level, the area of communal open space will receive excellent solar access. <p>The area of communal open space has been designed as a consolidated area of approximately 150.34m² and is capable of accommodating a range of uses including BBQ facilities and seating.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Planning Guideline	Requirement	Provided	Comply												
	<ul style="list-style-type: none">Locate open space to increase the potential for residential amenity. <p>Private Open Space</p> <ul style="list-style-type: none">Private open space shall be provided for each dwelling in accordance with the following table. <p>Table 3</p> <table><tr><th>Dwelling Size</th><th>Private Open Space Area</th><th>Minimum Width</th></tr><tr><td>Small < 65 sqm</td><td>10sqm</td><td>2m</td></tr><tr><td>Medium 65 – 100</td><td>12sqm</td><td>2m</td></tr><tr><td>Large > 100 sqm</td><td>12sqm</td><td>2m</td></tr></table>	Dwelling Size	Private Open Space Area	Minimum Width	Small < 65 sqm	10sqm	2m	Medium 65 – 100	12sqm	2m	Large > 100 sqm	12sqm	2m	<ul style="list-style-type: none">The open space may be accessed by lift ensuring equitable access is provided. The use of planter boxes will ensure adequate separation is maintained between the open space and Level 5 residential units.Private open space has been provided as per the provisions of ADG.	<div>✓</div> <div>Refer to Section 4.7 of this report</div>
	Dwelling Size	Private Open Space Area	Minimum Width												
	Small < 65 sqm	10sqm	2m												
	Medium 65 – 100	12sqm	2m												
Large > 100 sqm	12sqm	2m													
	<ul style="list-style-type: none">Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. <p>Drying Areas</p> <ul style="list-style-type: none">Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	<ul style="list-style-type: none">The private open space of each unit is directly accessible off the living rooms.A drying courtyard is proposed along the western side boudanry and will be screened by the adjoining boundary fence.	<div>✓</div> <div>✓</div>												
Building design, streetscape and layout	<p>Building height</p> <ul style="list-style-type: none">Refer to LEP. <p>Building Appearance and Streetscape</p>	<ul style="list-style-type: none">Refer to Section 4.1 of this report.	<div>✓</div>												

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> Consider SEPP 65 and RFDC. Building facades shall be articulated and roof form is to be varied to provide visual variety. Consider the relationship between the whole building form and the facade and/or building elements. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation. The pedestrian entrance to the building shall be emphasised. A sidewall must be articulated if the wall has a continuous length of over 14 m. Where possible vehicular entrances to the basement car parking shall be from the side of the building. A curved driveway to an entrance at the front of the 	<ul style="list-style-type: none"> Refer to Section 4.7 of this report. The proposed development is modern in its design with a strong three storey presentation to both street frontages. The upper levels of the building have been designed to be recessive with increased setbacks, and contrasting materials in a darker finish. <p>Particular regard has been made to ensure each elevation is well articulated with the northern, southern and eastern elevations stepped in their design, with balconies, glazed windows and overhangs articulating these facades.</p> <p>To the eastern and western elevations, to ensure visual privacy is maintained to the neighbouring property, window openings have been minimised with contrasting materials and screens used instead to activate the façade.</p> <ul style="list-style-type: none"> Separate pedestrians paths are provided to ground floor units and will be clearly delineated through paving and entry gates. Access to the main building is via the driveway and proposed parking area and will similarly be defined by paved pathways. All walls in excess of 14m have been articulated through either a break/step in the wall, blade walls or glazed openings. The existing driveway of 249 – 251 will be utilised as part of the proposed building. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ N/A

	Planning Guideline	Requirement	Provided	Comply
		<p>building may be considered if the entrance is not readily visible from the street.</p> <ul style="list-style-type: none"> • Driveway walls adjacent to the entrance of a basement car park are to be consistent with the appearance of basement or podium walls. • Ensure that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting. • The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint. • A master antenna shall be provided. • Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height. • Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. • Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design <p>Roof Design</p> <ul style="list-style-type: none"> • Relate roof design to the desired built form. • Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. 	<ul style="list-style-type: none"> • Not applicable. • No change to existing driveway. Landscaping works are proposed adjacent to the driveway/car spaces to soften their appearance to Hoxton Park Road. • The rooftop terrace will not extend beyond the footprint of the level below. • This may be conditioned. • The site is not a corner property. • Capable of being complied with. • Not applicable. • The proposal includes a flat roof consistent to complement the modern design of the building. 	<p>N/A</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p> <p>✓</p> <p>N/A</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage. Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings. <p>Building Entry</p> <ul style="list-style-type: none"> Improve the presentation of the development to the street. Provide as direct a physical and visual connection as possible between the street and the entry. Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit. Ensure equal access for all. Provide safe and secure access. Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street. <p>Balconies</p> <ul style="list-style-type: none"> Balconies may project up to 1m from the façade of a 	<ul style="list-style-type: none"> The lift overrun will be centered over the site to minimise its visibility. Not applicable. The development provides for multiple entries including private entrances to ground floor dwellings which reflects the dual frontage of the site. Pedestrian paths are clearly defined through paved pathways and breaks in the landscaping. All residential units have been designed to address either street frontage to enable casual surveillance. The proposal includes a lift servicing all levels, including the rooftop communal open space. Communal areas, including mail boxes, have been designed to be highly visible from both street frontages and will be well lit. The mail boxes will be located at the south western corner of the site in proximity to Hoxton Park Road. A clear path provides access to the area. The balcony depths have been designed at 2m in 	<p>✓</p> <p>N/A</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Planning Guideline	Requirement	Provided	Comply
	<ul style="list-style-type: none"> building. Balustrades must be compatible with the façade of the building. Ensure balconies are not so deep that they prevent sunlight entering the dwelling below. Design balustrades to allow views and casual surveillance of the street. Balustrades on balconies at lower levels shall be of solid construction. Noise attenuation measures on balconies facing a Classified Road should be considered. 	<ul style="list-style-type: none"> accordance with ADG. Glass balustrades are proposed to complement the modern design of the building and to breakup the building mass. Balconies have been designed as 2m in depth. The proposal incorporates glass balustrades allowing casual surveillance to take place. The ground floor courtyards will incorporate solid fencing. An Acoustic report has been prepared by Acouras Consultancy which included an environmental noise survey of the site. The report provides recommendations for glazing, external walls and the roof/ceiling systems to ensure the development achieves the internal noise criteria prescribed by Department of Planning Noise Guidelines and AS/NZS 2107:2000. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓
	<ul style="list-style-type: none"> Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space. Primary balconies should be accessible of living rooms and well proportioned. Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity. Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. 	<ul style="list-style-type: none"> Complies. The balconies have been designed to comply with ADG. Not applicable. Where possible balconies have been orientated to the north. The use of a repetitious floor plan to Levels 1 and 2 enable the balconies of the unit above to 	<ul style="list-style-type: none"> ✓ ✓ N/A ✓

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening. <p>Daylight Access</p> <ul style="list-style-type: none"> Plan the site so that new residential flat development is oriented to optimise northern aspect. Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer. Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Avoid south facing dwellings. Design for shading and glare control, particularly in summer. <p>Internal design</p> <ul style="list-style-type: none"> All staircases should be internal. Minimise the length of common walls between dwellings. Basement car parking shall be located beneath the 	<ul style="list-style-type: none"> cantilever over the unit below providing for passive shading. Blade walls are proposed to corner units to promote privacy. Privacy screens are proposed to the southern elevation. Where possible windows have been orientated to the north. The primary communal open space is located at roof level and will not be overshadowed. 75% of the units over the combined development site will receive a minimum of 2 hours solar access. Given the north-south orientation of the dwelling, south facing dwellings are proposed. The proposal incorporates upper level balconies cantilevering over lower level balconies, screens and pergolas to provide for passive shading. North facing windows have been maximised. Where windows are proposed to the western elevation, they have been designed as highlight windows. Complies. Where common walls are proposed, they have been designed adjacent to like uses to minimise noise disturbance. Not applicable. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓

	Planning Guideline	Requirement	Provided	Comply
		<p>building footprint.</p> <ul style="list-style-type: none"> Where possible natural ventilation shall be provided to basement car parking. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings. Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site. Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with <i>Part F5 of the Building Code of Australia</i>. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens). <p>Ground Floor Dwellings</p> <ul style="list-style-type: none"> Design front gardens or terraces, which contribute to 	<ul style="list-style-type: none"> Not applicable. Windows and balconies have been designed to address the street frontages. Where windows are proposed within the development, they have been offset to prevent overlooking. As stated, common walls have been designed to adjoin like uses. Although the proposal includes bedrooms to the southern elevation, the subject site is separated from Hoxton Park Road by a service road ensuring a greater distance is maintained between the subject site and the Classified Road. The submitted acoustic report also provides recommendations to insulation and glazing to ensure internal noise criteria are satisfied. Capable of being complied with. The balconies of upper level units will overlook the entry points to the building. The proposal incorporates landscaping to both street 	<p>N/A N/A</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants.</p> <ul style="list-style-type: none"> • Create more pedestrian activity along the street and articulate the street edge. • Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. • Provide ground floor dwellings with access to private open space, preferably as a courtyard. <p>Security</p> <ul style="list-style-type: none"> • Entrances to buildings should be orientated towards the front of the site and facing the street. • The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage. • Blank walls in general that address street frontages or public open space are discouraged. Minimise the number of entry points to buildings. • Reinforce the development boundary to strengthen the distinction between public and private space. • Optimise the visibility, functionality and safety of building entrances. 	<p>frontages. High screen planting has been nominated to the north facing ground level units to ensure separation is maintained between the unit and common area.</p> <ul style="list-style-type: none"> • As detailed in this report, the proposal will include appropriate fencing, lighting and landscaping to address the privacy and safety requirements of occupants. Street surveillance has been maximised with doors and windows facing onto the street. • All ground floor dwellings are provided with separate entries. One accessible unit is proposed at ground floor. • All ground level units are provided with a private courtyard measuring between approximately 29 – 45m². • Pedestrian paths lead from the driveway to individual ground level units and to the centre of the site where the residential lobby is sited. • The street facing walls have been well articulated. • The development boundaries will be reinforced by fences, walls and gates. • The development includes clear lines of sight between entrances and the street. As stated direct entry is proposed to ground level dwellings rather 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> • Improve the opportunities for casual surveillance. • Minimise opportunities for concealment. • Control access to the development. <p>Natural Ventilation</p> <ul style="list-style-type: none"> • Utilise the building layout and section to increase the potential for natural ventilation • Provide narrow building depths to support cross ventilation. • Avoid single-aspect dwellings with a southerly aspect. • Design the internal dwelling layout to promote natural ventilation. 	<p>than through a common foyer. The car park, lift lobbies and common areas will be well lit and designed as clear, direct paths.</p> <ul style="list-style-type: none"> • The living areas of Level 5 units are provided with views over the communal open space. The proposed balconies will protrude beyond the main façade and enable a wider angle of vision to the street. • The development does not include any blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. Well-lit routes will be provided throughout the development. • The proposed boudanry fencing will ensure the proposed units are inaccessible from the balconies, roofs and windows of neighbouring buildings. • 61% of the proposed units will be naturally cross ventilated. In terms of the combined development site, 63% of the units will be naturally cross ventialed. • Refer to Section 4.7 of this report. • There are no south facing single aspect units proposed. • The units have been designed to group rooms with similar usgae together to allow the dwelling to be compartmentalised for efficient summer cooling or winter heating. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		Building Layout <ul style="list-style-type: none"> The layout of dwellings within a residential flat building should minimise the extent of common walls. 	<ul style="list-style-type: none"> Common walls have been minimised as much as possible. 	✓
		Storage Areas <ul style="list-style-type: none"> A secure storage space is to be provided for each dwelling with a minimum volume 8 m³ (minimum dimension 1m²). T Storage areas must be adequately lit and secure. 	<ul style="list-style-type: none"> Refer to Section 4.7 of this report. Capable of being complied with. 	✓
	Landscaping and fencing	<ul style="list-style-type: none"> The setback areas are to be utilised for canopy tree planting that will achieve a minimum 8 m height at maturity within front and rear setback areas. Landscape planting should be principally comprised of native species. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. The development must be designed around significant vegetation on the site. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. 	<ul style="list-style-type: none"> The proposal includes 21 trees which are capable of achieving a mature height of between 3 – 15m. Reference should be made to the submitted Landscape plan. Reference should be made to the submitted Landscape plan. Appropriate species have been selected. Appropriate species have been selected. Reference should be made to the submitted Landscape plan. There is no significant vegetation located on site. Appropriate species have been selected. 	✓ ✓ ✓ ✓ ✓ ✓ ✓

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years. Advanced tree species are to be used for key elements with the landscape design concept. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services. <p>Planting on Structures</p> <p>Fencing</p> <p>Primary Frontage</p> <ul style="list-style-type: none"> The maximum height of a front fence is 1.2m. The front fence may be built to a maximum height of 1.5m <i>if</i> the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence. The front fence must be 30% transparent. Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. The front fence may be built to a maximum of 1.8m <i>only if</i>: <ul style="list-style-type: none"> The primary frontage is situated on a Classified Road. The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. 	<ul style="list-style-type: none"> Reference should be made to the submitted Landscape Plan. Reference should be made to the submitted Landscape Plan. Reference should be made to the submitted Landscape Plan. None proposed. Southern fence is 1.5m, solid render except gates. As demonstrated on the submitted landscape plans, substantial soft landscaping is proposed within the front setback to soften the appearance of the fence. As the site adjoins Hoxton Park Road, the increased fence height is considered to provide for added privacy and aid in noise reduction. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<ul style="list-style-type: none"> ○ The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site. <p>Secondary Frontage</p> <ul style="list-style-type: none"> • Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped. • For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary. <p>Boundary Fences</p> <ul style="list-style-type: none"> • The maximum height of side boundary fencing within the setback to the street is 1.2m. • Boundary fences shall be lapped and capped timber or metal sheeting. 	<ul style="list-style-type: none"> • Northern fence is 1.8m, Colorbond material. • Capable of being complied with. • A new 1.8m fence is proposed to the western side boundary. 	<p>✓</p> <p>✓</p> <p>✓</p>
	Car parking and access	<ul style="list-style-type: none"> • Visitor car parking shall be clearly identified and may not be stacked car parking. • Pedestrian paths and driveways shall be separated. • Driveways shall be designed to accommodate removalist vehicles. • Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at 	<ul style="list-style-type: none"> • Parking has been provided in accordance with SEPP (Affordable Rental Housing) 2009. Refer to Section 4.4 of this report. • The pedestrian path and driveway will be finished in different materials clearly differentiating the two spaces. • Not applicable. 	<p>✓</p> <p>✓</p> <p>N/A</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>the front of the building may be considered if the entrance is not readily visible from the street.</p> <ul style="list-style-type: none"> • Give preference to underground parking, whenever possible. • Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> ○ Avoid exposed parking on the street frontage. ○ Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail. <p>Pedestrian Access</p> <ul style="list-style-type: none"> • Utilise the site and it's planning to optimise accessibility to the development. • Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. • Promote equity. • Maximise the number of accessible and adaptable dwellings in a building. 	<ul style="list-style-type: none"> • The proposal does not include basement parking. • The proposal includes at grade car parking that is sited towards the rear of the site. Edgworth Place is generally characterised by the rear of the dwellings/car parking so this arrangement is not uncommon within the streetscape. • The development maintains the existing subdivision pattern by orientating the front of the development to Hoxton Park Road. • The proposed pathways do not provide for any blind corners and will be well lit to promote safety. • The main building entrance is accessible for all from the street and from car parking areas. An accessible unit is also proposed at ground floor. • A central lift is proposed, servicing all levels. 	<p>N/A</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
	Amenity and	Building siting, window location, balconies and	Where possible, windows and balconies have been	✓

	Planning Guideline	Requirement	Provided	Comply
	environmental impact	<p>fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.</p> <ul style="list-style-type: none"> • Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space. • Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties. • Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings. • Use detailed site and building design elements to increase privacy without compromising access to light and air. 	<p>orientated to the street frontages to limit any overlooking within the development and between neighbouring properties.</p> <p>Where windows are proposed internally, they have been offset between the units to ensure no direct sight lines are proposed.</p> <p>The proposal also incorporates vertical fins between adjacent balconies and/or screen panels at the edge of balconies to further promote privacy.</p> <ul style="list-style-type: none"> • Refer to comments above. • High screening plants are proposed to the rear ground level units to ensure visual privacy is maintained between the private open space of the unit and the adjacent common area. • Boundary fencing is proposed to the ground floor units to clearly delineate areas of private and public space. • Refer to comments above. • Refer to comments above. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>Acoustic Impact</p> <ul style="list-style-type: none"> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance. Arrange dwellings within a development to minimise noise transition between dwellings. 	<ul style="list-style-type: none"> Reference should be made to the submitted Acoustic report prepared by Acouras Consultancy which provides for an assessment of traffic and environmental related noise on the site. <p>The report provides recommendations for glazing, external walls and roof/ceiling systems which may form part of the conditions of consent.</p> <p>The report concludes that provided these recommendations are implemented, the development is predicted to comply with the relevant internal noise criteria.</p> <p>With regards to the internal development, careful consideration has been made to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.</p> <p>noisy areas are located next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms.</p> <p>The design has sought to minimise the amount of common walls with other dwellings to further reduce the potential for noise transfer.</p>	✓

	Planning Guideline	Requirement	Provided	Comply
	Site services	<p>Letterboxes</p> <ul style="list-style-type: none"> Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements. Freestanding letterbox structures should be designed and constructed of materials that relate to the main building. Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material. <p>Waste management</p> <ul style="list-style-type: none"> Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: <ul style="list-style-type: none"> Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property. <p>Frontage works and damage to Council infrastructure</p> <ul style="list-style-type: none"> Where a footpath, road shoulder or new or enlarged 	<ul style="list-style-type: none"> Letterboxes will be sited along the western side boundary and accessible via a path located off the Hoxton Park Road frontage. This may be conditioned. A combined bin room is proposed off the driveway providing for 24 x waste bins, 24 x recycling bins and 4 x green bins. The bin room will be setback 6m from the street. Complies. Complies. Not applicable. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ N/A

Planning Guideline	Requirement	Provided	Comply
	<p>access driveway is required to be provided this shall be provided at no cost to Council.</p> <p>Electricity Sub Station</p> <ul style="list-style-type: none"> In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage 	<ul style="list-style-type: none"> Reference should be made to the submitted Landscape Plan. 	✓

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) applies to new residential buildings.

The proposal has been assessed against the provisions of the State Environmental Planning Policy. BASIX Certificates have been issued for each residential apartment as required and are attached under separate cover. These Certificates show each apartment has achieved compliance with the provisions relating to thermal, water and energy performance.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The table below summarise the provisions of SEPP (Affordable Rental Housing) 2009, Part 2 New Affordable Rental Housing, Divisions 1 In-fill Affordable Housing.

	Planning Guideline	Requirement	Provided	Comply
	Clause 10: Development to which this Division applies	<ul style="list-style-type: none"> This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: <ul style="list-style-type: none"> the development concerned is permitted with consent under another environmental planning instrument, and the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u>. Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area. Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones. 	<ul style="list-style-type: none"> Residential flat buildings are permitted in the R4 zone. The site has not been identified as an item of heritage. The site is located within an accessible area (bus stops located 180m away on Hoxton Park Road. Not applicable. The site is within the Sydney region. 	<ul style="list-style-type: none"> ✓ ✓ ✓ N/A
	Clauses 11, 12	<ul style="list-style-type: none"> Repealed. 	<ul style="list-style-type: none"> Not applicable. 	N/A
	Clause 13: Floor Space Ratio	<ul style="list-style-type: none"> This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to 	<ul style="list-style-type: none"> All of the proposed 31 units will be nominated as affordable housing. 	✓

	Planning Guideline	Requirement	Provided	Comply
		<p>be used for the purposes of affordable housing is at least 20 per cent.</p> <ul style="list-style-type: none"> • The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: <ul style="list-style-type: none"> ○ if the existing maximum floor space ratio is 2.5:1 or less: <ul style="list-style-type: none"> ▪ 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or ▪ Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Y = $AH \div 100$</p> <p>OR</p> <ul style="list-style-type: none"> ○ if the existing maximum floor space ratio is greater than 2.5:1: <ul style="list-style-type: none"> ▪ 20 per cent of the existing maximum 	<ul style="list-style-type: none"> • Subject site = 2,424.2m² <p>LLEP 2008 prescribes a maximum FSR of 1.0:1.</p> <p>It is acknowledged that the controls opposite permit a bonus FSR of 0.5:1 where 50% of a development is used for the purposes of affordable housing. As Liverpool's LEP nominates an FSR of 1.0:1 over the subject site, this would enable a maximum FSR of 1.5:1.</p> <p>The proposal seeks an FSR of 1.5:1 with 100% of the proposal nominated as affordable housing.</p> <p>The proposal is therefore compliant.</p>	✓

	Planning Guideline	Requirement	Provided	Comply
		<p>floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <ul style="list-style-type: none"> ▪ Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Z = $AH \div 2.5$</p> <ul style="list-style-type: none"> • In this clause, gross floor area does not include any car parking (including any area used for car parking) • Note. Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the <u>Standard Instrument (Local Environmental Plans) Order 2006</u>. 		
	Clause 14: Standards that cannot	<ul style="list-style-type: none"> • Site and solar access requirements: A consent authority must not refuse consent to development to which this Division applies on 		

	Planning Guideline	Requirement	Provided	Comply
	be used to refuse consent	<p>any of the following grounds:</p> <ul style="list-style-type: none"> ○ (Repealed) ○ site area: if the site area on which it is proposed to carry out the development is at least 450 square metres, ○ landscaped area if: <ul style="list-style-type: none"> ▪ in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or ▪ in any other case—at least 30 per cent of the site area is to be landscaped, <p>○ deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:</p> <ul style="list-style-type: none"> ▪ there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 	<ul style="list-style-type: none"> • Not applicable. • The site area is approximately 2,424.2m². <ul style="list-style-type: none"> • The proposal has been prepared by St George Community Housing, a social housing provider. As 31 units are proposed, a landscaped area of 1,085m² is required. <p>The proposal provides for 329m² or 28.4% of Nos. 9 – 11 as deep soil. No change proposed to Nos. 249 – 251.</p> <p>Although short of the standard, the proposal includes various hard paved areas both at ground and roof level which positively contribute to the landscaped setting and communal open space.</p> <ul style="list-style-type: none"> • The proposal provides for 329m² or 28.4% of Nos. 9 – 11 as deep soil. No change proposed to Nos. 249 – 251. <ul style="list-style-type: none"> • Refer to Landscape Plan. 	<p>N/A ✓</p> <p>✓</p> <p>✓</p> <p>Refer to Plan</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>per cent of the site area (the deep soil zone), and</p> <ul style="list-style-type: none"> ▪ each area forming part of the deep soil zone has a minimum dimension of 3 metres, and ▪ if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, ○ solar access: if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. • General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: <ul style="list-style-type: none"> ○ parking if: <ul style="list-style-type: none"> ▪ in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for 	<ul style="list-style-type: none"> • Refer to Landscape Plan. • The majority of the deep soil is located to the front and rear of the site. • 75% of units across the combined development site will receive a minimum of 2 hours of solar access. • The proposal has been prepared by St George Community Housing, a social housing provider. <p>The proposal provides for 5 x 1 bedroom units and 26 x 2 bedroom units.</p> <p>1 bedroom: $5 \times 0.4 = 2$ 2 bedroom: $26 \times 0.5 = 13$ TOTAL = 15 spaces</p>	<p>Refer to Plan</p> <p>✓</p> <p>✓</p> <p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<p>each dwelling containing 3 or more bedrooms, or</p> <ul style="list-style-type: none"> ▪ in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms, ○ dwelling size if each dwelling has a gross floor area of at least: <ul style="list-style-type: none"> ▪ 35 square metres in the case of a bedsitter or studio, or ▪ 50 square metres in the case of a dwelling having 1 bedroom, or ▪ 70 square metres in the case of a dwelling having 2 bedrooms, or ▪ 95 square metres in the case of a dwelling having 3 or more bedrooms. • A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2). 	<p>The proposal provides for 15 car parking spaces and therefore complies.</p> <ul style="list-style-type: none"> • Not applicable. • The proposed 1 bedroom units will comprise of a minimum of 51.47 – 56.29m². • All 2 bedroom units will be between 70 – 76.24m² in area. • Noted. 	<p>N/A</p> <p>✓</p> <p>✓</p> <p>✓</p>
	Clause 15: Design Requirements	<ul style="list-style-type: none"> • A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban</i> 	<ul style="list-style-type: none"> • The provisions of this SEPP do not apply in this instance. 	<p>✓</p>

	Planning Guideline	Requirement	Provided	Comply
		<p><i>Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.</p> <ul style="list-style-type: none"> This clause does not apply to development to which clause 4 of <u><i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i></u> applies. 	<ul style="list-style-type: none"> Noted. 	✓
	Clause 16: Continued application of SEPP 65	<ul style="list-style-type: none"> Nothing in this Policy affects the application of <u><i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i></u> to any development to which this Division applies. 	<ul style="list-style-type: none"> Noted. 	✓
	Clause 16A: Character of Local Area	<ul style="list-style-type: none"> A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. 	<ul style="list-style-type: none"> Locality and Street Character: <ul style="list-style-type: none"> The site is located within a high density residential zone, containing a mixture of dwelling types, ranging from single dwellings residential flat buildings and retail/commercial buildings. The desired future character of the area is high density development which is reinforced by the sites zoning. It is sought that the subject site be developed in conjunction with land immediately to the east being Nos. 249 – 251 Hoxton Park Road, given a common ownership over both sites by social housing provider, St George Community Housing. 	✓

	Planning Guideline	Requirement	Provided	Comply
			<ul style="list-style-type: none"> - The built form of the development will be consistent with the scale of newer development in the area. - The scale of the proposed development is consistent with the desired future character of the area. As detailed under Section 4.1 of this report, the proposal will result in a breach of the building height control by a maximum of 3.4m. <p>The current scheme follows several discussions and meetings with both Council and the Design Excellence Panel, where as detailed in under Section 1 of this report, the additional height was considered to have merit. Reference should be made to Appendix A.</p> <ul style="list-style-type: none"> - The site is well serviced by public transport as detailed within this letter. - It is considered that the proposed building is in keeping with the desired future character of the area. • Landform: <ul style="list-style-type: none"> - The proposed building will be provided with good setbacks, allowing deep soil planting along the boundaries. The topography of the site will not substantially change. • Street patterns: <ul style="list-style-type: none"> - Street and subdivision patterns of the area are reflective of the areas initial character. There is 	

	Planning Guideline	Requirement	Provided	Comply
			<p>no change proposed to the existing subdivision pattern.</p> <ul style="list-style-type: none"> - Parking is not visible at street level and will be concealed in the basement. • Views and Vistas: <ul style="list-style-type: none"> - There are no substantial views attainable from the subject site. - The proposal has been sympathetically designed with respect to the streetscape as well as to adjoining properties. • Conclusion: <ul style="list-style-type: none"> - Based on the above, it is our view that the proposed development is in keeping with the existing and future character of the area. - The built form presentation to the street, together with appropriate colours and materials, all respond to the existing streetscape. - The proposal will be consistent with existing and new development in the local area. • It is also considered that the proposed development will greatly benefit the local community by providing for low cost housing accommodation in an area well serviced by amenities and public transport facilities. 	
	Clause 17: Must be used for affordable housing for	<ul style="list-style-type: none"> • A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that: 		

	Planning Guideline	Requirement	Provided	Comply
	10 years	<ul style="list-style-type: none"> ○ for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> ▪ the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and ▪ all accommodation that is used for affordable housing will be managed by a registered community housing provider, and ○ a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, that will ensure that the requirements of paragraph (a) are met. • Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority. 	<ul style="list-style-type: none"> • Our clients are a dedicated not for profit organisation who seek to provide high quality, affordable residential housing options. In their research, they have identified a growing demand for affordable residential accommodation within the Liverpool local government area. On this basis, our clients will retain the development as affordable rental housing for a period of at least 20 years. • Noted. • Noted. 	<ul style="list-style-type: none"> ✓ ✓ ✓
	Clause 18: Subdivision	<ul style="list-style-type: none"> • Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority. 	<ul style="list-style-type: none"> • Noted. 	✓

4.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of the State Environmental Planning Policy (Infrastructure) 2007 are required to be addressed, as Clause 101 applies to development with frontage to a classified road.

Hoxton Park Road is a classified road. Section 101 of the Policy states the following:

"101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

While Hoxton Park Road is a classified road, Edgeworth Place is not. The proposed development will utilise the existing driveway of Nos. 249 – 251 Hoxton Park Road and therefore does not require a new vehicular crossing.

The existing driveway is currently located off a service road adjacent to Hoxton Park Road, rather than off Hoxton Park Road directly ensuring

traffic flows will not be impacted by the increased density proposed on the site.

As the future residential land use is sensitive to traffic noise from Hoxton Park Road, a Noise Assessment Report has been prepared by Acouras Consultancy. This report provides recommendations to mitigate noise to the residential apartments.

Clause 104 refers to traffic generating developments and states that developments listed under Schedule 3 of the Policy are to be referred to Roads & Maritime Services for comment. Apartment or residential flat building developments are considered to be traffic generating when the number of apartments is 300 or more, regardless of the type of road the site has a frontage to.

As the proposal before Council seeks approval for 31 apartments it is therefore not a traffic generating development. The application therefore does not require referral to RMS.

4.6 STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The site has a history of residential land use and there is no known evidence to suggest that a use has occurred on the site which would have resulted in contamination. It is not likely that the site has experienced any contamination.

It is believed that no further assessment of contamination is necessary.

4.7 STATE ENVIRONMENTAL PLANNING POLICY No. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

This State Policy aims to improve the design quality of residential

apartment buildings of three or more storeys, incorporating four or more dwellings.

The policy sets out a series of design principles for Local Council or other consent authorities to consider when assessing development proposals for flats.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy, which underwent a comprehensive review and commenced on 17 July 2015. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by DKO Architecture Pty. Ltd.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential apartment buildings. These principles are as follows:

Principle 1	Context and Neighbourhood Character
Principle 2	Built Form and Scale
Principle 3	Density
Principle 4	Sustainability
Principle 5	Landscape
Principle 6	Amenity
Principle 7	Safety
Principle 8	Housing Diversity and Social Interaction
Principle 9	Aesthetics

The aims and objectives of this policy are:

- (1) *"This policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) *Improving the design quality of residential apartment buildings aims:*
 - (a) *to ensure that they contribute to the sustainable development of New South Wales;*
 - (i) *by providing sustainable housing in social and environmental terms; and*
 - (ii) *by being a long term asset to their neighbourhood; and*
 - (iii) *by achieving the urban planning policies*

- for their regional and local contexts; and*
- (b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and*
 - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and*
 - (d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and*
 - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
 - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and*
 - (g) to support housing affordability, and*
 - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*

(4) This Policy aims to provide:

- (a) consistency of policy and mechanisms across the State; and*
- (b) a framework for local and regional planning to achieve identified outcomes for specific places."*

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The proposed development seeks to consolidate Nos. 9 – 11 Edgeworth Place and Nos. 249 – 251 Hoxton Park Road. The two sites are currently held under a common ownership with Nos. 249 – 251, already developed as a residential flat building and used as affordable rental housing.

The subject site is located within the R4 High Density Residential zone and the proposal is therefore considered to reflect the desired future character of the area.

The proposal will allow for a significant increase in housing density on the site through the proposed demolition of the existing two dwellings and creation of 31 units. The subject site is well located to the commercial/retail facilities along Hoxton Park Road to the south, and bus services that may be accessed by future residents.

The proposal is considered a favourable contemporary 'infill' development that responds positively to the desired future character of the immediate area. Where possible, the proposal has made considerable effort to achieve the objectives and controls of State Environmental Planning Policy No.65.

Principle 2 Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides

internal amenity and outlook.

Comment:

The scale of existing development in the area is a mix of single detached dwellings and residential flat development of an older housing stock, and retail/commercial facilities. As stated, Nos. 249 – 251 currently contains an existing four storey residential flat building of recent construction.

The scale of the proposal has also been carefully designed to provide a balance between the amenity for the future occupants and that of existing properties adjoining the site.

The proposal does seek a variation to the maximum building height control, however the non-compliance has enabled an additional three units to be provided on the site which like the lower levels will be used as affordable rental housing. Therefore despite the numerical non-compliance, it is considered that a better social outcome is realised on the site. The additional height sought by the development has been located to the southern side of the building enabling shadows to fall across Hoxton Park Road rather than neighbouring developments.

It is noted that Council's Design Excellence Panel was supportive of the height envelope proposed.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The development provides for new residential accommodation in a location where there is a demand for such accommodation. The overall density proposed is appropriate for the site given the planning controls applying to the site.

The proposed density on the site is also considered to be suitable, given

the site is well located to public transport, shops, services and amenities within the Cartwright area.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The proposed development makes efficient use of natural resources. The building utilises passive solar design principles for climate control, which reduces the consumption of energy.

The building has been designed to get as many apartments as possible to have a northerly aspect. The design maximises natural light and ventilation.

Energy efficiency parameters and water saving fixtures will also be adopted. This has been demonstrated by the fact that the proposed development complies with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Where possible, the principles of energy efficient and environmental sensitive design and these have been incorporated into the development.

Principle 5 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The new development will provide a landscaped area within the front and rear setbacks, and within the rooftop communal open space for the enjoyment of all future users of the development.

Principle 6 Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

Careful consideration has been given to the orientation and positioning of the development and the design and layout of units to ensure a high level of visual and acoustic privacy is maintained to the apartments.

The proposal provides future occupants with a high level of amenity in terms of solar access to habitable areas, as well as to balconies and private open space, and the communal areas provided at level 5.

Careful planning of the proposed built form provides 72% of apartments to achieve a minimum of 2 hours solar access. 68% of apartments will also achieve cross flow ventilation.

All apartments have a private outdoor area adjacent to living areas.

All dwellings achieve 2700mm ceiling heights to both living areas and bedrooms. The planning and orientation of primary living areas within individual units have been determined to provide optimal amenity for residents, whilst maintaining visual and acoustic amenity between apartments.

Other amenity issues include access for disabled visitors in accordance with AS4299, with lift access provided between all levels of the building.

Principle 7 Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been taken into consideration.

The proposed development has made provisions for natural surveillance for both communal and public areas. The common areas will be appropriately lit to ensure safety and visibility after dark.

The entrance to the development, including private entries to ground floor dwellings, are clearly visible from the street. Access to the building will be through a controlled security system. An intercom system will be provided for visitor access.

The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building.

Principle 8 Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

Housing affordability in Sydney is becoming increasingly difficult. Our client is a recognised social housing provider who strive to provide for quality affordable housing developments.

The building itself integrates a number of sustainable features exceeding the minimum standards prescribed by BASIX. In fact, it is intended that the building be designed and built to a 4 star Green Star certification and further, that it be 7 Star NatHERS compliant.

It is important to acknowledge that unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 31 units will be nominated as affordable housing to be managed by our client, St George Community Housing for a period of at least 20 years.

The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.

The proposed development is considered to be of a high architectural standard promoting solar access and cross ventilation. A mix of units is proposed ranging between one and two bedroom units. The proposal therefore addresses lifestyle and affordability issues of the immediate area.

Principle 9 Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The building materials have been carefully chosen to respond to the existing material context and ongoing building maintenance. The internal functions and structure have been clearly expressed through the articulation and massing of the facades.

Design Verification Statement:

A Design Verification Statement has been prepared by DKO Architecture Pty. Ltd., and is submitted with this development application in accordance with State Environmental Planning Policy No. 65.

Apartment Design Guide

Further to the above design quality principles, Clause 30(2) of State Environmental Planning Policy No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning’s publication entitled *Apartment Design Guide*. The following table outlines compliance with the Apartment Design Guide, where numerical requirements are specified.

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
	PART 3 - SITING THE DEVELOPMENT			
	SITE ANALYSIS	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Reference should be made to the submitted plans which include a site analysis plan.	Yes
	ORIENTATION	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The proposed RFB has been designed to address both Edgeworth Place and Hoxton Park Road, with primary pedestrian access available via Hoxton Park Road. All ground floor units are provided with private entries. The site is provided with a north-south orientation, and where possible units have been orientated to maximise solar access.	Yes
		3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	As detailed, the proposal will exceed the maximum building height control by some 3.4 metres. Careful consideration has been given to the siting of the additional height to ensure that the additional shadows cast will fall on to Hoxton Park Road (south) rather than on to neighbouring residential developments.	Yes
	PUBLIC DOMAIN INTERFACE	3C-1 - Transition between private and public domain is achieved without compromising safety and security.	All common areas and building entrances will be clearly delineated at street level. The vehicular access is separated from the pedestrian access to the building, and will be clearly identifiable along the Hoxton Park Road frontage to ensure that pedestrian safety is provided. The common areas provided at Level 5 will be separated from the residential apartments at this level.	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
			Security access will be provided to the building.	
		3C-2 – Amenity of the public domain is retained and enhanced.	<p>The proposed front setback will be densely landscaped to complement the residential building. Garbage storage areas and services will be located adjacent to the driveway and appropriately screened by a feature brick and metal screen and soft landscaping.</p> <p>Graffiti resistant and easily cleanable materials will be used.</p> <p>The subject site does not adjoin a public park or open space.</p>	Yes
	COMMUNAL AND PUBLIC OPEN SPACE	<p>3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <p><i>Design criteria:</i></p> <p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal</p>	<p>There is no change proposed to the communal open space currently provided to Nos. 249 – 251. With regards to Nos. 9 – 11, based on a site area of 1,157m², 289.25m² of communal open space is required. The development provides for 187m² of communal open space at ground level and an additional 143m² at Level 5. This is a total of 330m² or 28.5%. The proposed communal space area includes a roof garden, BBQ and seating areas which offer good outdoor space for occupants.</p> <p>The rooftop communal open space is orientated to the north and will receive good solar access</p>	<p>Yes</p> <p>Yes</p>

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		usable part of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter).	throughout the day.	
		3D-2 – Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting.	The roof garden areas will be used for passive recreation, while the BBQ area can be used for socialising.	Yes
		3D-3 – Communal open space is designed to maximise safety.	<p>The communal open space area at roof level is accessible by lifts with security access (i.e. residents and their visitors only, not the general public). The area will be well lit at all times.</p> <p>The rooftop common area will be made available to residents of Nos. 249 – 251 as recommended by the Design Excellence Panel.</p> <p>An additional area of communal space is also provided adjacent to the western side boundary.</p>	Yes
		3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	Not applicable.	N/A
	DEEP SOIL ZONES	<p>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p><i>Design criteria:</i></p> <p>1. <i>Deep soil zones are to meet the following minimum requirements:</i></p>	<p>Based on a site area of 2,424.2m², a minimum deep soil zone of 169.69m² is required, with minimum dimensions of 6m.</p> <p>The development provides for 329m², or 28.4% of Nos. 9 – 11 Edgeworth Place, as deep soil planting. There is no change proposed to the existing areas of deep soil planting over Nos. 249 – 251 Hoxton Park Road.</p>	

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE												
	<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m		
Site area	Minimum dimensions	Deep soil zone (% of site area)													
less than 650m ²	-	7%													
650m ² - 1,500m ²	3m														
greater than 1,500m ²	6m														
greater than 1,500m ² with significant existing tree cover	6m														
VISUAL PRIVACY	<p>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><i>Design criteria:</i></p> <p>1. <i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:</i></p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</i></p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>At ground – level 3, a setback of 6m is required between habitable rooms and balconies, or 3m between non-habitable rooms.</p> <p>To the western side boundary, a 3m setback is proposed. Accordingly, no windows are proposed to this elevation at Levels 1, 2 or 3. At ground level, highlight windows are proposed however the proposed side boundary fences and landscaping works along the boundary will ensure appropriate levels of privacy are maintained between the subject and adjoining property.</p> <p>To the east, the ground level units adjoin common areas ensuring in excess of 6m is maintained to the existing flat building at Nos. 249 – 251.</p>	Yes
Building height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		<p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	<p>At levels 1, 2 and 3, a 6m setback is provided. Notwithstanding this, there are no windows proposed to the eastern elevation at these levels ensuring the privacy of the adjoining building is protected.</p> <p>Levels 4 and 5 of the development, require a setback of 9m between habitable rooms and balconies and 4.5m between non-habitable rooms.</p> <p>To the west, Levels 4 and 5 will be setback a minimum of 7.3m and includes a mix of habitable and non-habitable rooms. Where windows are proposed to this elevation, the design of the building has been stepped to provide for a setback in excess of 9m.</p> <p>To the east, a setback of 8.5m is proposed. It is acknowledged that the adjoining building is of recent construction and is just 4 storeys in height and accordingly there are no windows/balconies opposite that will be impacted.</p>	
		<p>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>The rooftop communal open space have been separated from the courtyards and habitable rooms of Level 5 units through the proposed planter boxes and blank walls.</p> <p>Balconies have been located off living rooms and orientated to either street frontage rather than to a side boundary. Fin walls at the edge of balconies</p>	<p>Yes</p>

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
			will prevent overlooking between units and neighbouring properties. Windows within the development have been offset.	
	PEDESTRIAN ACCESS AND ENTRIES	3G-1 - Building entries and pedestrian access connects to and addresses the public domain.	Primary access to the building will be via Hoxton Park Road, although all ground floor dwellings are provided with private entries from either Hoxton Park Road or Edgeworth Place. The pedestrian and vehicle access points have been clearly separated to minimise conflicts.	Yes
		3G-2 - Access, entries and pathways are accessible and easy to identify.	The entry points to the building will be clearly visible and identifiable from the street.	Yes
		3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations	Not applicable in this instance.	N/A
	VEHICLE ACCESS	3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The proposal will utilise the existing driveway of Nos. 249 – 251 Hoxton Park Road.	Yes
	BICYCLE AND CAR PARKING	<p>3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><i>Design criteria:</i></p> <ol style="list-style-type: none"> For development in the following locations: <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 	Reference should be made to Section 4.4 of this report as car parking has been provided in accordance with the provisions of SEPP (Affordable Rental Housing) 2009.	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		<p><i>Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, <u>whichever is less</u></i></p> <p><i>The car parking needs for a development must be provided off street.</i></p>		
		3J-2 – Parking and facilities are provided for other modes of transport	Bicycle spaces are provided adjacent to the at grade car park, towards the rear of the site.	Yes
		3J-3 – Car park design and access is safe and secure.	The car parking areas will be well lit.	Yes
		3J-4 – Visual and environmental impacts of underground car parking are minimised.	Not applicable.	N/A
		3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	Car spaces have been designed in a logical, efficient structural grid with turning bays provided at each level of car parking to ensure vehicles can enter and exit the site in a forward direction.	Yes
		3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	Not applicable.	N/A
	SOLAR AND DAYLIGHT ACCESS	<p>4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p><i>Design criteria:</i></p> <p>1. <i>Living rooms and private open spaces of at least 70% of apartments in a building</i></p>	75% of the units over the combined development site will achieve a minimum of 2 hours solar access.	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		<i>receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i>		
		2. <i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</i>	Not applicable.	N/A
		3. <i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i>	8% of the units over the combined development site will receive no solar access.	Yes
		4A-2 – Daylight access is maximised where sunlight is limited.	Where possible, units have been provided with a northern aspect to maximise solar access.	Yes
		4A-3 – Design incorporates shading and glare control, particularly for warmer months.	A thermal assessment has been carried out for the development, demonstrating that the required heating and cooling targets of BASIX are capable of being satisfied.	Yes
	NATURAL VENTILATION	4B-1 – All habitable rooms are naturally ventilated.	63% of units over the combined development site will achieve natural ventilation.	Yes
		4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	There are no single aspect units proposed.	Yes
		4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		
		<i>Design criteria:</i> 1. <i>At least 60% of apartments are naturally</i>	63% of apartments are naturally cross ventilated.	Yes

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE												
	<p><i>cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</i></p> <p>2. <i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	The apartments comply with the maximum depth.	Yes												
CEILING HEIGHTS	<p>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access</p> <p><i>Design criteria:</i></p> <p>1. <i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	The apartments have been provided with a minimum 2.7m ceiling height.	Yes
	Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use														
	<p>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</p>	Refer to comments above.	Yes												

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE										
	4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.	Refer to comments above.	Yes										
APARTMENT SIZE AND LAYOUT	4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. <i>Design criteria:</i> 1. <i>Apartments are required to have the following minimum internal areas:</i> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<ul style="list-style-type: none">- The proposed 1 bedroom apartments provide for one bathroom; with a minimum area of 51.47 – 56.29m².- The proposed 2 bedroom apartments with one bathroom are minimum 702 – 76.24m² in area.	Yes
	Apartment type	Minimum internal area											
	Studio	35m ²											
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												
	2. <i>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</i>	Every habitable room has a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Yes										
	4D-2 – Environmental performance of the												

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		apartment is maximised.		
		<i>Design criteria:</i> 1. <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i> 2. <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i>	Complies. All units comply.	Yes Yes
		4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs <i>Design criteria:</i> 1. <i>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</i> 2. <i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i> 3. <i>Living rooms or combined living/dining rooms have a minimum width of:</i> <i>a. 3.6m for studio and 1 bedroom apartments</i> <i>b. 4m for 2 and 3 bedroom apartments</i> 4. <i>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i>	Master bedrooms have a minimum area of 10m ² . Second/third bedrooms are provided with a minimum area of 9m ² . Bedrooms are compliant. The units are provided with living areas that adjoin kitchen and dining areas. The proportions are adequate. Complies.	Yes Yes Yes Yes
	PRIVATE OPEN SPACE AND BALCONIES	4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.		

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE															
	<p><i>Design criteria:</i></p> <p>1. All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i></p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>The one bedroom apartments are provided with a balcony off the living area, at least 8m² in size. The minimum balcony size for the 2 bed apartments is 10m².</p> <p>All ground level units are provided with a private courtyard measuring between approximately 29 – 45m².</p>	<p>Yes</p> <p>N/A</p>
	Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-																
1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																
3+ bedroom apartments	12m ²	2.4m																
	<p>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p>4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p>4E-4 - Private open space and balcony design maximises safety</p>	<p>All balconies are located adjacent to the open plan living/dining/kitchen area.</p> <p>The balconies will contribute to the built form and articulation of the façades.</p> <p>The proposed balconies have been designed to avoid opportunities for climbing and falls.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>															

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
	COMMON CIRCULATION AND SPACES	4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments <i>Design criteria:</i> 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The maximum number of units off a circulation core is 7. Not applicable.	Yes N/A
		4F-2 - Common circulation spaces promote safety and provide for social interaction between residents	The proposed corridors have been designed in proximity to the lift core, to ensure short, straight and clear sight lines. Circulation spaces will be well lit. Legible signage will be provided for apartment numbers, common numbers and general wayfinding.	Yes
	STORAGE	4G-1 - Adequate, well designed storage is provided in each apartment <i>Design criteria:</i> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	All 1 bedroom units have been provided with a minimum of 6m ³ of storage. All 2 bedroom units have been provided with a minimum of 8m ³ of storage.	Yes Yes

	STANDARD	OBJECTIVE		PROVIDED	COMPLIANCE
		Dwelling type	Storage size volume		
		Studio apartments	4m ³		
		1 bedroom apartments	6m ³		
		2 bedroom apartments	8m ³		
		3+ bedroom apartments	10m ³		
		At least 50% of the required storage is to be located within the apartment.			
		4G-2 - Additional storage is conveniently located, accessible and nominated for apartments.		All storage will be located within the units themselves. The site does not provide for any alternative location, given there is no basement level proposed.	Variation is sought
	ACOUSTIC PRIVACY	4H-1 - Noise transfer is minimised through the siting of buildings and building layout		Appropriate construction materials will be utilised to ensure noise transfer is minimised across units. Refer to the submitted acoustic report.	Yes
		4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.		The units have been designed to place living areas next to adjoining living areas, where possible.	Yes
	NOISE AND POLLUTION	4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.		The site is located on a classified road and the noise impact from the traffic along Hoxton Park Road has been assessed in the acoustic report, which is submitted with this application. Appropriate measures will be implemented to ameliorate this noise source.	Yes
		4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		The materials and finishes will assist in mitigating any noise transmission to the units.	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
	APARTMENT MIX	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	The development provides for a mix of 1 and 2 bedroom apartments, including adaptable designs.	Yes
		4K-2 - The apartment mix is distributed to suitable locations within the building.	The apartment mix and the number of accessible apartments are distributed across the floor levels.	Yes
	GROUND FLOOR APARTMENTS	4L-1 - Street frontage activity is maximised where ground floor apartments are located	The proposal includes significant landscaping at ground level to provide for visual interest. The proposed fences and pathways clearly delineate areas of public and private open space.	Yes
		4L-2 - Design of ground floor apartments delivers amenity and safety for residents	Private entries are proposed to all ground floor units. Fences and gates are proposed to clearly delineate areas of private and common space. The proposed landscaping within the front setback will allow for visual privacy to be maintained.	Yes
	FACADES	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	All elevations of the building will be well articulated through a mix of materials and finishes creating vertical elements in the building design and a visual point of interest. Glazed elements have been maximised to the north to capture natural light and solar access.	Yes
		4M-2 - Building functions are expressed by the façade.	The entry points to the building have been clearly defined to both street frontages as discussed in this Statement.	Yes
	ROOF DESIGN	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	The roof levels are designed to be subservient to the built form. The lift overruns are centralised to minimise visual impact.	Yes
		4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	The proposed development uses the roof space for communal purposes, including gardens, and a BBQ and seating area. The communal areas are	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		4N-3 – Roof design incorporates sustainability features.	orientated to the north, receiving excellent solar access. Refer to the submitted plans for landscape species.	
	LANDSCAPE DESIGN	4O-1 – Landscape design is viable and sustainable	The proposed plantings include low water use plantings. Reference should also be made to the submitted BASIX certificate.	Yes
		4O-2 – Landscape design contributes to the streetscape and amenity.	Reference should be made to the submitted landscape plans.	Yes
	PLANTING ON STRUCTURES	4P-1 – Appropriate soil profiles are provided.	Reference should be made to the submitted landscape plans.	Yes
		4P-2 – Plant growth is optimised with appropriate selection and maintenance.	Reference should be made to the submitted landscape plans.	Yes
		4P-3 – Planting on structures contributes to the quality and amenity of communal and public open spaces	Reference should be made to the submitted landscape plans.	Yes
	UNIVERSAL DESIGN	4Q-1 – Universal design features are included in apartment design to promote flexible housing for all community members.	The proposed development includes 2 adaptable apartments, promoting flexible housing.	Yes
		4Q-2 – A variety of apartments with adaptable designs are provided.	Refer to comments above.	Yes
		4Q-3 – Apartment layouts are flexible and accommodate a range of lifestyle needs.	The proposal comprises 1 and 2 bedrooms, with some units designed to be adaptable, as detailed.	Yes
	ADAPTIVE REUSE	4R-1 – New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	Not applicable.	N/A

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	Not applicable.	N/A
	MIXED USE	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Not applicable.	N/A
		4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Not applicable.	N/A
	AWNINGS AND SIGNAGE	4T-1 - Awnings are well located and complement and integrate with the building design.	Not applicable.	N/A
		4T-2 - Signage responds to the context and desired streetscape character.	Not applicable.	N/A
	ENERGY EFFICIENCY	4U-1 - Development incorporates passive environmental design.	Windows and balconies have been orientated to the north, as much as possible to maximise solar access. The apartments satisfy the provisions of BASIX.	Yes
		4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	The proposal satisfies the thermal targets of BASIX. The use of the selected building materials positively contributes to heat storage.	Yes
		4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	The ventilation achieved in the building has been discussed within this Statement.	Yes
	WATER MANAGEMENT AND CONSERVATION	4V-1 - Potable water use is minimised.	Refer to submitted BASIX Certificates.	Yes
		4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Refer to submitted stormwater plans.	Yes
		4V-3 - Flood management systems are integrated into site design.	Refer to submitted stormwater plans.	Yes
	WASTE MANAGEMENT	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Garbage storage areas are located within the ground floor service area.	Yes

	STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Adequate storage area is provided within the units to accommodate a day's waste.	Yes
	BUILDING MAINTENANCE	4X-1 – Building design detail provides protection from weathering.	The proposal incorporates overhangs where the floor plates change, to provide some protection to walls.	Yes
		4X-2 – Systems and access enable ease of maintenance.	Centralised maintenance, services and areas are provided for easy access within the building.	Yes
		4X-3 – Material selection reduces ongoing maintenance costs.	Graffiti resistant materials will be used. The proposed external walls are robust and durable materials that weather well and improve with time.	Yes

4.8 GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN No. 2 – GEORGES RIVER

The proposed development accords with the outcomes and objectives of the Greater Metropolitan Regional Environmental Plan No.2. Appropriate sediment and control devices will be placed on the site during site works to ensure that pollutants and runoff from the site will not impact on the Georges River. Reference is to be made to the plans and documents submitted with this application.

4.9 SECTION 79C CONSIDERATIONS

The following section provides an assessment of the proposed development in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

(a) The provisions of:

(i) any environmental planning instrument

The proposed development is permitted with the consent of Council under Liverpool Local Environmental Plan 2008.

The proposal meets the objectives of the Liverpool Local Environmental Plan 2008. Although a variation is sought to the height control, the submission of this development application follows several meetings with Council staff and a meeting with the Design Excellence Panel who have expressed their support for the additional height.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition

Not applicable.

(iii) any development control plan

The proposal generally accords with the relevant provisions of the Liverpool Development Control Plan 2008. Where variations to controls are sought, an assessment of the potential impacts is detailed within this Statement of Environmental Effects.

(iv) any matters prescribed by the regulations

The proposal accords with the objectives and provisions of the relevant State Environmental Planning Policies as detailed within this Statement of Environmental Effects. The proposal satisfies the parking requirements under State Environmental Planning Policy (Affordable Rental Housing) 2009.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

(i) Impact on the natural environment:

The proposed development will not have an adverse impact on the natural environment. The site does not contain any significant vegetation. New plantings will be introduced as per the proposed landscape plan. The proposed landscape plan will improve the amenity of the site and the surrounding streetscape.

(ii) Impact on the built environment:

The works proposed are consistent with the built form and desired future character of the area.

(iii) Social and Economic impacts in the locality:

The development will have a positive social and economic impact on the area. The development will represent a significant improvement in terms of the built form on the site and will suit the future desired character of Cartwright.

The proposal will directly benefit the locality in terms of increased affordable residential accommodation. The site is located within proximity of the Liverpool City Centre and housing within this broader area is highly sought after. The provision of increased housing will assist in meeting the demands in this suburb.

(c) the suitability of the site for development

The land is appropriately zoned to permit the proposed development and meets the long term objectives of the zone and the objectives of the Liverpool Local Environmental Plan 2008.

(d) any submissions made in accordance with this Act or the regulations

Not relevant at the time of submission.

(e) the public interest

The interest of the public will be served by approval of this development.

As stated, the proposed development will increase the housing choice available in this location, which is well serviced by public transport, services and shops. The proposal provides for a mix of one and two bedroom apartments, as well as adaptable apartments.

The site is well serviced by public transport, making access to and from the site easy for the future occupants. Notwithstanding this, the site also provides for adequate on-site parking.

5.0 CONCLUSION

This Statement of Environmental Effects has been prepared in support of the proposed development of the site at 9 – 11 Edgeworth Place, Cartwright.

It has been demonstrated in this Statement that the proposal is satisfactory and is generally consistent with the controls applying to the site under the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008. Where variations are sought, justifications have been provided to show that the development is suitable for the site and broader area.

The development will result in a high quality development which will cater to the growth of the Liverpool locality whilst being sympathetic in its design, bulk and scale to the adjoining properties.

The proposed development has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory.

The development does not result in any unreasonable impacts to adjoining properties and is conducive to Council's policies. Accordingly, it is sought that Council approve the application.

GAT & Associates
Plan 2804

		Draft	Final
Prepared by: Melissa Rodrigues	MR	✓	✓
Checked by: Gerard Turrisi	GT	✓	✓

APPENDIX A

CLAUSE 4.6 VARIATION TO CLAUSE 4.3 – HEIGHT OF BUILDINGS

**CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF THE LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008**

1. Introduction

This letter seeks to address the proposed variation to Clause 4.3 of the Liverpool Local Environmental Plan 2008 (LLEP 08), which relates to the height of buildings development standard.

This submission has been prepared with regards to a development application for the construction of a new residential flat building comprising of 31 residential units and ground level parking, on land known as 9 – 11 Edgeworth Place, Cartwright.

It is sought that the subject site be developed in conjunction with land immediately to the east being Nos. 249 – 251 Hoxton Park Road, given a common ownership over both sites by social housing provider, St George Community Housing.

Nos. 249-251 Hoxton Park Road have already been developed as affordable housing, with a total of 17 units provided over four storeys. The current proposal seeks to utilise the existing driveway of this development to provide access to the new building. The existing building, including its associated car parking will not be altered by this proposal.

This submission follows a meeting with the Design Excellence Panel. The package presented to the Design Excellence Panel included two sets of architectural plans prepared by DKO Architecture P/L. Scheme 1 comprised of 28 residential units over four storeys plus mezzanine level whilst Scheme 2 (Alternative Scheme) provided for 31 units over a part six, part five storey building.

In both Schemes, all proposed units would be nominated as affordable housing to be managed by our client, St George Community Housing.

Our client's preferred position is to proceed with Scheme 2, however as the proposal will result in a breach of Clause 4.3 of the LLEP 08, it was advised by Council Officers that the proposal be presented to the Design Excellence Panel for review.

The Panel supported our rationale behind the additional height, as confirmed by the minutes of the meeting which state, *"The Panel supports the additional height in the Alternative Scheme subject to all the above issues being addressed whilst complying with the floor space ratio control"*.

The additional matters raised by the Panel include building separation, solar access, privacy, landscaping and open space. These matters have been addressed within the current Development Application.

Notwithstanding the feedback received from the Panel, Council's Planning Department have advised that, *"The additional storey proposed is unlikely to be supported and it should be removed in order to reduce the overall height of the building and provide a development which would be more consistent with the desired future character of the area"*.

We respectfully submit that our client is a not for profit organisation who strive to provide for quality affordable housing developments. As stated, all of the proposed units will be nominated as affordable housing and are of a high architectural standard promoting solar access and cross ventilation. The building itself integrates a number of sustainable features exceeding the minimum standards prescribed by BASIX. In fact, it is intended that the building be designed and built to a 4 star Green Star certification and further, that it be 7 Star NatHERS compliant.

Accordingly, in subsequent discussions with Council Officers, it was agreed between SGCH and Council Officers that a Clause 4.6 variation be submitted for review, prior to the submission of a formal Development Application.

A Clause 4.6 variation was subsequently submitted on the 26th of July 2016 and it was agreed the 31 unit scheme had value but would be subject to review under a formal development application.

Hence the submission of this development application.

The proposed development meets the requirements prescribed under Clause 4.6 of the LLEP 08, as detailed in this written request for a variation to maximum floor space ratio control.

Clause 4.6 states the following:

"4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**
- (2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.**
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:**

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not include any of these Zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4*
 - (ca) *clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

Clause 4.6 – Exceptions to development standards, establishes the framework for varying development standards applying under a LEP. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The Environmental Planning Instrument to which these variations relate to is the LLEP 08.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

"(1) The objectives of this clause are as follows:

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

(b) to permit building heights that encourage high quality urban form,

(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

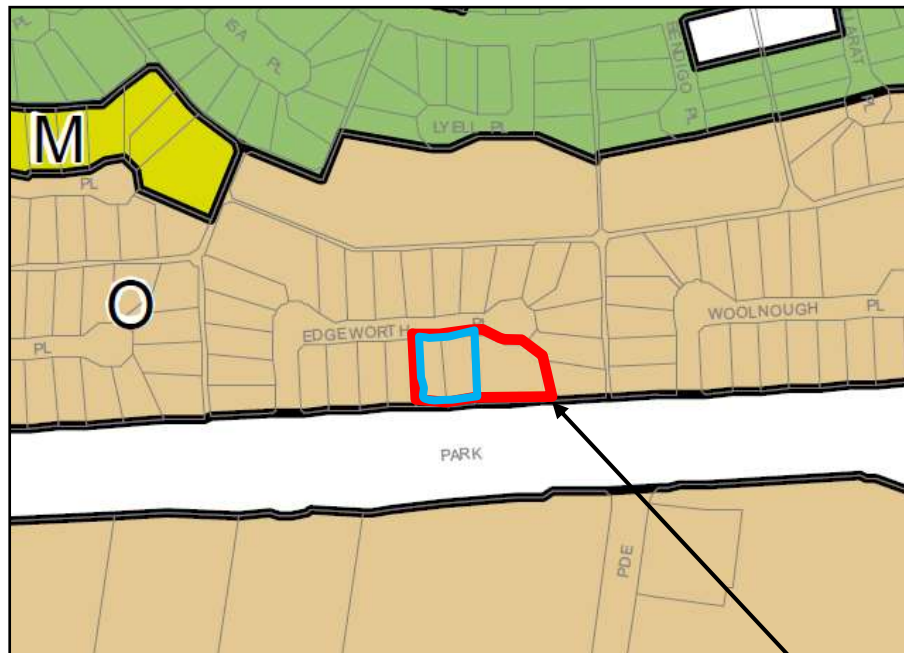
(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note. *Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map".*

As demonstrated in Figure 1 below, the subject site is limited to a maximum building height of 15m.

Figure 1: Height of Buildings Map



*Entire development site highlighted in **red**
Proposed building will be sited on land highlighted in **blue***

Subject site

Source: LLEP 08.

The proposed residential flat building will exceed the standard with a proposed building height of 18.95m as measured from ground level to the ridge. The variation is equivalent to 3.95m² or 26.1%.

A written justification is therefore required for the proposed variation to the maximum floor space ratio development standard, in accordance with Clause 4.6 of the LLEP 08.

2. Extent of Non-Compliance

As noted above Clause 4.3 of the LLEP 08 states that the maximum building height for the site is 15m.

The current proposal seeks a maximum building height of 18.91m. The proposal therefore exceeds the standard by 3.95m² or 26.1%.

It is our submission that the breach to the building height control, will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

A degree of flexibility is considered reasonable in this instance.

3. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

It is therefore our submission that the Wehbe test is of relevance in the consideration of a standard to determine whether or not it is unreasonable or unnecessary in the circumstances of the case and it is evident in the Four2Five matter, the above test is relevant.

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Chief Justice Preston expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. This attributes to determining whether compliance with the standard is unreasonable or unnecessary in the circumstances of the case as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it</i>

	<i>applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.</i>
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The following discussion is provided in response to each of the above:

i. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives supporting the height of buildings control as identified by Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

- "(1) The objectives of this clause are as follows:*
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
 - (b) to permit building heights that encourage high quality urban form,*
 - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity".*

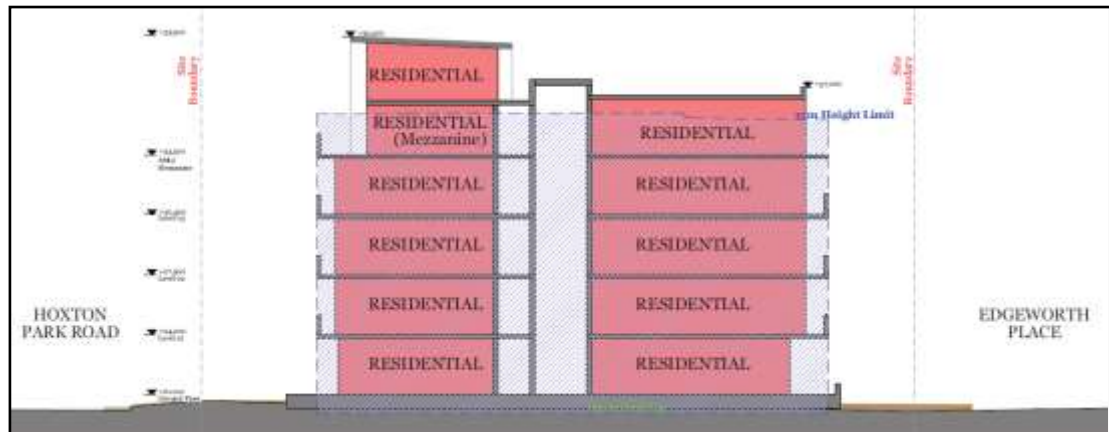
The proposed development has been designed in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 and is therefore entitled to a maximum floor space ratio of 1.5:1.

As stated earlier in this letter, the subject site will be developed in conjunction with Nos. 249 – 251 Hoxton Park Road, given a common ownership over both sites by social provider, St George Community Housing. The consolidated site, being Nos. 9 – 11 Edgeworth Place and 249 – 251 Hoxton Park Road, provide for a total site area of 2,424.2m².

The proposal provides for a total gross floor area of 3,649m² comprising of 1,291m² attributable to the existing residential flat building at Nos. 249 – 251 Hoxton Park Road and proposed 2,358m² over Nos. 9 – 11 Edgeworth Place. The resultant FSR is compliant at 1.5:1.

Therefore, notwithstanding the additional height being sought, the proposal will continue to comply with the FSR control.

As demonstrated in the image below, the bulk of the proposed variation occurs at proposed Level 05 which is limited to the southern portion of the building.

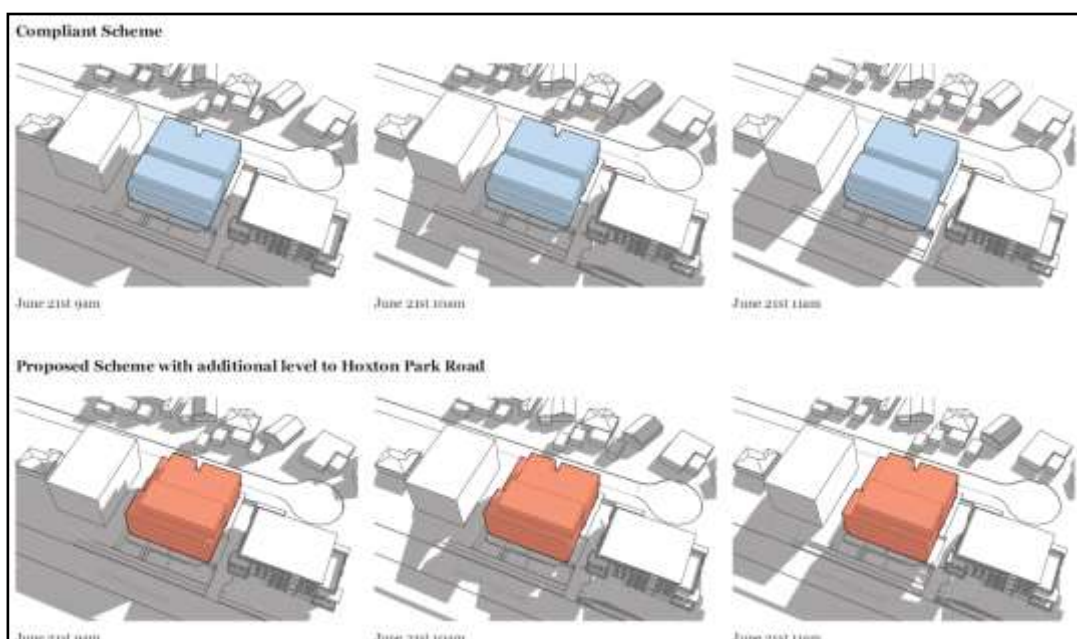


Source: Section Plan prepared by DKO Architecture

The additional bulk has been strategically located to the southern side of the building to minimise its effect to the adjoining properties. As demonstrated in the submitted diagrams, the shadows cast by the development do not significantly alter from a compliant scheme with the majority of the additional shadow cast over Hoxton Park Road itself rather than to neighbouring properties.

The proposed mezzanine has also been designed with a reduced floor to ceiling height (approximately 2.6m) compared to the remaining levels to reduce the overall building height without compromising the internal amenity of the unit to the future occupants.

The proposed development is considered modern in its design with a strong four storey presentation to both street frontages. The upper levels of the building have been designed to be recessive with increased setbacks and contrasting metal clad walls in a darker finish.



Excerpt of shadow diagrams, prepared by DKO Architecture.

The proposed development is considered modern in its design with a strong four storey presentation to both street frontages. The upper levels of the building have been designed to be recessive with increased setbacks and contrasting metal clad walls in a darker finish.

The proposed building has also been specifically designed to address both street frontages so as to maximise solar access/natural light and cross ventilation into the units.

In addition, the proposed development has been well articulated to both street frontages and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

It should also be noted that the subject site has been identified as flood prone land, and accordingly it would not be feasible to reduce the proposed levels of the building.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards. As demonstrated, the objectives of these standards have been achieved.

ii. the underlying objective or the purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above. Therefore this clause is not applicable.

iii. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objective or purpose would not be defeated or thwarted if compliance was required.

iv. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

While the standard has not been abandoned or destroyed, Liverpool Council has varied LEP standards in the past.

As demonstrated in this letter, the proposal will not result in any adverse environmental impacts to adjoining properties and will result in a high quality residential development on the site.

v. the zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the

standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Not applicable as the zoning of the site is appropriate.

4. Are there Sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

We respectfully submit that the proposal will result in a better planning outcome as unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 31 units will be nominated as affordable housing to be managed by our client, St George Community Housing for a period of at least 20 years.

The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.

Regular bus services are available along Hoxton Park Road to the rear of the site and along nearby Cartwright Avenue. The site is also located in close proximity to the retail/commercial premises sited along Hoxton Park Road with Westfield Liverpool located to the north east of the site.

The proposal also seeks to integrate Nos. 9 – 11 Edgeworth Place with Nos. 249 – 251 Hoxton Park Road. As discussed during our meeting with the Design Excellence Panel, it is sought to introduce an integrated landscaping solution between the properties including a communal rooftop terrace to be accessed by residents of both properties. As part of this strategy, communal facilities including two BBQ areas (required for 4 Star Green Rating), will also be provided on site.

The development is also notably compliant with the maximum 1.5:1 FSR prescribed by SEPP (Affordable Rental Housing) 2009.

In this case, strict compliance with the development standard for height of buildings development standard of the LLEP 08 is unnecessary and unreasonable.

5. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The proposed development is in our submission consistent with the desired character of the area and that the proposed development when assessed against the ADG is also compliant in terms of ventilation, amenity and the like.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

Zone R4 High Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

In response to the above the following is provided:

The proposal will provide for 31 new residential units increasing reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing with the Liverpool local government area and our client is endeavouring to respond to this need by offering 100% of the dwellings as affordable housing for a period of at least 20 years far exceeding the requirements of SEE (Affordable Rental Housing) 2009. Under the requirements of the SEPP, only 50% of the units are required to be nominated as affordable housing and for a period of 10 years. Our client, St. George Community Housing is a not for profit organisation who are genuinely seeking to address a rising demand for quality affordable housing in the area.

The development provides for a mix of units, in terms of size, layout, orientation and number of bedrooms. The proposed development is consistent with other high density residential development in the Liverpool precinct.

There are no other land uses proposed.

Regular bus services are available from Hoxton Park Road (to the rear of the site) and nearby Cartwright Avenue. As stated above, retail/commercial facilities are also located within proximity of the site along Hoxton Park Road with Westfield Liverpool also located to the north-east.

The proposal seeks to consolidate the subject site with the neighbouring property at No. 249 – 251 Hoxton Park Road. The adjoining western property is capable of amalgamating with its neighbouring western property, ensuring no property is left isolated.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

6. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality residential development which as stated above meets the desired objectives of the standard.

Housing affordability in Sydney is becoming increasingly difficult. Our client is a not for profit organisation seeking to address a prevalent issue in Sydney's housing market. Our client is committed to providing a development that is 100% affordable housing for a period of 20 years far surpassing the requirements of State legislation. The additional height sought on the site will enable an additional three units to be provided on the site benefiting the local community.

As part of the proposed works, the subject site seeks to consolidate Nos. 9 – 11 Edgeworth Place with Nos. 249 – 251 Hoxton Park Road. As stated above, an integrated landscape design including communal rooftop terrace and at least two BBQ areas being provided, would be included on site benefiting both the existing occupants within the Hoxton Park Road property and future residents on the Edgeworth Place property.

The proposed development provides additional residential development within an established area, which is located near public infrastructure. The area can support an increase in density and this is encouraged by Council.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the LLEP 08 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

7. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the LLEP 08 in that:

- ❑ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;

- ❑ There are sufficient environmental planning grounds to justify the departure from the standards;
- ❑ The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R4 High Density Residential zoning of the land;
- ❑ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ❑ The breach does not raise any matter of State of Regional Significance; and
- ❑ The development submitted aligns with the revitalisation of the formerly industrial precinct.

Based on the above, the variation is considered to be well founded.

8. General

Clause 4.6 also states that:

"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include any of these zones.*

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4,*
 - (ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate was provided for the development.

Clause 5.4 of the LLEP 08 does not apply to the proposal.

Clause 4.3 (2A), 4.4 (2A), 2(b), 2(c) or 2(d) of the LLEP 08 do not apply to the site.

9. Conclusion

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the LLEP 08. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP 08 are satisfied as the breach to the controls does not create any adverse environmental impacts.

As reiterated throughout this report, the proposal seeks to provide for a development comprising of entirely affordable housing units for a period of 20 years. The development will address a rising social issue in Sydney's housing market whereby rising prices are making affordable accommodation increasingly difficult to come by.

The proposed development will be managed by our client, St George Community Housing with all units used for the purposes of affordable housing for at least a 20 year period.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the LLEP 08 to vary this development controls appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Melissa Rodrigues
GAT & Associates
Plan 2804