

SYDNEY WESTERN CITY PLANNING PANEL

Panel Reference	2017SSW021
DA Number	DA-993/2016
LGA	Liverpool City Council
Proposed Development	Demolition of existing buildings and the construction of a five storey residential flat building containing thirty residential units with basement car parking and ancillary site works. The development is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Street Address	129 & 131 Memorial Avenue, Liverpool
Applicant	Ms I Kathia
Land Owners	Ms I Kathia
Date of DA lodgement	24 October 2016
Number of Submissions	Nil
Recommendation	Approval, subject to conditions of consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	The proposal is for an affordable housing development that has a capital investment value of over \$5 million, the Joint Regional Planning Panel is therefore the determining authority.
List of all relevant s79C(1)(a) matters	<p>1) <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development. • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. <p>2) <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></p> <ul style="list-style-type: none"> • N/A <p>3) <i>List any relevant development control plan: s79C(1)(a)(iii)</i></p> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> - Part 1 – General Controls for all Development.

	<p>- Part 3.7 – Residential Flat Buildings in the R4 Zone</p> <p>4) <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development. <p>5) <i>List any coastal zone management plan: s79C(1)(a)(v)</i></p> <ul style="list-style-type: none"> The subject site is not within any coastal zone management plan. <p>6) <i>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <p>Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC)</p>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> Architectural Plans Landscape Plans Stormwater Drainage plans Survey plan Draft Conditions of consent Clause 4.6 Variation Design excellence panel comments Statement of Environmental Effects SEPP 65 Design Verification Statement Acoustic Report Waste Management Plan BASIX Certificate Evidence of Amalgamation Redevelopment of 127 Memorial Avenue Bus Schedule
Report prepared by	Boris Santana
Report date	6 October 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY**1.1 Reasons for the report**

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million, pursuant to Clause 6(b) of Schedule 4A of the Environmental Planning and Assessment Act 1979.

1.2 The proposal

Demolition of existing buildings and the construction of a five storey residential flat building containing thirty residential units with basement car parking and ancillary site works. The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is permissible in the R4 zone pursuant to the Liverpool Local Environmental Plan (LLEP) 2008.

1.3 The site

The site is identified as 129 and 131 Memorial Avenue, Liverpool. The subject site is zoned R4 High Density Residential under LLEP 2008.

1.4 The issues

The main issues are identified as follows:

Site Isolation of eastern neighbour

- The applicant has attempted to amalgamate with No. 127 Memorial Avenue, Liverpool. An offer has been made to and has been rejected by the owner of the adjoining property at No. 127 Memorial Avenue, Liverpool. The applicant must ensure that the adjoining site is not prejudiced from high density residential development.

Height of Buildings

- Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site. The development proposes a maximum height of 15.42m to roof slab which represents a numerical variation of 420mm or 2.8% and a maximum height of 16.17m to lift overrun which represents a numerical variation of 1.17m or 7.8%.

ADG Non-Compliance

- Non –compliance with the Apartment Design Guide (ADG) – 2E Building Depth. The ADG recommends maximum apartment depths of 12-18m from glass line to glass line. The

proposed development generally provides a building depth of 22m. This represents a variation of 22%.

- Non –compliance with the Apartment Design Guide (ADG) –2F Building separation. The extent of the building separation non-compliance along the eastern and western elevation on levels 1, 2 and 3 equates to 3m or 50%. The extent of the building separation non-compliance along the eastern and western elevation on Level 4 equates to 4.5m or 50%.

The justifications to both variations are discussed in detail in this report.

1.5 Exhibition of the proposal

The DA was notified in accordance with LDCP 2008 for a period of 14 days from 3 November 2016 to 18 November 2016. No submissions were received.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the consideration of the written request to vary the height of buildings development standard pursuant to Clause 4.6 of the LLEP 2008, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site incorporates the following allotments:

- Lot A in DP 385460, which is also known as 131 Memorial Avenue, Liverpool; and
- Lot B in DP 385460, which is also known as 129 Memorial Avenue, Liverpool.

The site benefits from a street frontage of 33.53m to Memorial Avenue at the south and provides a reasonably level parcel of land, with a fall of around 330mm from the south-west to the north-east of the site. The overall site area is 1530.2m².

Currently located over 129-131 Memorial Avenue are two detached dwellings and associated structures such as garages, carports and outbuildings. No significant trees are located on the site.

The site is currently adjoined by a two storey child care centre at its eastern boundary, and further east, on the corner of Memorial Avenue and Hiller Road, a four storey residential flat building, comprising 125 Memorial Avenue. The rear of the site is adjoined by several developments, which are accessed via Anderson Avenue, to the north, and mainly comprise of older style single storey dwelling houses. To the west, is an older style townhouse development comprised of ten units under the ownership of NSW Land and Housing Corporation. The site is located to the north of a three way junction between Memorial Avenue and Murphy Avenue.

An aerial photograph and photographs of the site are provided below.



Figure 1 - Aerial photograph of the site

2.2 The locality

The site is located in Liverpool and is approximately 600m west of the periphery of the Liverpool City Centre area. The site is located in a residential block bounded by Memorial Avenue, Hillier Road, Anderson Avenue and Flowerdale Road. The block contains a mixture of one and two storey detached dwelling houses, some townhouse developments and one other residential flat building at the corner of Memorial Avenue and Hillier Road.

The locality also demonstrates a similar combination of built forms, with buildings ranging from single storey dwellings to four storey walk up residential apartment buildings. Existing residential apartments are generally closer to the Liverpool City Centre whereas single dwelling development predominately characterises land to the west of the site. The subject site and its immediate surrounds represents a transition from the high density living adjacent to the Liverpool City Centre to low density residential environment, west of the site.

The Liverpool-Parramatta Transit Way is located within 200m east of the site and sits adjacent to Brickmakers Creek. Liverpool Westfield is located 1.5km to the north east of the site and Liverpool train station is located 1.4km to the east of the site. Hume Highway/Copeland Street is approximately 540m east of the site and marks the transition to the Liverpool City Centre area. Located 200m to the north of the site is the Liverpool Cemetery and Crematorium.

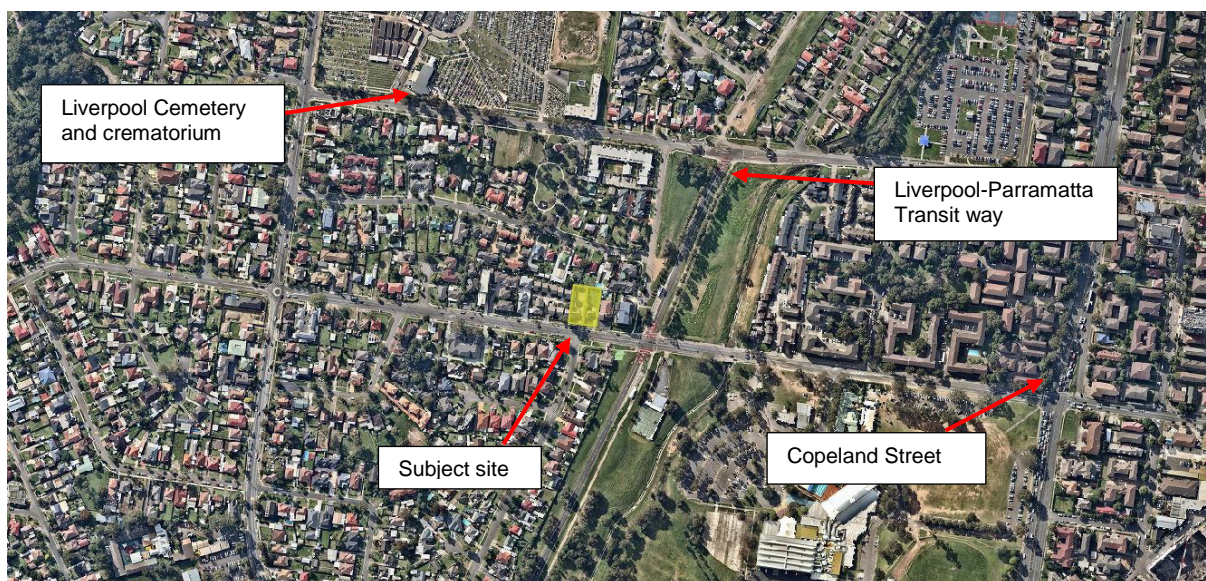


Figure 2 – Aerial Photograph of the Locality

2.3 Site affectations

The subject site is affected by the following:

Flooding

The site is located within the Cabramatta Creek catchment. The site is not affected by flooding under the 1% annual exceedance probability event (AEP). However, it is affected by the probable maximum flood event. The application was reviewed by Council's Flooding Section and no issues were raised.

Road widening

The subject site is affected by a classified road acquisition on Memorial Avenue and the Roads and Maritime Services (RMS) is the relevant acquisition authority. The road acquisition ranges from 3.6m at the western end of the site and extends up to 4.4m at the eastern end of the site and comprises approximately 140m² which is equivalent to approximately 9% of the development site. Thus, all new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land reserved for road widening.

The whole subject site is zoned R4 where the proposed land use of residential flat building is not prohibited. As a result, pursuant to Clause 4.5 of the LLEP 2008, the part of the site subject to land reservation acquisition is not to be excluded from the site area for the purpose of applying floor space ratio.

An image of the road affectation is provided below.



Figure 3 – Aerial image of Road widening

The subject site does not have any other affectations.

3. BACKGROUND

3.1 Design Excellence Panel

The subject application was considered by the Design Excellence Panel (DEP) on 8 December 2016, 16 March 2017 and 15 June 2017.

At the third and final meeting on 15 June 2017 the DEP made the following comments in relation to the project:

- *Applicant confirmed that common corridors have been included as part of the GFA of the development and the proposal has removed 1 unit as a result of the proposed amendments.*

Comment: The applicant has submitted a GFA calculation that indicates common corridors have been included as part of the GFA of the development. This calculation can be found in Attachment 1. Council has also calculated the GFA of the proposed development to be consistent with the calculation provided by the applicant.

- *Fixed, translucent windows to kitchens that are setback 5.3m from the side boundaries are acceptable.*

Comment: The plans indicate that kitchen windows that are setback 5.3m from the side boundaries will have fixed, translucent windows.

- *The Panel notes that the amendments incorporated into the development have addressed the majority of the issues raised in the Panel's previous Minutes. Exception is that Level 4 of the building does not comply with the building separation requirements of the ADG. The panel requires amendments to Level 4 to achieve compliance. Balconies and habitable rooms are within the 9m setback area. As a result, the rear section of the top floor units need to be re-planned to comply with the building separation requirements of the ADG.*

Comment: The rear section of the top floor units (i.e. Units 401 and 403) have been revised in the following manner:

- i. The internal layout has been amended so that there is now only one bedroom along the side elevation rather than two bedrooms;
 - ii. The balcony along the side elevation has been removed;
 - iii. The bedroom along the side elevation has been redesigned so that there are no windows facing the side;
 - iv. The balconies at the rear have been reduced in size so as to comply with building separation of 9m from the north property boundary.
- *The narrow roof areas along the side boundaries of Units 402 and 404 are to be made non-trafficable area.*

Comment: The roof areas along the site boundaries of Unit 402 and 404 have been made into non-trafficable areas.

The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council."

The submitted proposal is considered to be consistent with the concept examined by the panel and is considered to have successfully incorporated their comments into the proposal. As stated by the DEP the application did not require any further referral to the DEP as part of the DA assessment process.

3.2 Planning Panel Briefing

A SWPP briefing meeting was held on 14 September 2017. At the meeting the panel requested that Council address the following issues:

Compulsory acquisition of road widening affected portion of the site – process, timeframe

Comment: An enquiry has been made with RMS to clarify the process and timeframe for the delivery of the proposed road widening. Council has contacted the RMS on three separate occasions via email and telephone in order to obtain any information relating to the road widening. However, no information has been forthcoming from the RMS to assist with this enquiry.

Advice on FSR calculation given future land acquisition for road widening over portion of the site

Comment: The SSWPP notes that the area of the site subject to road acquisition has not been excluded from the site area. In this regard, should the road acquisition occur, the floor space ratio on the resultant site would be greater than the maximum of 1.5:1 pursuant to ARH SEPP. The SSWPP has requested Council to confirm that area of road acquisition can be excluded in the site area for the purpose of calculating the floor space ratio of the development.

The site area used for the purpose of applying a floor space ratio to a proposed development is inclusive of the area of the site subject to land reservation acquisition. Subclause (4) Exclusion from site area of Clause 4.5 Calculation of floor space ratio and site area under Liverpool Local Environmental Plan 2008 has specified that:

4.5 Calculation of floor space ratio and site area

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,*
- (b) community land or a public place (except as provided by subclause (7)).*

The whole subject site is zoned R4 where the proposed land use of residential flat building is not prohibited. The part of the site subject to land reservation acquisition is not to be excluded from the site area for the purpose of applying floor space ratio. The site area inclusion is compliant with Clause 4.5 under Liverpool LEP.

Site isolation of eastern neighbour and established Land and Environment Court planning principles

Comment: The SSWPP is to be satisfied that the planning principles established by the NSW Land and Environment Court in the proceedings of *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 have been satisfactorily addressed; as follows:

“Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated

property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.”

The applicant has attempted to amalgamate with No. 127 Memorial Avenue, Liverpool. An offer has been made to and has been rejected by the owner of the adjoining property at No. 127 Memorial Avenue, Liverpool. The applicant has submitted evidence, including a valuation report, the offer made to the owner of No. 127 Memorial Ave, and the rejection of that offer. This can be found in Attachment 13.

In the second matter of *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251, Commissioner Tuor extended the above principles to deal with development of isolated sites and established the following:

“The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.”

The applicant has prepared a concept plan for the neighbouring lot at 127 Memorial Avenue that indicates height, setbacks, site coverage (both building and basement). An extract from the architectural plans submitted for the adjoining site has been reproduced below in Figure 4. This can be found in Attachment 14.

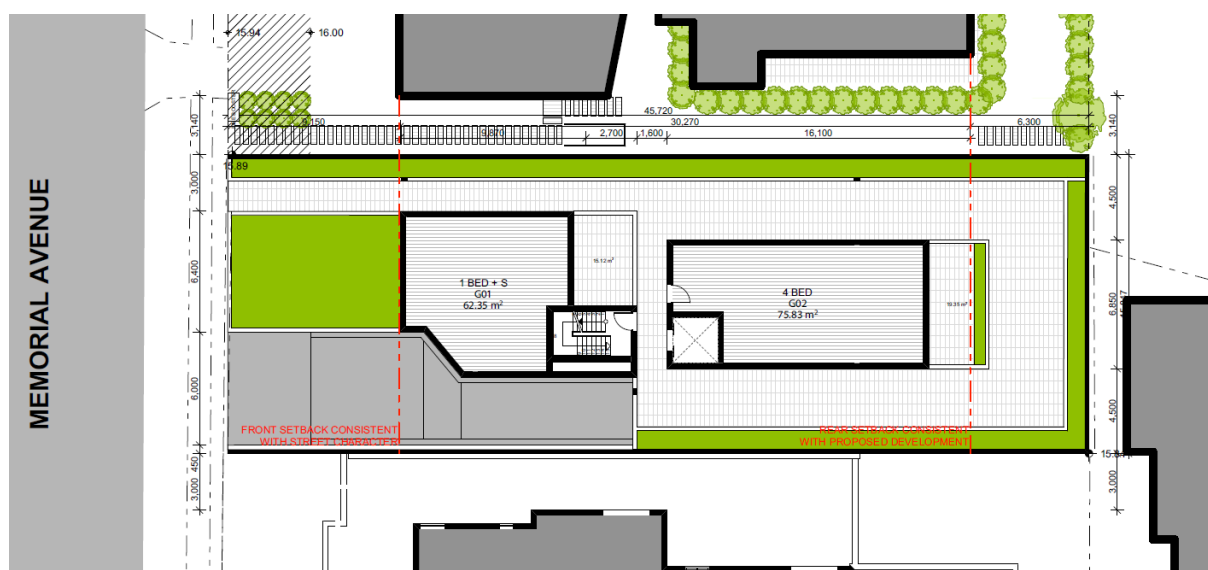


Figure 4 – Potential ground floor level building envelope for the neighbouring site to the east

The concept plan for the 127 Memorial Avenue has been designed in the context of existing residential flat building to the east and the proposed development to the west. In the assessment of the concept, reference was made to the design criteria in the Apartment Design Guide (ADG) and relevant controls in the LLEP 2008 and LDCP 2008.

Having regard to the submitted concept, the applicant provides a scheme that accommodates up to two dwellings on each floor over a basement car park. The building has been designed such that the rear portion of the building is more slender than the front portion which enhances solar access to units both within the site and on adjoining sites. The design also provides an articulated building which provides adequate communal open space on the ground floor and opportunities for deep soil planting on the side and rear boundaries.

Nevertheless, having regard to the submitted concept, it is prudent to provide an indicative floor layout so as to demonstrate how the development will balance requirements for cross flow ventilation, solar access and privacy. The applicant is reluctant to provide such information as the submitted plans can be refined at the detailed design stage to balance all requirements. Council is satisfied that the submitted scheme has scope to achieve a development of appropriate urban form and with an acceptable level of amenity.

The concept plan shows that a residential flat building is developable on this site in the future and no objection is raised to the overall scheme presented to Council.

Unit mix – types of units, social mix, floor area for affordable housing and distribution of affordable housing units throughout development

Comment: The SSWPP has requested that the affordable housing is evenly distributed on each storey of the development rather than being clustered on the Ground, Level 1 and Level 2. The affordable units have been reallocated across all floors as per the comments of the SSWPP.

ADG compliance – building separation, building depth and impact on privacy

Comment: The SSWPP notes that the building separation provided between habitable rooms to the side property boundaries breach the building separation distances identified in the ADG and is not satisfied that the proposal demonstrates how the objectives of the ADG have been

met. In this instance, no changes are required to be made to the building separation of the development as it is considered that the objectives of the ADG can be met by the development.

In conjunction with the additional floor space permitted by virtue of the ARH SEPP, the site is constrained as the land available for development is reduced due to future road widening. The variations in building depth and building separation are to accommodate the development and does not preclude the development from achieving adequate solar access, building modulation and natural ventilation.

The applicant also indicates that privacy measures have been implemented such as glass blocks, eaves and hoods to mitigate the potential overlooking impact of areas that fail to achieve the building separation in the ADG.

In its context, the proposal is unlikely to prejudice adjoining sites from being redeveloped in a suitable manner and the non-compliances are acceptable in the circumstances.

Non-trafficable area on fifth storey

Comment: The non-trafficable area on the fourth floor of the building has been redesigned with planter boxes in an attempt to improve the aesthetics of the building whilst trying to maintain a level of shading for the unit below, which is desirable both as a method for preventing solar overexposure in the summer, as well as rain cover for the private balconies below. A condition will be imposed on any consent granted that requires all non-trafficable areas on the fourth floor to be provided with planter boxes.

Based on the amended plans provided, it is considered that the proposal provides for a development that addresses the concerns raised by Council and is worthy of support.

4. DETAILS OF THE PROPOSAL

Demolition of existing buildings and the construction of a five storey residential flat building containing thirty residential units with basement car parking and ancillary site works. The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Additional details are as follows:

- Construction of a 5-storey residential flat building containing 30 residential units comprising of:
 - Studio unit x 1;
 - 1 bedroom unit x 6;
 - 2 bedroom unit x 17;
 - 3 bedroom unit x 6.
- Building forms are articulated extensively, and facades incorporate a variety of materials and finishes: Building materials primarily include masonry walls, colorbond; louvre blades, timber frame and glass balustrades.
- There is one basement level that comprises car parking spaces, bin rooms, apartment storage, motorcycle parking, lift and stair access for apartments and bicycle parking.

Vehicular and Pedestrian Access

- The proposal involves the construction of a driveway, with access from Memorial Avenue, located toward the eastern boundary of the site. The driveway will provide two-way vehicular access to one (1) level of basement car parking. The main pedestrian access to the development is provided from Memorial Avenue. Additionally, the ground floor units are also provided with access from Memorial Avenue.

Parking Provisions

- The proposed new development will provide 32 parking spaces at basement level, including 3 accessible spaces.

Site Servicing Facilities

- A garbage storage room is proposed in the basement level of the proposed RFB. Collection of bins will be undertaken at the street frontage.

Communal Open Space and Landscaping

- The proposed development provides a large communal open space courtyard, located to the rear of the site. The features of the open space design include outdoor alfresco area with BBQ's, timber benches and kids play area. Planting incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety. Access to the communal open space is achieved via the main pedestrian entrance or along the walkway in the eastern side setback of the site.

Stormwater Drainage

- Stormwater runoff from the proposed development will connect to the proposed on-site detention basin located to the east of the driveway.
- Stormwater will be connected to the kerb inlet pit proposed along Memorial Avenue.

Lot Consolidation

- 129 and 131 Memorial Avenue will be consolidated into one lot.

Demolition

- Demolition of existing buildings on site at 129 and 131 Memorial Avenue, consisting of two detached dwellings and associated structures.

A visual perspective of the proposed development is provided below:



Figure 5 – Perspective view from Memorial Avenue looking west

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Affordable Rental Housing) 2009.
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- No applicable draft planning instruments apply to the site

Development Control Plans

- *Liverpool Development Control Plan 2008*
 - Part 1 – General Controls to all development
 - Part 3.7 – Residential Flat Buildings in the R4 zone

Contributions Plans

- Liverpool Contributions Plan 2009

5.2 Zoning

The subject site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in figure 6 below:

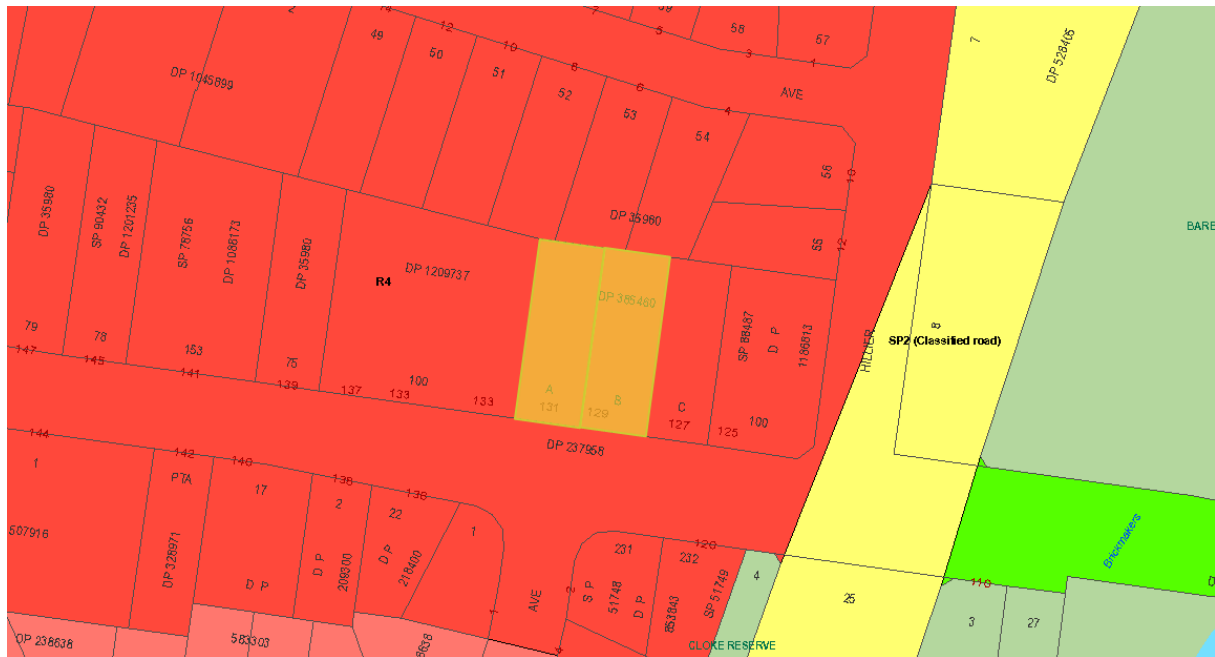


Figure 6 – Extract of LLEP 2008 zoning map

5.3 Permissibility

The proposed development would be defined as a 'Residential Flat Building', which is permissible within the R4 Zone with consent.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

State Environmental Planning Policy (Affordable Rental Housing) 2009

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. The proposal demonstrates full compliance with the relevant provisions, as detailed below.

Provision	Comment
Part 2 New Affordable Rental Housing	
Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
<i>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i>	Complies

<p>(a) the development concerned is permitted with consent under another environmental planning instrument, and</p> <p>(b) 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 Heritage Act 1977.</p>	<p>The development is permitted with consent under the LLEP 2008 and the site does not contain a heritage item.</p>
<p>(2) 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.</p> <p><i>'accessible area' means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p>Complies</p> <p>The site is 130m from the bus stop located within the Liverpool Transit Way.</p> <p>The bus stop is serviced by the T80 bus, which travels between Liverpool Station and Parramatta Station.</p> <p>The above bus service operates within the parameters specified in the SEPP (Affordable Rental Housing) 2009.</p>
Clause 13 Floor Space ratio	
<p>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</p>	<p>Complies</p> <p>It is proposed that 50% of the gross floor area of the development will be utilised for affordable housing.</p>
<p>(2) 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:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 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</p>	<p>Complies</p> <p>It is proposed that 50% of the gross floor area of the development will be utilised for affordable housing. Therefore a bonus of 0.5 is afforded. The FSR permissible is therefore 1.5:1</p> <p>The development proposes an FSR of 1.5:1</p> <p>It is recommended that conditions are imposed in order to ensure that 50% of the gross floor area of the development will be utilised for affordable housing.</p>
Clause 14 Standards that cannot be used to refuse consent	
<p>(1) Site and solar access requirements</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(b) Site Area</p> <p>if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	<p>Complies</p> <p>The development site has an area of 1532.98m².</p>
<p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p>Complies</p> <p>The development provides for approximately 503m² of landscaped area which equates to 32.6%.</p>
<p>(d) Deep Soil Zones</p> <p>In relation to that part of the site area that is not built on, paved or otherwise sealed:</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</p>	<p>Complies</p> <p>Approximately 15.6% (240m²) of the site area is a deep soil zone.</p> <p>Approximately, two thirds of the deep soil zone is located within the rear portion of the site.</p>

(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Complies 70% of the development (i.e. 21 units) receive 3 hours of solar access or more.
(2) General <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i>	
(a) parking (ii) 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.	Complies A total of 30 spaces are required. A total of 32 spaces are proposed. It is noted that the SEPP does not strictly provide car parking rates for studio units. As such, car parking rates for 1 bedroom units have been applied to the studio units.
(b) dwelling size if each dwelling has a gross floor area of at least: (i) 35m ² in the case of a bedsitter or studio, or (ii) 50m ² in the case of a dwelling having 1 bedroom, or (iii) 70m ² in the case of a dwelling having 2 bedrooms, or (iv) 95m ² in the case of a dwelling having 3 or more bedrooms.	Considered acceptable Minimum dwelling sizes are as follows: - 35m ² per studio; - 50m ² per 1 bedroom unit; - 70m ² per 2 bedroom unit; and - 90m ² per 3 bedroom unit.
Clause 16 Continued Application of SEPP 65	
Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	Complies An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.
Clause 16A Character of Local Area	
<i>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.</i>	Complies The current character of the area is generally comprised of single and double storey detached dwellings with some townhouse developments and older style residential walk up apartments closer to the Liverpool City Centre. Lots fronting Memorial Avenue, were rezoned to R4 – High Density Residential development pursuant to the Liverpool Local Environmental Plan (LLEP) 2008. The area is currently in transition from low density residential to high density residential. The proposed development comprises a residential flat building that accommodates a total of 30 dwellings in five storeys, above one basement level for car parking. Although the proposed development does not strictly conform to the current character of the area, given the prevalence of low density residential, it will nevertheless conform to the future desired character of the area. It is expected that adjoining sites would be developed in accordance with the current LLEP 2008 and LDCP 2008. As such, the proposed development generally complies with these requirements and therefore contributes to the desired future character of the area.
Clause 17 Must Be Used for Affordable Housing for 10 Years	
(1) 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:	
(a) for 10 years from the date of the issue of the occupation certificate:	Complies To ensure that the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of

<p>(i) <i>the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i></p> <p>(ii) <i>all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i></p> <p>(b) <i>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 Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i></p>	affordable housing; conditions of consent have been imposed.
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State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 65 applies to the proposal, as the application involves residential flat buildings greater than 3-storeys in height and containing more than 4 units. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.

Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and compliance with such.

DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
<p>PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER</p> <p>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.</p> <p>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.</p> <p>Consideration of local context is important for all sites, including sites in</p>	Yes.	<p>The proposed development complies with the objectives of the Liverpool LEP 2008 zone controls for R4 High Density residential development and will therefore complement the desired future character of the area.</p> <p>It is noted that the area is in transition from low and medium density housing to high density housing. The building type proposed partially conforms to Council's building envelope controls for RFBs.</p> <p>The building is highly articulated and is broken down into three volumes facing Memorial Avenue, this is compatible with the built form character of the area; as is with the building materiality.</p> <p>The proposal incorporates an attractive landscape area that surrounds the built form on ground level. This includes provisions for large tree planting in deep soil zones within side and rear setbacks; these plantings will enhance the character of the development. Generous private open spaces are provided to ground floor units, allowing for an activated and dynamic street character.</p>

established areas, those undergoing change or identified for change.		It is considered that the proposal is appropriate for the context considering it is located within the high density residential zone. It is considered the subject development is consistent with the desired future character of the area.
<p>PRINCIPLE 2: BUILT FORM AND SCALE</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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.</p>	Yes.	<p>The design proposals scale in terms of bulk and height has been carefully considered to respond to the areas transition into a future growth area. The proposed scheme breaks up the massing on site as a result of material selection, massing techniques and landscaping.</p> <p>The building form aims to reduce the perceived mass of a development of this scale by breaking up the masses in to vertical elements and fine grain detail to the bulk of the building.</p> <p>The scale and height of the proposed development is appropriate to its R4 zoning.</p>
<p>PRINCIPLE 3: DENSITY</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>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.</p>	Yes.	The proposed development is located approximately 130m heading east walking distance from bus stops on Liverpool Transit Way. The proposal will contribute to a high quality streetscape for the area. The unit sizes are according to the SEPP 65 standards and each unit is provided with a private open space. The density is appropriate for the site given its accessibility to public transport, access to common and communal open space, the built form context, and the high amenity achieved for every unit in the development.
<p>PRINCIPLE 4: SUSTAINABILITY</p> <p>Good design combines positive environmental,</p>	Yes.	The proposed development is consistent with the BASIX requirements applicable and with the BASIX certificates provided. The proposed development has maximised solar

<p>social and economic outcomes.</p> <p>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.</p>		<p>access and natural ventilation, based on the design.</p>
<p>PRINCIPLE 5: LANDSCAPE</p> <p>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.</p> <p>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.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Yes</p>	<p>Landscaping of private and communal open spaces wrap around the building at ground level. The landscaping of the site is predominantly to the same domestic scale as surrounding individual residential properties, however the proposed planting schedule has considered a much more generous amount of trees and shrubs given that neighbouring properties have little or minimal garden provided.</p> <p>The building is considered consistent with the streetscape, and additional planting is proposed to further enhance its contextual design response. The proposed landscaped areas will aid in reducing the scale of the building and integrate the development with the surrounding environment.</p>
<p>PRINCIPLE 6: AMENITY</p>	<p>Yes.</p>	<p>The proposed development has a maximum of 7 units off a single core, which helps to</p>

<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>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.</p>		<p>ensure good amenity for residents. Proposed lobbies and corridors have a generous width, not only allowing access by persons with a disability but avoiding a dark or tight space. Further to this the applicant provides vertical screen louvres at the ends of the lobby to enable natural ventilation of communal spaces.</p> <p>The proposed apartment layout allows adequate circulation and privacy for each room. The solar access for the development is sound with minimal single aspect apartments facing south. The development also achieves a high degree of cross-ventilation. Sufficient private open spaces ensure good solar penetration and ventilation to each unit.</p> <p>The proposed development is considered satisfactory in terms of amenity.</p>
<p>PRINCIPLE 7: SAFETY</p> <p>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.</p> <p>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.</p>	Yes.	<p>The proposal has been designed to take into account the safety and security both externally and internally of the development. The design is considered to appropriately incorporate the CPTED principles namely surveillance, access/egress control, territorial reinforcement and space management.</p>
<p>PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit</p>	Yes.	<p>The proposal includes a variety of different housing typologies that will be offered in different sizes and layouts. The mix in housing typologies will help diversify the residents in the development.</p> <p>The applicant also provides 50% of apartments for the purpose of affordable housing for a minimum period of 10 years.</p> <p>The proposed development is designed to maximise accessibility for access impaired. Sufficient disabled car parking facilities have</p>

<p>the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>		<p>been provided in the basement level. Passenger lifts provide easy access to all levels of the building.</p> <p>10% of the proposed units are also adaptable. This is shown on the plans as units 104, 204 and 304.</p> <p>The proximity of the site to transport alternative to the private car, along with the proximity of local services will assist in reducing the emission of greenhouse gases and cost of living. Bicycle parking is provided to further promote alternative means of transport.</p>
<p>PRINCIPLE 9: AESTHETICS</p> <p>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.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	Yes.	<p>The proposed development is considered to be aesthetically pleasing. The proposed development has incorporated an appropriate diversity of building elements, textures, materials and colours to enable a suitable design outcome. The proposed development has effectively responded to its surrounding context in terms of streetscape appearance and the desired future character of the area.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled the Apartment Design Guide (ADG). The following table outlines compliance with the ADG, where numerical requirements ('controls') are specified.

Development Standard	Proposed	Comment
2E Building Depth		
Max 12m – 18m	All levels provide 22m building depths.	Further discussion on the non-compliances are provided below.
2F Building Separation		
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms 	<p>These separation distances apply to the ground floor, Level 1, Level 2 and Level 3.</p> <p>The extent of the building separation non-compliance along the eastern and western elevation on levels 1, 2 and 3 equates to 3m or 50%.</p>	Further discussion on the non-compliances are provided below.

Development Standard	Proposed	Comment
<ul style="list-style-type: none"> • 6m between non-habitable rooms <p>Note: <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</i></p>		
<p>Five to eight storeys (12m to 25m)</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</i></p>	<p>These separation distances apply to Level 4.</p> <p>The extent of the building separation non-compliance along the eastern and western elevation on Level 4 equates to 4.5m or 50%.</p>	Further discussion on the non-compliances are provided below.
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	A detailed site analysis plan has been provided	Complies
3B Orientation		
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>The proposed RFB has been designed to address Memorial Avenue. All ground floor units are provided with private access.</p> <p>The proposal will exceed the maximum building height control. However, it is noted that the additional shadow cast will fall onto Memorial Avenue rather than onto adjoining residential development.</p>	Complies
3D Communal and public open space		
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the</p>	<p>The proposal provides a communal open space area greater than 25%. The communal open space is orientated to the north of the site and achieves adequate solar access.</p>	Complies

Development Standard			Proposed	Comment												
<p>communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>			Communal open space is consolidated into a well-defined square within the development site, providing equal access and common circulation.													
3E Deep soil zones																
7% of the site area is to be for Deep Soil zone.			15% of site area provided as deep soil zone.	Complies												
3F Visual Privacy																
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</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>12m 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>			Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The extent of the building separation non-compliance along the eastern and western elevation on levels 1, 2 and 3 equates to 3m or 50%.</p> <p>The extent of the building separation non-compliance along the eastern and western elevation on Level 4 equates to 4.5m or 50%.</p>	Further discussion on the non-compliances are provided below.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms														
Up to 12m (4 storeys)	6m	3m														
12m to 25m (5-8 storeys)	9m	4.5m														
Over 25m (9+ storeys)	12m	6m														
3G Pedestrian Access and Entries																
<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Access, entries and pathways are accessible and easy to identify</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>			Primary access to the building will be via Memorial Avenue, The pedestrian and vehicle access points have been clearly separated to minimise conflicts.	Complies												
3H Vehicle Access																
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and			Vehicle access points are located to achieve safety and minimize conflict.	Complies												

Development Standard	Proposed	Comment
vehicles and create high quality streetscapes		
3J Bicycle and Car Parking		
<p>For development in the following locations:</p> <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 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>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, whichever is less. The car parking needs for a development must be provided off street</p>	Car parking has been provided in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009.	Complies
Parking and facilities are provided for other modes of transport		
Car park design and access is safe and secure		
Visual and environmental impacts of underground car parking are minimised		
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimise		
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building 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	The proposed development provides 70% solar compliance.	Complies

Development Standard	Proposed	Comment										
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												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Only 13% of units receive no direct sunlight between 9am – 3pm on the winter solstice.	Complies										
4B Natural Ventilation												
All habitable rooms are naturally ventilated	The proposed development has been amended to provide 66% of units with natural cross ventilation.	Complies										
The layout and design of single aspect apartments maximises natural ventilation												
At least 60% of apartments are naturally 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												
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line												
4C Ceiling Heights												
Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.	The development only proposes single storey apartment units, each with a minimum ceiling height of 2.75 metres for habitable rooms and 2.4 metres for non-habitable rooms.	Complies										
4D Apartment Size and Layout												
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></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>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	The apartments comply with the minimum size areas.	Complies
Apartment Type	Minimum Internal Area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and												

Development Standard	Proposed	Comment															
further additional bedrooms increase the minimum internal area by 12m ² each																	
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	Habitable rooms are provided with windows of sufficient glass areas.	Complies															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable rooms are generally limited to 2.5m x the ceiling height.	Complies															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Kitchens are generally 8m from a window.	Complies															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Bedrooms are of sufficient size.	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3m.	Complies															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	Sufficient widths are provided to living rooms/dining rooms.	Complies															
4E Private Open Space and Balconies																	
<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelli ng Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> </thead> <tbody> <tr> <td>Studi o</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedro om</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedro om</td><td>10m²</td><td>2m</td></tr> <tr> <td>3 bedro om</td><td>12m²</td><td>2.4</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelli ng Type	Minimum Area	Minimum Depth	Studi o	4m ²	-	1 bedro om	8m ²	2m	2 bedro om	10m ²	2m	3 bedro om	12m ²	2.4	The development provides for sufficient balcony size and depths.	Complies
Dwelli ng Type	Minimum Area	Minimum Depth															
Studi o	4m ²	-															
1 bedro om	8m ²	2m															
2 bedro om	10m ²	2m															
3 bedro om	12m ²	2.4															

Development Standard		Proposed	Comment															
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 15m ² and a minimum depth of 3m		More than 15m ² of private open space is provided to ground floor units.	Complies															
4F Common Circulation and Spaces																		
The maximum number of apartments off a circulation core on a single level is eight		There is no more than 8 units off a single service core.	Complies															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40		Noted	Not Applicable															
4G Storage																		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td>Dwelling Type</td><td>Storage Volume</td><td>Size</td></tr><tr><td>Studio</td><td>4m³</td><td></td></tr><tr><td>1 bedroom</td><td>6m³</td><td></td></tr><tr><td>2 bedroom</td><td>8m³</td><td></td></tr><tr><td>3 bedroom</td><td>10m³</td><td></td></tr></table>		Dwelling Type	Storage Volume	Size	Studio	4m ³		1 bedroom	6m ³		2 bedroom	8m ³		3 bedroom	10m ³		Sufficient storage space is provided within each unit.	Complies
Dwelling Type	Storage Volume	Size																
Studio	4m ³																	
1 bedroom	6m ³																	
2 bedroom	8m ³																	
3 bedroom	10m ³																	
At least 50% of the required storage is to be located within the apartment.																		
4H Acoustic Privacy																		
Noise transfer is minimised through the siting of buildings and building layout		Appropriate noise mitigation measures will be implemented in accordance with the recommendations provided within the Acoustic Report.	Complies															
Noise impacts are mitigated within apartments through layout and acoustic treatments																		
4K Apartment Mix																		
A range of apartment types and sizes is provided to cater for different household types now and into the future		The development provides the following apartment breakdown: <ul style="list-style-type: none">• 23.3% 1 bedrooms• 56.7% 2 bedrooms• 20% 3 bedrooms	Complies															
The apartment mix is distributed to suitable locations within the building																		
4L Ground Floor Apartments																		
Street frontage activity is maximised where ground floor apartments are located		The proposal includes landscaping at ground level to provide for visual interest. The proposed fences and pathways clearly delineate areas of public and private open space.	Complies															
Design of ground floor apartments delivers amenity and safety for residents																		

Development Standard	Proposed	Comment
	Private entries are also proposed to all ground floor units.	
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	The overall design including building façade has been endorsed by the Design Excellence Panel.	Complies
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	The development is in accordance with these objectives.	Complies
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	The development is in accordance with these objectives.	Complies
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	The development is in accordance with these objectives.	Complies
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	10% of units comply with universal design requirements. This is shown on the architectural plans as units 104, 204 and 304. These are a combination of adaptable apartments and Silver Level LGA (Liveable Housing Australia) compliant apartments.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for the development of a new building and not the adaptive reuse of an existing building.	Complies

Development Standard	Proposed	Comment
Adapted buildings provide residential amenity while not precluding future adaptive reuse		
4S Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed use development.	Not Applicable
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Noted	Not Applicable
Signage responds to the context and desired streetscape character		
4U Energy Efficiency		
Development incorporates passive environmental design	The development is in accordance with these objectives.	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	Potable water use is minimised and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.	Complies
Urban stormwater is treated on site before being discharged to receiving waters	This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.	Complies
Flood management systems are integrated into site design	Noted	Not Applicable
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and will be maintained by the caretaker.	Complies
Domestic waste is minimized by providing safe and convenient source separation and recycling		
4X Building Maintenance		

Development Standard	Proposed	Comment
Building design detail provides protection from weathering	The development is in accordance with these objectives	Complies
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

The above assessment has identified a number of non-compliances, namely:

Building Depth

The ADG recommends maximum apartment depths of 12-18m from glass line to glass line. The proposed development generally provides a building depth of 28m. These areas of non-compliance on Level 1 can be seen in **Figure 7** below.

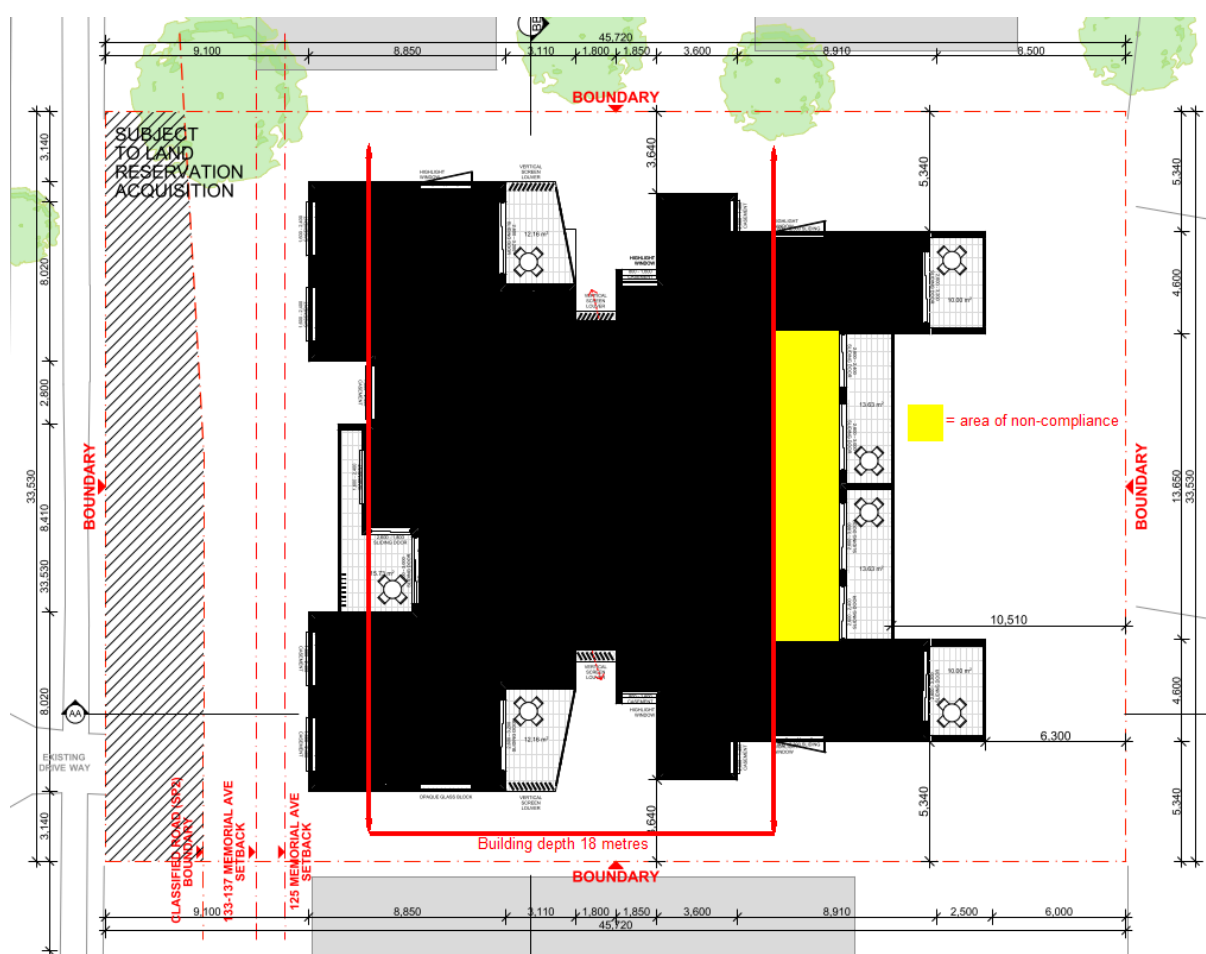


Figure 7 – Extract of the floor plan that shows the extent of non-compliance with Building Depth on Level 1

Due to future road widening, the site is constrained in that the land available for development is reduced by 140m² (9%). In conjunction with the additional floor space permitted by virtue of the ARH SEPP, a variation to the building depth is considered acceptable to accommodate the proposed development. Although the buildings exceed the recommended building depths provided by the ADG, the internal layout of the apartments have been designed to ensure that sufficient solar access and natural ventilation is provided. 70% of the apartments will receive a minimum of 3 hours of solar access and 66% of the apartments are cross ventilated. Council's DEP have reviewed the application and considered the application worthy of support.

Building Separation

The building separation distances of Levels 1, 2 and 3 of the proposed RFB do not achieve compliance with the requirements of the ADG, which stipulates:

- *Up to four storeys:*
 - 12m between habitable rooms/balconies;
 - 9m between habitable and non-habitable rooms; and
 - 6m between non-habitable rooms.

The proposed RFB contains windows to habitable rooms on the eastern and western elevation on all three levels. In this regard, a 6m building separation distance from the side property boundary is applicable (i.e. between habitable rooms/balconies) to all three levels. The application proposes a separation distance of 3.1m for dwellings orientated to the street and 5.3m to dwellings positioned at the rear of the building. These areas of non-compliance can be seen in **Figure 8** below.

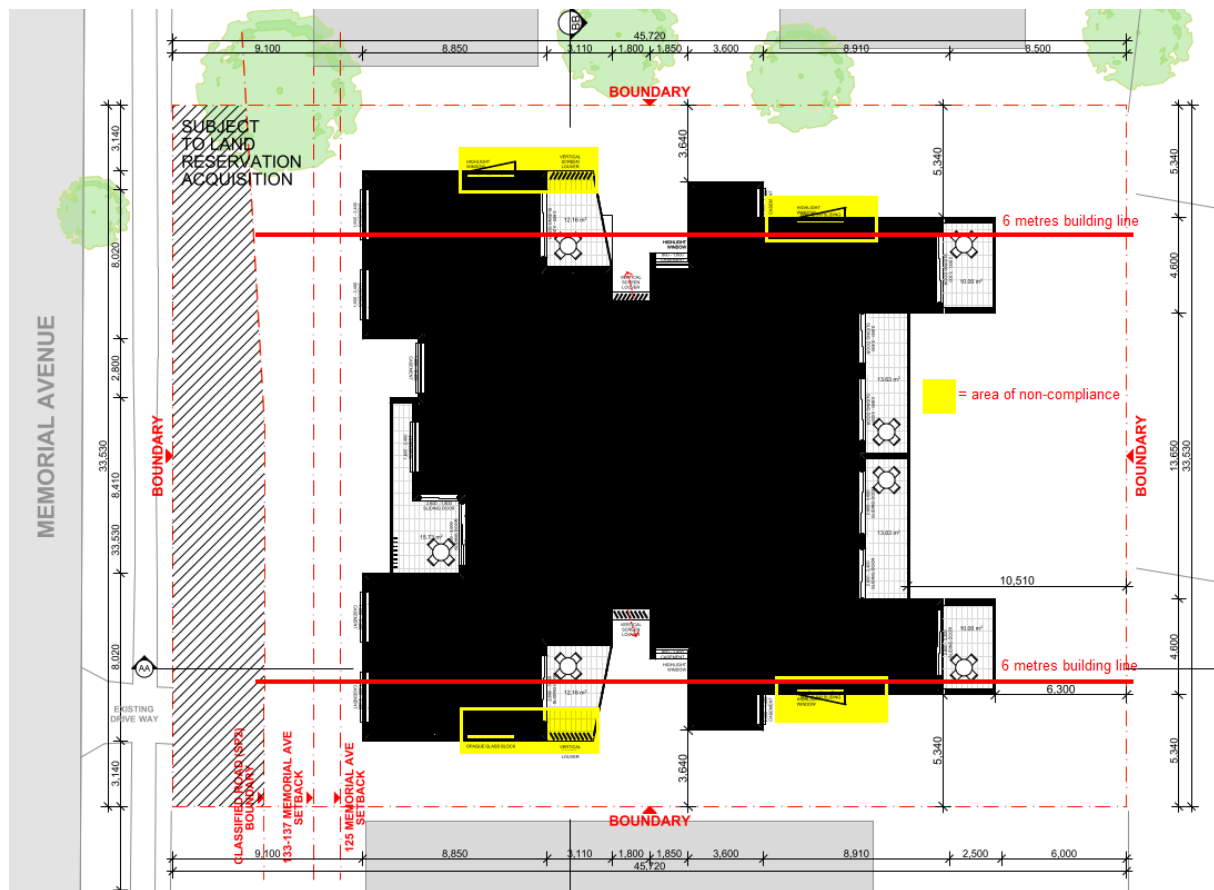


Figure 8 – Extract of the floor plan that shows the extent of non-compliance with Building Separation on Level 1

Also, the building separation distances of Levels 4 of the proposed RFB do not achieve compliance with the requirements of the ADG, which stipulates:

- *Five to eight storeys (12m to 25m):*
 - 18m between habitable rooms/balconies;
 - 12m between habitable and non-habitable rooms; and
 - 9m between non-habitable rooms.

The proposed RFB contains windows to habitable rooms on the eastern and western elevation on Level 4. In this regard, a 9m building separation distance from the side property boundary is applicable (i.e. between habitable rooms/balconies). The application proposes a separation distance of 4.5m for dwellings orientated to the street and 5.3m to dwellings positioned at the rear of the building. These areas of non-compliance can be seen in **Figure 10** below.

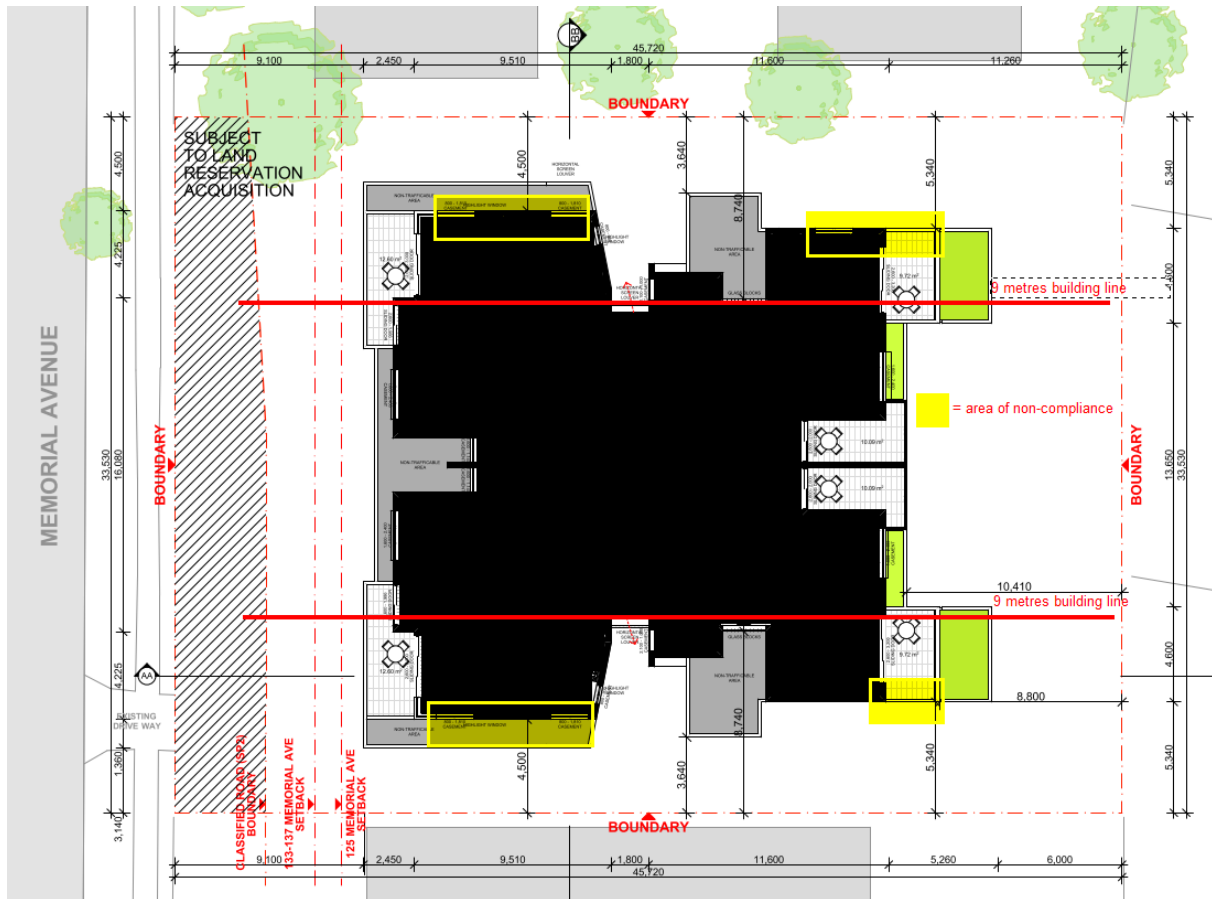


Figure 10 – Extract of the floor plan that shows the extent of non-compliance with Building Separation on Level 4

The subject site is affected by a classified road acquisition on Memorial Avenue that comprises approximately 9% of the site area. The site is constrained as the land available for development is reduced due to this future road widening. In conjunction with the additional floor space permitted by virtue of the ARH SEPP, variations to the building separation are considered acceptable to accommodate the proposed development.

Considering this, reference is made to the aims in setting building separation controls so as to ensure that the overall development achieves design excellence in terms of appropriate massing and space between buildings, high residential amenity of future occupants and surrounds as well as suitable areas of open space and landscaping. The proposed development is considered to be worthy of support for the following reasons:

- In terms of privacy, the development incorporates highlight windows and opaque glass blocks to habitable rooms so as to minimise any overlooking of the adjoining development to the east and west of the site. Privacy screens are also proposed to the side of all apartment balconies.
- Having regard to massing of the building, the development proposes varying setbacks to both side boundaries in excess of the ADG separation distances so as to ensure that

the actual and perceived bulk of the building is minimised when viewed from adjoining properties.

- The upper level of the building has also been designed to be recessive with increased setbacks and further reduces the overall bulk of the development.
- Also, the proposal allows for a development that encourages high quality urban form with the inclusion of extensive communal open space and landscaped areas at ground level.
- The building envelopes provided for the adjoining child care centre to the east indicates that the proposed development is unlikely to prejudice the site from being redeveloped for high density.
- The design of the proposal is unlikely prejudice the redevelopment of the adjoining townhouse development for high density residential in accordance with the objectives of the LLEP 2008 and SEPP 65. The adjoining townhouse development to the west of the site is currently in good condition and is unlikely to be developed in the near future.

Notwithstanding the above, it is important to note that the adjoining site to the west is of an appropriate size (2447sqm) and frontage (50m) that can accommodate a residential flat building design that responds to the proposed building envelope on the subject site whilst still maintaining a high level of residential amenity.

- Council's DEP have also reviewed the application and considered the application to be worthy of support.

Given the above, the variation to the building separation guideline is considered to be acceptable as the overall development achieves design excellence.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to clause 7 the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Aerial images from 2002 found on Council's Geocortex GIS system illustrates the presence of the existing dwelling, which suggests the site has principally been used for residential purposes for at least the past 15 years.

Council's internal record and customer request system (pathway) includes no records of any dumping or contamination complaints or activities associated with the subject site.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary.

The proposal also involves a significant amount of excavation to cater for basement parking. This excavation will also lend itself to remove any potential contamination concerns on site. There will also be conditions imposed requiring any imported soils to the site to undergo a contamination site assessment to ensure all imported soils are free of contaminants.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

A BASIX certificate and report has been submitted with the development application.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures and a Stormwater Concept Plan. The plans provided have been reviewed by Council's development engineer and considered satisfactory
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal has provided suitable storm water concept plans that have been reviewed and considered satisfactory.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has	No State Government Agencies were required to be notified as part of the proposal.

notice,	
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site contains flood affected land. This aspect has been reviewed by Council's Floodplain Engineers who have raised no issues with the proposal.
(4) Industrial discharges	Not applicable in this instance.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	The site is not located within a Vegetated buffer area
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to site remediation and appropriate sedimentation and erosion controls being implemented during construction, the development will have minimal impact on the Georges River Catchment.

Liverpool Local Environmental Plan 2008

As stated previously the subject site is zoned R4 – High Density Residential under Liverpool LLEP 2008. The proposed development is defined as a *Residential Flat Building* and is a permitted form of development in the zone, subject to Council consent.

Zone Objectives

The objectives of the R4 – High Density Residential zone are identified as follows:

- *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.

The proposal satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. It is noted that while immediate development within the vicinity of the site consists of low density residential development; the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housings types within a high density residential environment;
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is within close proximity to transport facilities which include the Liverpool Transit Way.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

Principal Development Standards

The following principal development standards are applicable to the proposal:

Development Provision	Requirement	Proposed	Comment
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Demolition proposed with the development.	Complies
4.3 Height of Building	The maximum building height permitted on the subject land is 15 metres and is marked "O" on the building heights map	16.17m at its highest point	No (Refer to clause 4.6 variation below)
4.4 Floor Space Ratio	The permitted FSR for the site is 1:1 or GFA of 1532.98m ²	FSR proposed is 1.5:1 or GFA of 2300m ²	Not Applicable The SEPP (Affordable Rental Housing) 2009 prescribes a maximum FSR of 1.5:1
7.8 Flood Planning	Provisions relating to development on flood prone land.	This aspect has been reviewed by Council's Flooding Section, who have raised no issues, subject to conditions.	Complies

7.14 Minimum building street frontage	Development consent must not be granted to development, 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.	Site provides 35.53m frontage to Memorial Avenue.	Complies
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Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, building height does not comply with the provisions of the LLEP 2008 and is discussed as follows:

Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site.

The development proposes a maximum height of 15.42m to roof slab which represents a numerical variation of 420mm or 2.8% and a maximum height of 16.17m to lift overrun which represents a numerical variation of 1.17m or 7.8%. As demonstrated below, the non-compliant height relates to a portion of level 4 of the development and lift overruns.

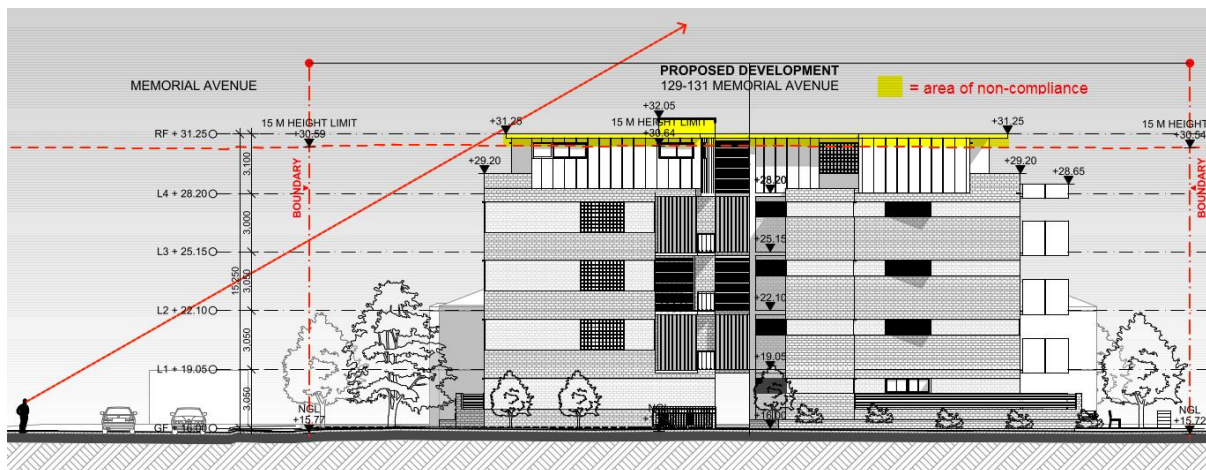


Figure 11 – Extract of the section plan showing the building elements which exceed the height limit.



Figure 12 – 3D perspective of the building elements which exceed the height limit.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 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.*
- (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*

1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

The variation is considered reasonable on the basis that:

- *As per the meeting minutes of Liverpool Design Excellence Panel Meeting held on 16 March 2017, in response to the DEP's comments, the floor to floor height has been increased from 3000mm to 3050mm for all levels above ground. This amendment would enhance the natural ventilation and daylight access in each floor to achieve the objectives and design criteria under ADG 4C.*
- *The proposed development responds to and sensitively relates to the broader transitional context in the locality, and complements the established scale and character of the streetscape of Memorial Avenue. The highest point of the lift overrun is hardly visible from the street, it does not impair the natural qualities of the existing local settings. As viewed from the street, the proposed building is presented as a five-storey residential flat building with reasonable setbacks and articulation. Well-articulated façade and good landscaping design enable the vegetation to soften the visual impact of the proposed residential flat building. There is no adverse urban design impact to the neighbourhood. The proposal is considered to contribute to the streetscape of Memorial Avenue, and establishes a well-designed development in the precinct.*
- *The building height non-compliance of the LLEP height standard will be considered insignificant and to have no adverse impact on overshadowing neighbouring properties as well as the amenity of the proposed residential flat building. Additionally, the height will remain consistent with the desired future character of the area.*

In response to the applicant's submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

- The original scheme proposed a maximum height of 15.45m to roof slab which represents a numerical variation of 450mm or 3% and a maximum height of 16.22m to lift overrun which represents a numerical variation of 1.22m or 8.1%. The submitted written statement to vary Clause 4.3 – Height of Buildings was submitted on the basis of these heights. Subsequent to the DEP meeting on 8 December 2016, the applicant was requested to increase the floor to floor height of each storey from 3000mm to a minimum of 3050mm, thereby elevating the overall height of the proposed development by 250mm.
- It is noted that the height of the ground floor levels of the development above the natural ground level range from 250mm to 420mm. The height of floor levels gradually increases in height to the south-east as per the topography of the site. Considering this, the subject site accommodates a five storey built form, characteristic of development that is to be anticipated in a zone that permits a building height of 15m that only contravenes this development standard in order to achieve a high standard of amenity for future residential occupants. In this case, there are sufficient environmental grounds to support the proposed variation to Clause 4.3 - Height of Buildings.
- The development proposes a maximum height of 16.17m to lift overrun which represents a numerical variation of 1.17m or 7.8%. However, it is noted that the lift overrun is located within the centre of the development and does not result in any adverse impacts to surrounds in terms of streetscape character and overshadowing.

Considering this, the lift overrun is a breach of the height limit that is considered to be reasonable and compliance is not necessary in this instance.

- The proposed non-compliant building height was reviewed by the DEP. The panel found that the proposed development exhibits design excellence when assessed against the design principles of SEPP 65 such as context, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.
- Given the large site area, it is considered that the proposed development is of an appropriate bulk and scale.

2) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment 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 is considered to be consistent with the objectives of Clause 4.3 of LLEP 2008, in that notwithstanding the height exceedance, it will provide a built form that is compatible with the intended future character of the area.

The subject site accommodates a five storey building which is characteristic of development that is to be anticipated in a zone that permit a height of buildings of 15m. The proposed development is considered modern in its design with a strong four storey presentation to the street frontages. The upper level of the building has been designed to be recessive with increased setbacks and contrasting metal clad walls in a darker finish.

The proposal allows for a development that encourages high quality urban form with the inclusion of extensive communal open space and landscaped areas at ground level. In addition, the proposed development has been well articulated well at the street frontage and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised when viewed from the adjoining properties.

The shadows cast by the development do not significantly alter from a compliant scheme with the majority of the additional shadow cast over Memorial Avenue itself rather than to neighbouring properties.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 4.3 of LLEP 2008.

3) Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 zone are as follows;

- *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.*

The proposal will provide for 30 new residential units which is reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing within the Liverpool local government area and the applicant responds to this need by offering 50% of the dwellings as affordable housing for a period of at least 10 years, as per the requirement under the SEPP (Affordable Rental Housing) 2009.

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 LGA.

Regular bus services are available from Memorial Avenue and nearby Liverpool Transit Way. Also, the site is within walking distance of Liverpool City Centre which comprises a large employment generating district abundant in health care and education facilities.

4) Consistency with Clause 4.6 objectives

- to provide an appropriate degree of flexibility in applying certain development standards to particular development*
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

As detailed above, the request to vary the development standard of Clause 4.3 - Height of Buildings is considered to be well founded and justified under the circumstances. It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site. Moreover, it is considered that achieving a greater height in this instance will allow for the creation of a high quality development within the locality and in turn represents a design outcome that is suitable for the locality.

5) Recommendation

The proposed variation to the Clause 4.3 “*height of buildings*” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that apply to the site.

6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Part 1 - General Controls for all Development and Part 3.7 – Residential Flat Buildings in the R4 Zone of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

Controls	Comment	Complies
PART 1 - GENERAL CONTROLS FOR ALL DEVELOPMENT		
2. TREE PRESERVATION	Removal of trees to be replaced as per landscape plan.	Yes
3. LANDSCAPING	25% of the site is provided as landscaped area and 15% of the site is provided as deep soil planting area.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	N/A	N/A
5. BUSH FIRE RISK	N/A	N/A
6. WATER CYCLE MANAGEMENT	The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development, subject to conditions.	Yes
7. DEVELOPMENT NEAR WATERCOURSE A	Subject site is not near a watercourse or river.	N/A
8. EROSION AND SEDIMENT CONTROL	Will be addressed through conditions of consent.	Yes
9. FLOODING RISK	Subject site is in a low flood risk precinct. The proposal was referred to Council's flooding engineers for comments. No objection is raised to the proposed development.	Yes
10. CONTAMINATION LAND RISK	Site not recognised as being contaminated.	N/A
11. SALINITY RISK	Proposal will not have detrimental impacts on salinity	Yes
12. ACID SULFATE SOILS	Site is not affected by Acid Sulfate Soils.	N/A
13. WEEDS	No identifiable noxious weeds on site.	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	Existing detached dwelling houses to be demolished at the site.	Yes
15. ON-SITE SEWERAGE DISPOSAL	Existing connection. Condition of consent will be placed ensuring sewerage is upgraded to handle proposal.	Yes
16. ABORIGINAL ARCHAEOLOGICAL SITES	No items identified	N/A
17. HERITAGE AND ARCHAEOLOGICAL SITES	No heritage sites	N/A
18. NOTIFICATION OF APPLICATIONS	Application was notified in accordance with DCP. No submissions were received.	Yes

19. USED CLOTHING BINS	N/A	N/A
20. CARPARKING AND ACCESS	The parking rates prescribed in the SEPP (ARH) 2009 overrides those provided in the DCP.	N/A
21. SUBDIVISION OF LAND AND BUILDINGS	No subdivision proposed	N/A
22. WATER CONSRVATION	Proposed development provided BASIX certificate. Certificate was reviewed and considered satisfactory.	Yes
23. ENERGY CONSERVATION	Proposed development provided BASIX certificate. Certificate was reviewed and considered satisfactory.	Yes
25. WASTE DISPOSAL & RE-USE FACILITIES	The basement is provided with a bin storage room which is capable of storing the necessary number of bins for 30 units. Consent will have necessary conditions imposed regarding waste disposal	Yes
26. OUTDOOR ADVERTISING AND SIGNAGE	N/A	N/A
27. SOCIAL IMPACT	It is considered that the proposed development is generally consistent with the objectives of Chapter 27 of Part 1 LDGP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good amenity provided by the COS proposed within the development, proximity to public recreational space in proximity to the site and access to community and transport services.	Yes

Part 3.7 – Residential Flat Buildings in the R4 Zone		
Frontage and Site Area		
	Minimum frontage of 24m	Complies A frontage of 35m is provided.
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies Minimal earthworks are proposed except for the basement level.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Complies Application is accompanied by a BASIX certificate.

	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies Safe access is provided.
	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.	Complies The development is in accordance with the objectives of the zone.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	Complies This aspect has been reviewed by Council's Development Engineering officers, who have recommended approval subject to conditions.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies As demonstrated within this report, the development mostly demonstrates compliance with SEPP 65.
Setbacks		
Front Setback	Front building setback of 5.5m is required from the street.	Complies A front setback of 9.1m is provided to the building.
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Complies Encroachments into the front setback are provided which include the terraces of the ground floor units and balconies of the upper floor units.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, first floor and second floor)	Complies A 3m side setback is provided to the building for a height of 10m
	Boundary to land in R4 zone: 8m building setback required for a building height up greater 10m (i.e. third and fourth floor)	Non Compliance All building elements comply except for the following: Third Floor – 3.1m side setback to the wall and side of balconies for Units 302 and 306; and 3.6m side setback to the wall as well as 5.3m side setback to the side of balconies for Unit 301 and 307. Fourth Floor – 4.5m side setback to the wall and side of balcony of Unit 402 and

		404; and 5.3m to the wall and side of balcony of Unit 401 and 403. See below discussion.
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	Non Compliance All building elements comply except for the following: First Floor – 6.3m rear setback provided to the balcony of Unit 101 and 107; Second Floor – 6.3m rear setback provided to the balcony of Unit 201 and 207; Third Floor – 6.3m rear setback provided to the balcony of Unit 301 and 307. See below discussion.
Landscaped Area and Private Open Space		
Landscaped Area (Deep Soil Zone)	A minimum of 25% of the site area shall be landscaped area.	Complies Approximately 25% of the site area is landscaped area.
	A minimum of 50% of the front setback area shall be landscaped area	Complies Majority of front setback area is landscaped area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front, rear and side setbacks.
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies A variety of native plant species are provided.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies Communal open space is provided.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings.	Complies The communal open space is well located.

	<ul style="list-style-type: none"> - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking. 	
	Locate open space to increase the potential for residential amenity.	Complies The communal open space increases the potential for residential amenity.
Private Open Space	Private open space shall be provided as follows: <ul style="list-style-type: none"> - 10m² for a dwelling size less than 65m² - 12m² for a dwelling size over 65m² 	Complies Private open space requirements are provided in accordance with the requirements of the ADG.
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards are provided for units on the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: <ul style="list-style-type: none"> a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design. 	Complies The composition of building elements, materials, textures and colours will complement the existing and likely future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.
Roof Design	Objectives of the controls are:	Complies

	<p>a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;</p> <p>b) To integrate the design of the roof into the overall facade, building composition and desired contextual response;</p> <p>c) To increase the longevity of the building through weather protection.</p>	The proposed roof design contributes positively to the design of the building.
Building Entry	<p>Objectives of the controls are:</p> <p>a) To create entrances which provide a desirable residential identity for the development.</p> <p>b) To orient the visitor.</p> <p>c) To contribute positively to the streetscape and building facade design.</p>	<p>Complies</p> <p>Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.</p>
Balconies	<p>Objectives of the controls are:</p> <p>a) To ensure that balconies contribute positively to the façade of a building.</p> <p>b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.</p> <p>c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.</p> <p>d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.</p>	<p>Complies</p> <p>Proposed balconies are integrated into the architectural form of the development and will compliment the façade and also provide for casual surveillance.</p>
Daylight Access	<p>Objectives of the controls area:</p> <p>a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.</p> <p>b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.</p> <p>c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.</p>	<p>Complies</p> <p>The majority of the units and the communal open space will receive adequate solar access.</p>
Internal Design	<p>Objectives of the controls are:</p> <p>a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.</p>	<p>Complies</p> <p>The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.</p>

Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies The ground floor units will complement the streetscape and provide safe access.
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	Complies Entrances to buildings are clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.
Natural Ventilation	Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	Complies All units have direct access to natural ventilation.
Building Layout	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage.	Complies Storage spaces are provided within each apartment. A bulk storage area is also proposed in the basement car park.
	Storage areas must be adequately lit and secure. Particular attention must be	Complies Storage areas within the basement will be adequately lit.

	given to security of basement and garage storage areas.	
Landscaping and Fencing		
Landscaping	<p>Objectives of the controls are:</p> <p>a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.</p> <p>b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.</p> <p>c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p>	<p>Complies</p> <p>The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.</p>
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Considered acceptable The developments provides for a front fence with a height of 1.8m. The fence is setback 3.5m from the front boundary and is screened with landscaping.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	Complies Given that a significant portion of the fence is transparent, it is unlikely to prevent casual surveillance.
	The front fence must be 30% transparent.	Complies The fence is masonry with horizontal timber slats.
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	Complies The front fence consists of masonry.

	The maximum height of side boundary fencing within the setback to the street is 1.2m.	Complies No side boundary fence has been indicated in the front setback
	Boundary fences shall be lapped and capped timber or metal sheeting.	It is recommended conditions are imposed to ensure compliance.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, visitor spaces are not required.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, visitor spaces are not required
	Pedestrian and driveways shall be separated.	Complies Pedestrian and driveways are separated.
	Driveways shall be designed to accommodate removalist vehicles.	Not Applicable On-street parking is available for 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 the front of the building may be considered if the entrance is not readily visible from the street.	Not Applicable Side vehicular entrance is not appropriate in this instance.
	Give preference to underground parking	Complies Underground parking is provided.
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Complies Pedestrian entries are clearly defined and accessible.
Amenity and Environmental Impact		
Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and	Complies Shadow diagrams of the proposed development have been prepared for 21June (winter solstice).

	- 50% of the private open space.	<p>The shadow diagrams demonstrate that the proposal is likely to generate an overshadowing impact on the:</p> <ul style="list-style-type: none"> - adjoining property to the west at 9am; - existing child care centre to the east at 3pm <p>Sufficient solar access is provided as all properties will receive solar access for 3 hours or more.</p>
Privacy	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space. 	<p>Complies</p> <p>The building has been designed to generally comply with the setback provisions of the LDCP 2008. It is noted that some variations are proposed to the building setbacks, however these variations are offset through the provision of privacy measures in order to minimise the potential impact of overlooking.</p>
Acoustic Impact	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings. 	<p>Complies</p> <p>As discussed previously within this report, the development is able to achieve a high level of amenity, subject to the implementation of noise attenuation measures outlined in the submitted acoustic report.</p>
Site Services		
	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained. 	<p>Complies</p> <p>All required site services will be provided to the site and maintained.</p>

Notwithstanding the variations, the development is considered to be acceptable and is supported, as discussed below.

Variation to the side and rear setback provisions

The proposal involves the following variations to the LDCP 2008 setback controls:

- The minimum side setback. The LDCP 2008 requires a side setback of 10m to all building elements above 10m. The development proposes a minimum side setback of 3.1m to the habitable rooms of the third floor and a minimum side setback of 4.5m to the habitable rooms of fourth floor.

- The minimum rear setback requirement. The LDCP 2008 requires a rear setback of 8m to all building elements. The development complies, except for the following:
 - First Floor – 6.3m rear setback provided to the balcony of Unit 101 and 107;
 - Second Floor – 6.3m rear setback provided to the balcony of Unit 201 and 207; and
 - Third Floor – 6.3m rear setback provided to the balcony of Unit 301 and 307.

With respect to the variations to setbacks, the variations are considered to be acceptable as the development is unlikely to negatively impact neighbouring properties. This is because the design of the building has carefully addressed the potential impacts of lesser setbacks and has been able to achieve the objectives of the controls, despite the numerical variation.

The objectives of the setback controls are as follows:

- a) *To set buildings back from the street and adjacent properties to provide reasonable space for landscaping, open space and solar access.*
- b) *To set buildings back from each other to provide visual and acoustic privacy.*
- c) *To establish a streetscape of a scale and sense of enclosure appropriate to the locality.*
- d) *To provide convenient and unobtrusive vehicle access and car parking without the use of long driveways.*

The development satisfies these objectives through appropriate design, which provides an acceptable level of amenity for building occupants. Through the design, the impacts on adjoining residences have been minimised in terms of solar access, natural ventilation and potential visual and acoustic privacy. Moreover, it should be noted that the development proposes varying setbacks in excess of the guidelines to both side boundaries so as to ensure that the actual and perceived bulk of the building is minimised. In order to compensate for the lesser setbacks, privacy measures such as highlight windows, glass blocks and screening have been incorporated into the design, to ensure that the potential for overlooking is minimised.

6.4 Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.5 Section 79C(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

6.6 Section 79C(1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no or there are Coastal Zones applicable to the subject site.

6.7 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

The impacts of the development on the built environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. Consideration has been given to site-specific and broader issues such as, but not limited to the acoustic impact and waste management. Further discussion on these issues is provided below:

Acoustic Impact

The application was accompanied by an Acoustic Report, in which existing background noise level to the site was measured at the front of the site which represent the levels of external road traffic noise intrusion into the development site.

The report concluded that external noise intrusion into the proposed development can be controlled with appropriate mitigation measures which include upgraded glazing to all sleeping and other habitable areas with external glazed windows and doors along the facades of the building. Additionally, the report recommends various construction materials at certain thickness for the walls and roof of the development.

The report also recommends that a qualified acoustic consultant be engaged during the construction phase of the project when details of mechanical plant and equipment and noise emission levels are available, to review the potential environmental noise impact from the development.

Conditions of consent have also been imposed to ensure compliance with the nominated noise criteria.

Waste Management

Waste management has been assessed in accordance with the provisions of the LDGP 2008 and the associated implementation note, and is found to be satisfactory. Waste management details are as follows:

- A 22m² bin holding room is provided on the ground floor capable of accommodating the following:
 - 16, 240L garbage bins;
 - 16, 240L recycling bins;
 - 3, 240L green waste bins;
- The bins will need to be presented to the kerb for collection on a weekly basis.

In this instance, it is appropriate that 660L bins are stored at the site for collection as they present less of a visual impact than a large quantity of 240L bins. A condition will be imposed on any consent granted to ensure that the development will use less bins at a larger capacity.

Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. Consideration has been given to site-specific and broader issues such

as, but not limited to the potential impact of earthworks. Further discussion on these issues is provided below.

Impact of Earthworks

The development involves substantial cut, given the excavation works associated with the construction of the basement car park. A maximum depth of excavation of approximately 3.2m is expected with excavation extending to within close proximity to the eastern and western boundaries as well as the future property boundary at the street frontage as a result of road widening on Memorial Avenue.

The application was accompanied by a Geotechnical Investigation Report, which concluded that geotechnical feasibility of the proposed development in respect to the existing site conditions is satisfactory. Additionally, the earthworks are considered to be acceptable and unlikely to adversely impact upon the environment. Additionally, no objections to the earthworks have been raised by Council's Technical officers.

(b) Social Impacts and Economic Impacts

The development is considered beneficial from a social aspect as it will be providing 50% of the dwellings within the development as affordable housing. Further to this, the applicant is attempting to increase housing variety in the locality by providing a diverse unit mix. The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

Liverpool Contributions Plan 2009

The Liverpool Contributions Plan 2009 provides information on the extent of anticipated new development, the extent of new public services and amenities needed to support the new development and the contributions that the new development must make to fund the public services and amenities.

Accordingly, the payable Section 94 Contribution fee for the development proposed is \$90,538, subject to the CPI applicable at the time of payment.

6.8 Section 79C(1)(c) – The Suitability of the Site for the Development

The proposal has been designed in line with the desired future character of the site and the surrounding locality. The proposed development is of an appropriate bulk and scale and has been designed to accommodate the existing site attributes. Given the above, the proposed development is considered suitable for the site.

6.9 Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Internal Department	Status and Comments
Natural Environment & Landscaping	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Flooding Engineering	No objection to the proposed development.
Traffic Engineering	No objection, subject to conditions
Social Planning	No objection, subject to conditions

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
Roads and Maritime Services	Satisfactory. No conditions imposed.

(c) Community Consultation

The development application was on public exhibition from 3 November 2016 to 18 November 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during notification period.

6.10 Section 79C(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and would represent a quality development for the suburb. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form would be consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to the setback controls, however these are considered acceptable on merit.
- The development will generate a social benefit for the community, given the provision of affordable rental housing.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

8. ATTACHMENTS

- 1) Architectural Plans
- 2) Landscape Plan
- 3) Stormwater Drainage plans
- 4) Survey plan
- 5) Draft Conditions of consent
- 6) Clause 4.6 Variation
- 7) Design excellence panel comments
- 8) Statement of Environmental Effects
- 9) SEPP 65 Design Verification Statement
- 10) Acoustic Report
- 11) Waste Management Plan
- 12) BASIX Certificate
- 13) Evidence of Amalgamation
- 14) Redevelopment of 127 Memorial Avenue
- 15) Bus Schedule