GAT & Associates Pty Ltd

Statement of Environmental Effects

January 2018

88 – 92 Elizabeth Drive, Liverpool

Demolition of all Existing Structures and Construction of a Five (5) Storey Residential Flat Building Comprising of 49 Units and One Level of Basement Parking to be Used Wholly For the Purposes of Affordable Rental Housing.

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of an application seeking the redevelopment of the subject site as a five storey residential flat building with one level of basement parking. The proposal relates to land located at 88 – 92 Elizabeth Drive, Liverpool.

The application is made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with all of the proposed 49 units to be used as affordable housing. The site is currently owned by St George Community Housing who will also manage the development.

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

It is worthy to note that prior to my client's purchase of the site, a development application (DA-826/2015) was approved for the demolition of existing structures and the construction of a five-storey residential flat building of 49 units with basement car park and rooftop communal area. This application also made regard to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The current proposal maintains a number of design elements previously approved by DA-826/2015 such as the basement parking and general U shaped configuration of the building, however provides for a revised unit mix and internal layout. Notably, the current scheme offers improved side and rear boundary setbacks than the approved DA-826/2015. A detailed summary of the proposal is provided under Section 3 of this report.

This development application also follows an earlier Pre-DA meeting held on 25 October 2017 and Design Excellence Panel meeting held on 16 November 2017. The minutes of these meeting are attached under Appendix G and H of this report.

As part of the Pre-DA meeting, Council expressed their overall support of the proposal however acknowledged that a Clause 4.6 variation statement would be required as part of the formal development application. Council also advised that further clarification be provided as part of the Statement of Environmental Effects to demonstrate that the upper terrace is the principle open space and how it is accessible to both sides of the building.

In keeping with the above, a Clause 4.6 variation is submitted as Appendix F to this report. Commentary is also provided with respect to the communal open space under Section 4.1.5 of this report.

Stormwater provisions were also discussed at the meeting with Council supportive of a stormwater connection to the existing pit on the footpath combined with OSD bypass for areas that cannot achieve gravity fall. OSD bypass for landscaping external to the building and basement envelopes was also supported on the basis that landscaping is maintained at existing ground level in these areas.

Following the Pre-DA meeting, Bonacci have further investigated gradients across the site and it was made apparent that the ground floor level would need to be raised at least 200mm to provide

adequate freeboard to OSD and for overland flow. As such, the submitted plans are reflective of this minor increase to the overall height which has also been detailed as part of the submitted Clause 4.6.

Waste management was also discussed during the meeting, with Council in agreement to the use of 660L bins. This has been reflected in the submitted Waste Management Plan with 9 x 660L bins proposed. Mechanical aid has been detailed on the ramp to ensure bins can be moved for collection.

The architectural plans have also been updated to provide for a clear walkway between the building cores. This is located on ground floor to the rear of the site. An additional clear walkway between building cores has also been provided on Level 4, ensuring equitable access between building cores and to the roof terrace communal open space.

With respect to the Design Excellence Panel meeting, the following comments are made:

The purpose of external corridors was explained to be used in the event that a lift breaks down, and access between building cores would be required to access an operating lift. These would normally be locked so it would not be used as fire egress. Under this arrangement the panel concluded that no privacy issues would arise. Privacy screening has been provided to address any acoustic and visual privacy concerns between diagonally facing apartments.

Notably, an internal corridor has been proposed on level 4 which now provides equitable access between building cores and to the roof terrace communal open space. Access between building cores is also facilitated on the ground floor. This reconfiguration is therefore considered to satisfy the Panels concerns. No windows are proposed to units which adjoin this corridor, hence under this arrangement the Panel can be satisfied that no privacy issues would arise. Translucent glazing has been provided to address any acoustic and visual privacy concerns between diagonally facing apartments. Notably, a privacy screen has been fitted to part of the roof top communal open space to eliminate any diagonal privacy concerns between apartments. The protruding balcony on level 4 has been squared off to now be contained within the required building setback.

GAT & Associates have been engaged by our client, St George Community Housing, to prepare a Statement of Environmental Effects to accompany the development application for Council's consideration.

This Statement of Environmental Effects is based on information and details shown on the following plans prepared by Smith & Tzannes;

- Drawing No. DD-A-000 Title Page
- Drawing No. DD-A-001 Notes
- Drawing No. DD-A-010 Site Plan
- Drawing No. DD-A-050 Demolition & Site Management Plan
- Drawing No. DD-A-100 Level C1
- Drawing No. DD-A-101 Level 0 (Ground)
- Drawing No. DD-A-102 Level 1
- Drawing No. DD-A-103 Level 2
- Drawing No. DD-A-104 Level 3
- Drawing No. DD-A-105 Level 4
- Drawing No. DD-A-106 Roof

- Drawing No. DD-A-150 Adaptable Unit Plans
- Drawing No. DD-A-200 North (Street) Elevation
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- Drawing No. DD-A-800 GFA Calculations
- Drawing No. DD-A-801 Landscape Calculations
- Drawing No. DD-A-802 Cross Vent & Solar Access
- Drawing No. DD-A-803 Storage Calculations
- Drawing No. DD-A-850 Shadows 3D – Winter Solstice
- Drawing No. DD-A-851 Shadows – Winter Solstice
- Drawing No. DD-A-852 Shadows – Equinox March
- Drawing No. DD-A-853 Shadows – Summer Solstice
- Drawing No. DD-A-854 Communal Open Space Shadows
- Drawing No. DD-A-900 NE & NW Perspectives
- Drawing No. DD-A-901 SE & SW Perspectives
- Drawing No. DD-A-902 Materials and Finishes

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- Acoustic Report prepared by Acoustic Consulting;
- Access Report prepared by Morris Goding Accessibility Consulting;
- Arborist Report prepared by tree iQ;
- BASIX certificate including ABSA Certificates, NatHERS Summary and NathERS Schedule prepared by Northrop;
- BCA Design Advice prepared by Technical Inner Sight;
- Contamination Report prepared by ideal Geotech;
- Cost Summary Report prepared by mbm;
- Design Verification Statement prepared by Smith & Tzannes;
- Erosion and Sediment Control Plan prepared by Bonacci;
- ESD Strategy Report prepared by Northrop;
- Flooding Report prepared by FloodMit;
- Geotechnical Report prepared by ideal Geotech;
- Landscape Plan prepared by stitch design studio;
- Stormwater Concept Plan prepared by Bonacci;

- Survey Plan prepared by Norton Survey Partners;
- Traffic Report prepared by Stanbury Traffic Planning; and
- Waste Management Plan prepared by Elephant's Foot Recycling Solutions.

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

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

The proposed development has been assessed in relation to:

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

2. SITE CONTEXT

The subject site is commonly known as 88 – 92 Elizabeth Drive, Liverpool and is legally described as Lot 1 in DP 26047, Lot B in DP 391258 and Lot 3 in 414352. The subject site is located on the southern side of Elizabeth Drive between Park Road to the east and Liverpool Cemetery and Crematorium to the west. The site provides for a frontage of approximately 51 metres and an overall site area of approximately 2,422m^2. Refer to Figure 1 below.

Figure 1 Site Location Map, Source: SIX Maps

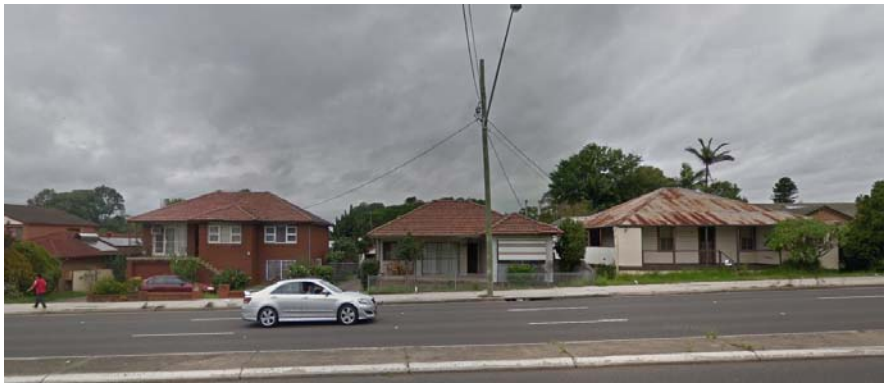
Located on the subject site at present are detached single and two storey brick and weatherboard dwellings with associated outbuildings in the rear setback. All existing structures will be demolished as part of the proposed works.

Development in the vicinity of the site is typically low to medium density residential in nature. Immediately adjoining the subject site to the east at No. 86 Elizabeth Drive, is a single storey brick residence. Similarly, to the west, at No. 94 Elizabeth Drive, the site is adjoined by a single storey brick dwelling. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

This is reflected in recent development applications submitted with Liverpool Council, including DA-891/2015 over Nos. 175 – 181 Elizabeth Drive, Liverpool which seeks the demolition of three existing dwellings and the construction of a five storey mixed use development comprising of ground floor commercial space and 55 residential units. There are also examples of older residential flat buildings to the west of the site as demonstrated in Figure 2 below.

The site is well located to local amenities and infrastructure with Collimore and Apex Parks located to the east, and Westfield Liverpool and Liverpool Hospital beyond. The site is also

adequately serviced by public transport with regular bus services operating along Elizabeth Drive linking the subject site to Parramatta, Elizabeth Hills, Fairfield and Cabramatta.



The subject site as viewed from Elizabeth Drive.

Adjoining development to the west of the subject site.

Adjoining development to the east of the site.

Examples of older residential flat buildings located further to the west of the subject site at 114, 116 and 118 Elizabeth Drive.

Figure 2 Photographs of Site and Surrounds

3. PROPOSAL

The proposal before Council seeks the demolition of all existing structures over the subject land and the redevelopment of the site as a five storey residential flat building with one level of basement parking. The proposal comprises of a total of 49 units including 14 x 1 bedroom units and 35 x 2 bedroom unit layouts to be wholly used for the purposes of affordable rental housing. The subject site is currently under the ownership of St George Community Housing who will manage the development upon its completion.

A detailed summary of the proposal is provided in the comments below:

Basement:

- Vehicular access is proposed off Elizabeth Drive. The basement level will provide for a total of 25 car spaces, including five (5) accessible spaces. The level will also include two sets of fire stairs, two central lifts, garbage room, storage cages and plant rooms.
- The basement level has been relatively centred over the site to allow for significant deep soil planting to all boundaries of the site.

Ground Floor Plan/Level 0:

- The building has been designed in a U shaped configuration in keeping with the previous approval on the site (DA-826/2015). To service the number of units, two separate lobbies, lift/stairwells are proposed and are shown as A and B on the submitted plans.
- An area of communal open space is proposed at the centre and rear of the site which will comprise of landscaped area, including deep soil planting along the rear setback.
- The level will comprise of 3 x 1 bedroom and 7 x 2 bedroom units.
- A substation is proposed in the north-western corner of the site.

Levels 1 – 3:

- 3 x 1-bedroom units and 8 x 2 bedroom units are proposed.

Level 4:

- 2 x 1-bedroom units and 4 x 2 bedroom are proposed.
- A secondary area of communal open space is also proposed at Level 4 on the southern side of the building.
- An internal corridor between building cores has been provided at level 4 facilitating equitable access between building cores and to the roof terrace communal open space. In the event that a lift breaks down, this corridor will also facilitate access between Lifts A and B.

The balconies to each unit are generally orientated either to the street or rear setback to minimise any overlooking between the subject site and adjoining properties and to promote casual surveillance to the entrance of the building and communal spaces. Where balconies are proposed at Levels 1, 2 and 3 to the western side setback, they have been setback a minimum of 6m from the boundary in keeping with ADG provisions.

Drawing No. 902 provides for materials and finishes of the proposed development. The selected materials have been chosen to reflect an economical but attractive outcome on the site, with the primary focus being a low maintenance approach and timeless materiality. A neutral colour palette reinforces this design philosophy and enables a built form that ages well both aesthetically and physically.

The use of varied external wall materials including face brick, concrete, aluminium, translucent glass and powder coated grey framing reflect the modern design of the architecture.

Mailboxes servicing the development will be located to the north of the building, adjoining pedestrian access ways for Building A and Building B.

The proposal also seeks the removal of select existing trees currently located within Nos. 90 – 92 Elizabeth Drive. Reference should be made to the Liverpool Development Control Plan 2008 compliance table of Appendix E within this report, the submitted Arborist Report and Landscape Plan for an assessment of these trees.

A BASIX certificate has been prepared with respect to the proposed residential units and nominates criteria to achieve the respective Water, Thermal and Energy targets. As part of the proposed development, a 5000-litre rainwater tank has been nominated and will service common area landscaping on the site. A copy of the BASIX certificate and associated thermal documents are provided under a separate cover.

Reference should be made to the submitted plans prepared by Smith & Tzannes.

In reference to the submitted landscape plan, enhanced planting has been provided throughout the subject site offering a balance between hard and soft paved areas. New planting assists to soften the impression of built form when viewed from the streetscape and surrounding sites.

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

- To implement the outcomes of the following planning documents:
  - Section 79C Considerations under the Environmental Planning & Assessment Act, 1979.
  - Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
  - State Environmental Planning Policy (Infrastructure) 2007.
  - State Environmental Planning Policy (Affordable Rental Housing) 2009.
  - State Environment Planning Policy No.55 – Remediation of Land.
  - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008.

- To provide for a high quality residential development that complements the desired future character of the area.
- To ensure that the proposed development does not create any unreasonable impacts to adjoining properties.

Technical reports have been prepared by the required consultants with their conclusions summarised below. Reference should be made to these accompanying reports attached under separate covers to this report for a more detailed assessment of the proposal. The following comments with respect to these reports are provided.

Arboriculural Impact Assessment

The accompanying Arborist Report has noted that there are no trees which have been determined to have a Retention Value of *Priority for Retention***.** Majority of trees being trees 1-21 and 23-25 are to be removed as per this application. In general, these trees are relatively small and are of low quality. No objections have been raised.

Source: Arboricultural Impact Assessment prepared by tree iQ dated 24 January 2018.

Flood Report

The flood report has concluded that the flood related development controls should not apply to this site. It is noted in the report that ground levels have a general slope form Elizabeth Drive to the south-east corner of the site which may result in some surface flows leaving the road reserve and flowing through the site. To mitigate this, the building is recommended to be raised and a crest level be provided above the kerb level on Elizabeth Drive. These recommendations have been adopted.

Source: Flood Report prepared by Flood Mit dated 29 March 2017

Access Report

The accompanying Access Report has determined that generally, the development provides accessible paths of travel which are continuous throughout the development. An appropriate degree of accessibility has been achieved and demonstrated, subject to recommendations. The development can readily achieve compliance with the relevant statutory requirements that relate to accommodation, site access and common area access.

Source: Access Review prepared by Morris Goding Accessibility Consulting dated 22 January 2018.

Acoustic Report

The Acoustic Report in its assessment of the proposed development has concluded that the application satisfies and demonstrates its feasibility and reasonableness in terms of acoustic amenity. The proposal maintains an appropriate acoustic amenity and controlled noise impact onto the local community.

Source: Acoustic Report prepared by Acoustic Solutions dated 23/01/18.

Building Code of Australia Report

It has been concluded that following an assessment of the proposed development, compliance with the BCA 2016 provisions can be achieved without alterations that would require an amendment to the development consent.

Source: Building Code of Australia Report prepared by Technical Inner Sight dated 21 January 2018.

Traffic & Parking Impact Assessment

The sites access arrangements allow for motorists to enter and exit the site is a reasonable a safe manner, which is determined to be almost identical in nature to the current approval on site. The requirements of vehicular parking as per the Affordable Housing SEPP are satisfied. Safe and efficient internal manoeuvring has been demonstrated. Surrounding road networks provide a reasonable level of service during peak-periods. Like the approved development, the proposal will generate 10 peak hour vehicle trips. The minor degree of additional traffic which results will have no unreasonable impact on the safety and efficiency of the surrounding road network, considering what was previously approved on the site.

Source: Traffic and Parking Impact Assessment prepared by Stanbury Traffic Planning dated January 2018.

Waste Management Plan

It is noted that all waste management plans recommended for this application will ensure compliance with the Council's relevant controls, specifications and statutory requirements.

Source: Waste management plan prepared by Elephants Foot dated 23/01/2018

Preliminary Contamination Report

The preliminary contamination report has concluded that in the assessment of the subject site no history of heavy chemicals was documented, no previous contamination was reported and that no licenced and delicenced premises are within vicinity (200m) of the subject site. It is noted that as a result of the chemical analysis undertaken, the site does not present any risk to human health of the environmental in a 'residential with garden/accessible soil' setting and is considered to be suitable for the proposed development. It is recommended that further sampling and chemical testing be undertaken once all demolition works have been completed.

Source: Preliminary Contamination Assessment prepared by Ideal Geotech dated March 2017

4. SECTION 79C CONSIDERATIONS

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

(1) Matters for consideration – general

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

The provisions of:

4.1 Relevant State, Regional and Local Environmental Planning Instruments

4.1.1 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The proposed development accords with the outcomes and objectives of the Greater Metropolitan Regional Environmental Plan No.2. Appropriate sediment and control devices will be placed on the site during site works to ensure that pollutants and runoff from the site will not impact upon the Georges River. Reference is to be made to the Erosion and Sediment Control Plan prepared by Bonacci as part of this application.

4.1.2 State Environmental Planning Policy – Building Sustainability Index (BASIX)

The proposal has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The modified proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

A BASIX Certificate has been prepared by Northrop for the proposed residential flat building and is attached under separate cover. The certificate demonstrates compliance with the required Water, Thermal and Energy provisions under BASIX.

4.1.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

This proposal has been designed to meet the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). Accordingly, Appendix A provides for an assessment of the proposal against the controls contained under Division 1 In-fill Affordable Housing.

Reference is to be made to Appendix A within this Statement of Environmental Effects.

4.1.3.(a) Landscaped Area

The proposal has been prepared on behalf of St George Community Housing, a recognised social housing provider. Based on the provisions of Clause 14(c)(i), a landscaped area of 35m^2 per

dwelling is to be provided. As the proposal seeks 49 units this is equivalent to a landscaped area of 1,715m^2.

The proposal provides for 735m^2 of the subject site as landscaped area, representing a shortfall of 980m^2.

To comply with the standard is considered to be completely unreasonable given that the required 1,715m^2 of landscaping is equivalent to 71% of the total site area. The irrationality of the standard is even more apparent when one considers that Clause 14(c)(ii) requires a private developer to set aside just 30% of a site as landscaping.

As the SEPP is not clear in this matter, we can only assume that the control therefore applies in the case of a townhouse development whereby the 35m^2 could be provided as a courtyard/rear yard to each dwelling. In the case of a residential flat building, particularly in a high density zone such as the subject site, the control simply doesn't make sense.

The current proposal provides for 30.3% of the site as landscaped area, exceeding the minimum 30% requirement that would otherwise apply to a private developer. The application also includes various hard paved areas at ground level which although not accounted for in the landscaped area calculations, positively contribute to the landscaped setting and communal open space. A variation is therefore considered to be reasonable in this instance.

4.1.3.(b) Solar Access

As demonstrated in the submitted plans, 35/49 units or 70% of the units will achieve solar access for at least 2 hours. This is in keeping with the requirements of SEPP 65/ADG. It is however worthy to note that all north facing units will achieve in excess of 2 hours given their orientation.

At Level 3, the two south eastern corner units will achieve between 2 – 3 hours of solar access to their living room windows.

It is important to note that it would be unreasonable to apply a more onerous and different standard than that of the Apartment Design Guide. It is not clear as to why an affordable housing scheme requires a greater level solar access and hence there is an unjustified discrepancy in this regard. In previous experiences, recent cases of the Land and Environment Court have adopted the 2hr solar access provisions as prescribed under ADG. This point is reinforced by the fact that the SEPP Affordable Rental Housing 2009, requires the proposal to comply with standards prescribed in the Apartment Design Guide.

4.1.3.(c) Character of Local Area

- Locality and Street Character:

Development in the vicinity of the site is typically low to medium density residential in nature. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

To the west of the subject site, development is zoned B6 Enterprise Corridor though existing development is mixed in its form. Development along this section of Elizabeth Drive typically includes low density residential dwellings, a service station, fast food chain and older stock residential flat buildings.

The site is in proximity to the Liverpool City Centre, located to the east of the site providing for access to retail and business services. Liverpool Hospital and Liverpool Station are also located further to the east, demonstrating that availability of services and infrastructure to cater for increased densities.

The current proposal follows the approval of an earlier development application on the site being DA-826/2015 which sought a similar scale residential flat building on the site. Although the current proposal provides for an alternative design, the overall scheme is consistent with the five storey scale previously approved. The proposal is therefore considered to be in keeping with the desired future character of the area. Notably, the proposed development in terms of height is lower than DA-826/2015 which was previously approved on the subject site at a maximum height of 19.34m, with the current scheme measuring 17.417m at its highest point as the current scheme does not propose an additional roof terrace level.

- Landform:

The proposed basement level has been relatively centred over the subject site allowing for deep soil planting along the boundaries. The site has been identified within a flood planning area and the proposed levels have been designed accordingly.

- Street patterns:

Existing street and subdivision patterns of the area are reflective of the areas initial character. The proposal satisfies Council's minimum allotment size and frontage controls through the consolidation of Nos. 88, 90 and 92 Elizabeth Drive.

Parking is proposed within a basement level, in keeping with the earlier development approval obtained for the site.

- Views and Vistas:

There are no substantial views attainable from the subject site.

- Conclusion:

Based on the above, it is our view that the proposed development is in keeping with the future character of the area reflective of the current approval on site.

The built forms presentation to the street, together with appropriate colours and materials, all respond to the desired future character of the area. As detailed under Section 3 of this report, the proposed building has been designed with a timeless materiality and low maintenance outcome.

The proposal will be consistent with the desired future character of the area evident through its zoning and emerging development applications such as DA-891/2015 which seeks the redevelopment of Nos. 175 – 181 Elizabeth Drive, Liverpool as a five storey mixed use development comprising of ground floor commercial space and 55 residential units.

It is considered that the proposed development will greatly benefit the local community by providing for low cost housing accommodation in an area well serviced by amenities and public transport facilities.

4.1.4 State Environmental Planning Policy No. 55 – Remediation of Land

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

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

A Preliminary Contamination Assessment has been prepared by Ideal Geotech which states that the site does not present a risk to human health or the environment and is considered suitable for the site's development. The report does however recommend further sampling and chemical testing be undertaken once demolition of the existing dwellings and garages has been undertaken. This may form a condition of consent by Council.

4.1.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 applies to the development where it has a frontage to a classified road. The classified road in this instance is Elizabeth Drive. On this basis, Clause 101 of the SEPP aims to ensure that new development does not compromise the effective and ongoing operation and function of classified roads. Furthermore, the SEPP aims to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

A Traffic and Parking Impact Assessment Report has been prepared and accompanies this application. This report has noted that the proposed development would not result in any noticeable impacts on the surrounding road network. The efficient operation and function of Elizabeth Drive and the associated road network would not be compromised through this application. For a more comprehensive assessment, reference should be made to the Traffic and Parking Impact Assessment Report attached under a separate cover to this Statement of Environmental Effects.

In addition, Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 also applies to development for certain purposes including the development of a building used for residential purposes that is located on land which adjoins a road corridor or a road corridor that experiences a high volume of daily traffic. The clause takes into consideration any adverse effects to the proposed development that may result from road noise and vibration.

Where required the development has been provided with the appropriate acoustic treatments to achieve the internal design noise levels as defined under this instrument. The accompanying Acoustic Report has determined that the development is feasible and reasonable and keeps the appropriate acoustic amenity for future residents. For a more detailed acoustic assessment, reference should be made to the accompanying Acoustic Report attached under a separate cover to this Statement of Environmental Effects.

Under this instrument, the accompanying Traffic and Parking Assessment has concluded that the application is not of a sufficient scale to be referred to the Roads and Maritime Services. Therefore Clause 104 of the SEPP is not applicable in this instance.

4.1.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

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

The SEPP 65 underwent a comprehensive review and the changes were notified on the NSW legislation website on 19 June 2015 and will commence on 17 July 2015. For development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by Smith & Tzannes Architecture.

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

Principle 1 Context and Neighbourhood Character

Principle 2 Built Form and Scale

Principle 3 Density

Principle 4 Sustainability

Principle 5 Landscape

Principle 6 Amenity

Principle 7 Safety

Principle 8 Housing Diversity and Social Interaction

Principle 9 Aesthetics

The aims and objectives of this policy are:

(1) "This policy aims to improve the design quality of residential apartment development in New South Wales.

(2) This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.

(3) Improving the design quality of residential apartment buildings aims:

(a) to ensure that they contribute to the sustainable development of New South Wales;

(i) by providing sustainable housing in social and environmental terms; and

(ii) by being a long term asset to their neighbourhood; and

(iii) by achieving the urban planning policies for their regional and local contexts; and

(b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and

(d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

(4) This Policy aims to provide:

(a) consistency of policy and mechanisms across the State; and

(b) a framework for local and regional planning to achieve identified outcomes for specific places."

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

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

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

These nine design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under Appendix B of this report.

4.1.6.(a) Residential Apartment Design Guidelines

Further to the above design quality principles, Clause 30(2) of SEPP No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled Apartment Design Guide (ADG). Compliance with ADG is assessed under a table within Appendix C of this report.

Refer to Appendix C for an assessment of the planning guidelines of Apartment Design Guide.

4.1.6.(b) An Assessment of the Proposal Under the Apartment Design Guidelines

Communal Open Space

The proposed development provides for communal open space both at ground level and roof level (Level 4). At ground level, the communal open space will comprise of a predominantly landscaped setting within the rear setback and has been designed for a more passive means of recreation. A turfed area has also been provided within the rear landscaped setback with a composting area also proposed in the sites south-western corner.

The accompanying landscape plan, shows that enhanced planting is provided throughout the subject site, overall a balance between soft landscaped and hard paved areas. The proposed landscaping facilitates both active and passive means of recreation for the benefit and heightened amenity of future residents.

Comparatively the proposed level 4 communal open space has been designed as a more active setting given the excellent solar access achievable. The area will be provided with BBQ facilities, seating and the like to encourage use of the area by residents with the landscaped rear setback providing for a positive outlook from this space. Before the Design Excellence Panel meeting held with Council on 16 November 2017, the design did not provide access between building cores within the sites boundaries. This resulted in some residents having to leave the site in order to access the roof terrace communal open space.

Importantly, the Panel's comments have been incorporated into the current scheme. Consequently, access from building cores to this roof terrace communal open space has been internalised on site on the ground floor, as well as on level 4. This configuration is now considered to be of suitable design which accommodates equitable and more orderly access between building cores and to the roof terrace communal open space. Hence, satisfying the Panel's concern.

The Panel had discussed the option of relocating this roof terrace communal open space further to the north of the development on level 4.

This design outcome was considered and evaluated, however, through this process it was determined that its current location is most appropriate for the reasons detailed within this SEE. The relocation of this was deemed to have negative impacts on the overall development. Firstly, it would have negative implications upon solar access for neighbouring sites. This would have required the relocation of apartments to the east likely causing an overshadowing impact to the neighbouring site. Secondly, St George Community Housing property management had highlighted the risk of projectiles from this space to oncoming traffic. Although we accept this is not a planning issue, it is an issue of public liability given the fact St George Community Housing will be managing this development long term. Therefore, considering public liability, ongoing management of the development and increased risk to road users along Elizabeth Drive, this is not a preferable location.

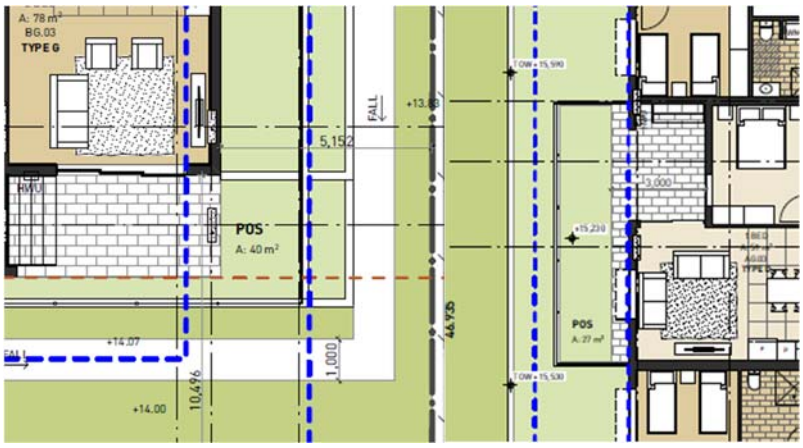
Notably, this type of arrangement is not considered uncommon in high density areas, where it is unlikely that common open space is provided right next to apartments.

A generous expanse of communal open space is also provided at ground level to the rear of the site, offering another passive and active recreational space.

Deliberate separation is proposed between the central units at Level 4 and the communal open space to minimise any potential for overlooking or noise impacts to other residents. Furthermore, privacy screening has been proposed to part of this roof terrace, further mitigating any concerns. Access to the space is now achieved via corridors on ground floor and level 4 offering a greater degree of connectivity between building cores and a more orderly means of accessing this space. All residents have safe and secure access to this space.

Visual Privacy

At ground level, to the eastern setback part of unit BG03 breaches into the 6m side setback requirement for habitable rooms. For majority of this breach blank walls have been provided, ensuring no visual privacy impacts result. Refer to Figure 3. Where blank walls have not been provided, these minor breaches are considered appropriate as the unit is sited at ground level and the proposed side boundary fencing is considered to provide for adequate visual privacy. To the west where there are minor breaches to the 6m setback for habitable rooms, these are contained to small portions of the building namely, parts of courtyards. Similarly, being sited on the ground floor, the proposed boundary fence is considered to provide adequate visual privacy.



Eastern Setback Western Setback

Figure 3 Ground Floor Setbacks

At Level 1 – 3, a minimum 3-6m setback is proposed to the east which relates to blank bedroom walls. Refer to Figure 4. In a similar manner to the level below, a blank wall is proposed to this boundary to provide acoustic and visual privacy to the unit and any future development on the adjoining site. Appropriate setbacks are provided to the west.

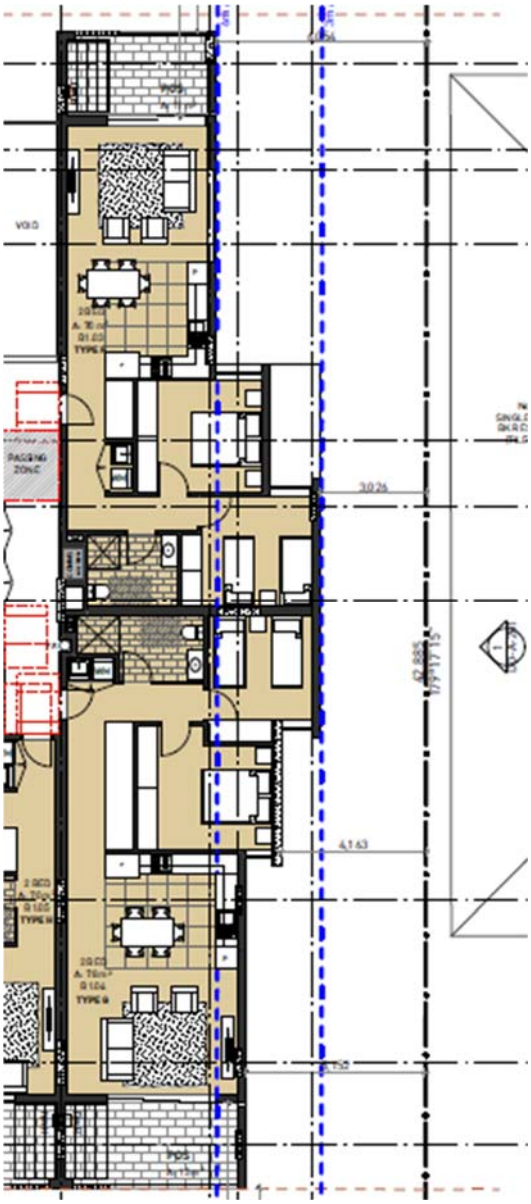


Figure 4 Eastern Setback Level 1-3

As it relates to the ground floor and levels 1, 2 and 3 the proposal has overall notably, offered improved side setbacks when compared to the approved application on site being DA-826/2015, offering generally greater separation between built form and the subject sites boundaries. Where the approved development provided a minimum setback of 2.277m to the west this has been increased to 6m. To the eastern site boundary, the development maintains a minimum 3m setback for blank walls as previously approved, however, a greater portion of the proposed built form is setback beyond this 3m mark. Refer to Figure 5.

Figure 5 DA-826/2015 Eastern Setback

At Level 4, a variation is sought to the eastern and southern boundary in portions of the building. The variation is limited to the roof terrace communal open space. There are no units which contribute to this breach and therefore no further bulk and scale breaches. This roof terrace utilises the slab of the level below, providing for a more orderly and efficient use of this space. Refer to Figure 6. Additionally, planter boxes have been provided around its edge to offset any visual privacy concerns. Furthermore, the breach is considered minor with majority of this space contained within the appropriate setback.

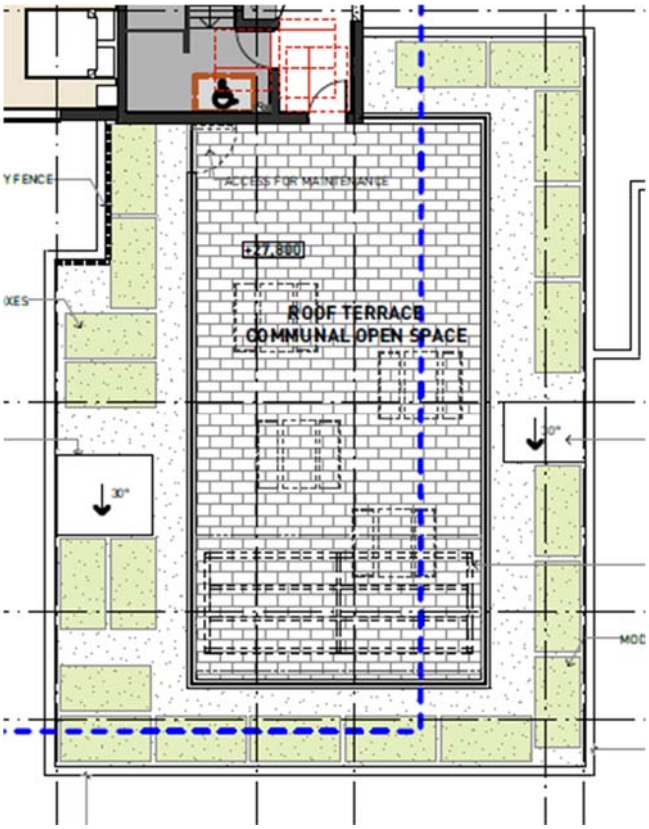


Figure 6 Roof Terrace Setbacks

4.1.7 Liverpool Local Environmental Plan 2008

A comprehensive assessment of the proposal against the controls can be found in Appendix C.

Additional comments are provided below.

4.1.7.(a) Land Zoning & Objectives

The subject site is zoned R4 High Density Residential under the LLEP 08. Refer to Figure 7 below.

As residential flat buildings are listed as permissible development, the proposal may be carried out with the consent of Council.

The objectives of the R4 High Density Residential 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 following comments are provided with respect to the zone objectives:

- The proposed residential flat building will replace the existing three dwellings on the site with 49 proposed units to provide for the housing needs of the community within a high density environment.
- The proposal comprises of a mix of 1 and 2 bedroom units, including adaptable designs ensuring a variety of housing types are available.
- No other land uses are proposed.
- The site is readily accessible by public transport with a bus stop located just 15m from the development. The site is also located in proximity to Westfield Liverpool and Liverpool Hospital to the east of the site.
- The proposal will not result in the fragmentation of land.

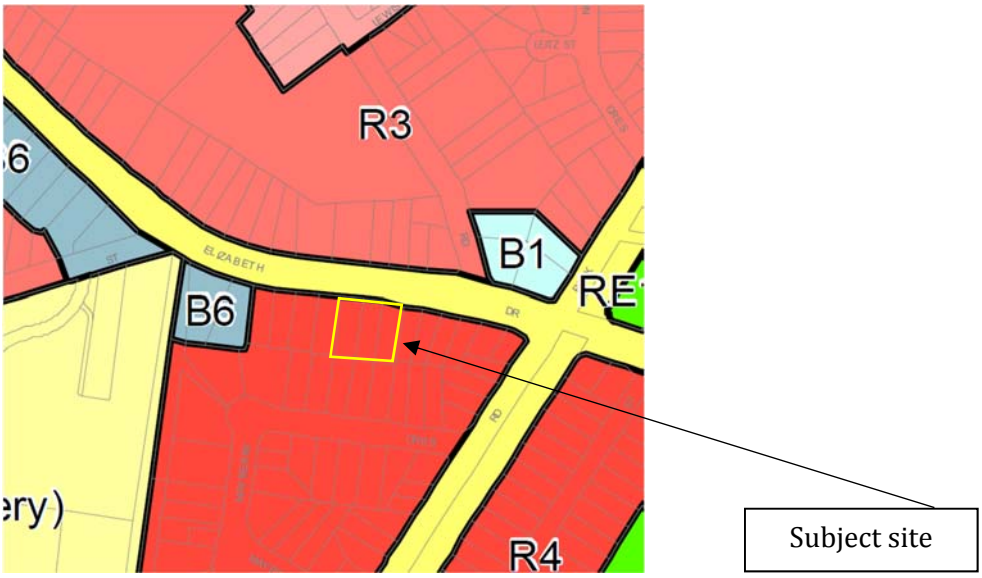


Figure 7 Land Zoning Map, Source: NSW Legislation

4.1.7.(b) Height of buildings

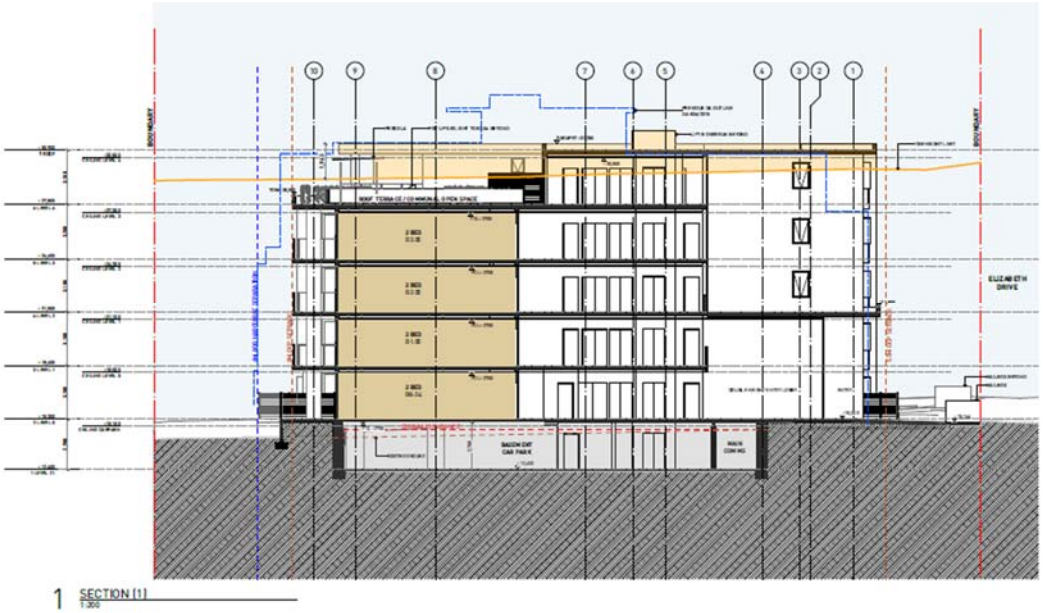
The proposal will result in a maximum building height of 17.417 metres, exceeding the control by 2.417m. The variation relates to part of Level 4 and to the lift overruns.

The variation is in part due to the flood affectation over the site which has required the overall built form to be raised. The variation also stems in part due to the natural fall of the land.

We respectfully submit that the breach to the building height control, will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

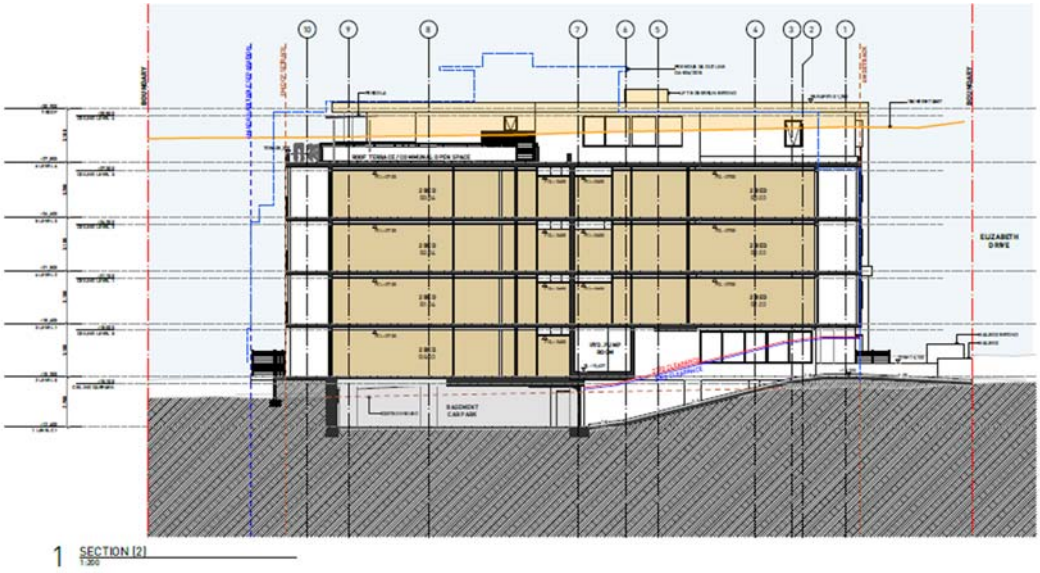
It is however worthy to note that the proposal is compliant in terms of floor space ratio and in this respect reference is made to the decision of the Land & Environment Court: Abdul-Rahman v Ashfield Council [2015] NSWLEC 112 (28 April 2015). The case established that where additional FSR is proposed to facilitate the provision of affordable rental housing, an increased building

envelope is likely. This is evident in the current proposal acknowledging compliance with the FSR control has been achieved. The images below detail the breaches in height.



Source: Smith and Tzannes

Figure 8 Section (1)



Source: Smith and Tzannes

Figure 9 Section (2)

Source: Smith and Tzannes

Figure 10 Section (3)

Further, it is widely recognised that housing affordability in Sydney is becoming increasingly difficult. Our client is a not for profit organisation seeking to address a prevalent issue in Sydney's housing market. Our client is committed to providing a development that is 100% affordable and social housing far surpassing the requirements of SEPP (Affordable Rental Housing) 2009, which only requires between 20 – 50% of dwellings be provided as affordable rental housing. The additional height sought on the site will enable increased residential accommodation to be provided on site without exceeding the floor space ratio control. Level 4 also provides for an additional area of communal open space to the benefit of the future occupants.

Reference should be made to the submitted Clause 4.6 prepared as Appendix F to this report.

4.2 Draft Relevant State, Regional and Local Environmental Planning Instruments

The site falls outside the scope of the *Draft Liverpool LEP 2008 Amendment No. 52 and Draft Liverpool DCP 2008 Part 4 Liverpool City Centre 16-06-16.*

Therefore, there are no draft plans to be considered.

4.3 Development Control Plans

4.3.1 Liverpool Development Control Plan 2008

A comprehensive assessment of the proposal against the controls can be found in Appendix D.

4.3.1.(a) Social Impact Assessment

LDCP08 identifies the proposed development as one which requires a Social Impact Comment (SIC). This is due to the number of residential units proposed (49) being above the threshold (20) requiring a Social Impact Comment/Assessment. Accordingly, we make the following comments:

Accommodation:

The proposal will provide for 49 well designed units including a mix of 1, 2 and adaptable designs which will appeal to a range of different sized family groups. As part of the submitted application, the 2-bedroom layouts have been designed to demonstrate how 2 single beds could be incorporated to accommodate a family. In this regard, the proposal promotes flexible living conditions to accommodate different households.

Health and Wellbeing:

The units will provide for good amenity in terms of solar access and natural ventilation.

The close proximity of this site to public transport will reduce the reliance upon private vehicles.

Security and Safety:

As detailed within this report, there are ample opportunities within the development for casual surveillance of public areas which is to the public benefit.

Values and Expressions:

The proposed development is of a high architectural standard and will set a tone for this neighbourhood. In this regard, the attention to detail in the design of the façade of the building, particularly defining the communal and private open spaces convey a sense of 'ownership' and connection between the future occupants and precinct.

4.3.1.(b) Front setback

A minimum 7m front setback is required given that Elizabeth Drive is a Classified Road. The proposal however provides for a minimum 6m setback to the street which is in keeping with the recent approval on the site being DA-826/2015. Furthermore, an acoustic report has been prepared which gives support to the acoustic amenity that is maintained for north facing apartments.

4.3.1.(c) Landscaped area and private open space

Council specifies that at least 50% of the front setback shall be landscaped area. The application proposes 48.7% equalling a shortfall of 1.3% or 4m^2. It is not considered necessary to comply with this standard as the proposed development complies with the minimum site landscaped area as per the SEPP Affordable Rental Housing 2009 as detailed above within this Statement of Environmental Effects. As per Clause 8 of the SEPP Affordable Rental Housing 2009, in the case of inconsistency between this policy and any other environmental planning instrument, the State Policy will prevail. Therefore, it is not considered necessary that the proposal strictly comply with Council's control.

4.4 Regulations

There are no prescribed matters which hinder the development.

4.5 Likely Impacts

Consideration must be made to the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.5.1 Impact on the Natural Environment

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

4.5.2 Impact on the Built Environment

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

4.5.3 Social and Economic Impacts on the Locality

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

It is important to acknowledge that unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 49 units will be nominated as affordable housing to be managed by our client, St George Community Housing.

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

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

The proposal will therefore provide for a positive economic impact as the site is in a location that is close to good public transport infrastructure, businesses, schools, shops and services, which benefits the future residents of the property who want to live, study, work and play in the South West area.

4.6 Suitability of the Site

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

4.7 Submissions made in accordance with this Act or the regulations

Not relevant.

4.8 The Public Interest

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

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

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

5. CONCLUSION

The proposed development has made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration in relation to the proposed residential flat building.

The proposal has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial aspects of the proposal include:

- The proposed residential units will contribute to the supply of affordable rental housing within the Liverpool local government area;
- The proposed units are well designed and provide for excellent internal amenity and outlook, whilst maintaining privacy between neighbours.
- The proposal for off street car parking in accordance with the provisions of SEPP (ARH) 2009 reducing the reliance to on street car parking.
- The proposed development is considered to be of a scale and mass that is consistent with the future character of the area.
- The proposal is compatible with Council's planning objectives and controls for the site and locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 In-Fill Affordable Housing

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
10 Development to which Division applies	• This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: (a) the development concerned is permitted with consent under another environmental planning instrument, and (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.	• Residential flat buildings are permissible with the consent of Council.
	• 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.	• The site is located approximately 15m away from an appropriately serviced bus stop on Elizabeth Drive. Complies.
	• Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	• N/A.
11, 12	**(Repealed)**	• N/A.
13 Floor Space Ratios	• 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.	• All of the proposed 49 units will be used as affordable housing. Complies.
	• 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: (a) if the existing maximum floor space ratio is 2.5:1 or less: (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 (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing.	• 1.0:1 under LLEP 08. A bonus of 0.5:1 applies under SEPP (ARH) 2009. Therefore maximum 1.5:1.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	Y = AH ÷ 100 or	Site area: 2,422m^2 Max GFA permissible: 3,636m^2 Proposed GFA: 3,630m^2 or 1.49:1 Complies.
	(b) if the existing maximum floor space ratio is greater than 2.5:1: (i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. Z = AH ÷ 2.5	• N/A.
	• In this clause, gross floor area does not include any car parking (including any area used for car parking). **Note.** Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the Standard Instrument (Local Environmental Plans) Order 2006.	
14 Standards that cannot be used to refuse consent	• **Site and solar access requirements**: A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: (a) (Repealed) (b) **site area**: :if the site area on which it is proposed to carry out the development is at least 450 square metres,	• 2,422m^2. Complies.
	(c) **landscaped area** if: (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or	• Variation is sought. 1,715m^2 required. 735m^2 proposed. **Refer to Part 4.1.3(a) of this SEE.**
	(ii) in any other case—at least 30 per cent of the site area is to be landscaped.	• N/A.
	(d) **deep soil zones** if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed: (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	• Complies. 425m^{2}or 17.5%. Minimum dimension of 3m achieved.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and (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 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	• 35/49 units or 70% will receive solar access to the living room or private open space. **Refer to Part 4.1.3(c) of this SEE.**
	• **General**: A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: (a) **Parking** if: (i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or (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, (b) **dwelling size** if each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	• 14 x 1 bedroom = 5.6 35 x 2 bedroom = 17.5 TOTAL REQUIRED = 23.1 TOTAL PROPOSED = 25. Complies. Refer also to submitted Traffic Report. • N/A. • Complies.
	• A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	• Noted.
15 Design Requirements	• A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	• N/A.
	• This clause does not apply to development to which clause 4 of the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies.	• Noted.
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 t*o any development to which this Division applies.	• Noted.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
16A Character of local area	• 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.	• **Refer to Part 4.1.3(d) of this SEE.**
17 Must be used for affordable housing for 10 years	• 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: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (b) 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. • Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	• Noted.
18 Subdivision	• Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	• Noted.

Appendix B 9 Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

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

Principle 1 Context and Neighbourhood Character

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

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

Comment:

The current proposal seeks the consolidation of Nos. 88, 90 and 92 Elizabeth Drive to facilitate a proposed residential flat development. The site is located on the southern side of Elizabeth Drive and currently zoned R4 High Density Residential.

Development in the immediate vicinity of the site is typically low density in nature however in view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms.

This is reflected in recent development applications submitted with Liverpool Council, including DA-891/2015 over Nos. 175 – 181 Elizabeth Drive, Liverpool which seeks the demolition of three existing dwellings and the construction of a five storey mixed use development comprising of ground floor commercial space and 55 residential units. There are also examples of older residential flat buildings to the west of the site at Nos. 114, 116 and 118 Elizabeth Drive, Liverpool.

The site is well located to local amenities and infrastructure with Collimore and Apex Parks located to the east, with Westfield Liverpool and Liverpool Hospital beyond. The site is also adequately serviced by public transport with regular bus services operating along Elizabeth Drive linking the subject site to Parramatta, Elizabeth Hills, Fairfield and Cabramatta.

The proposed development creates a positive contribution to the desired future character of the area and draws upon existing context through the use of feature face brickwork, formal landscaping, formalised pedestrian access ways and passive surveillance.

The proposal is considered to be an 'infill' development that responds to the desired future character of the area. Where possible, the proposal has made considerable effort to achieve the objectives and controls of the Apartment Design Guide as detailed in this report.

Principle 2 Built Form and Scale

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

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

Comment:

The scale of the proposed development has considered the desired future character of the area and the prescriptive controls as outlined by Liverpool's planning controls and the Apartment Design Guide. The proposal is notably compliant with the applicable floor space ratio control, though a variation statement has been prepared with respect to the overall building height. The most notable encroachment of height occurs with the lift overrun and this is strategically located at the centre of the building to reduce visual impact.

The site is located in proximity to the Liverpool City Centre, located to the east of the site providing for access to retail and business services. Liverpool Hospital and Liverpool Station are also located further to the east, demonstrating that availability of services and infrastructure to cater for increased densities.

The current proposal follows the approval of an earlier development application on the site being DA-826/2015 which sought a similar scale residential flat building on the site. Although the current proposal provides for an alternative design, the overall scheme is consistent with the five storey scale previously approved. The proposal is therefore considered to be in keeping with the desired future character of the area.

Based on the above, the current proposal endeavours to represent a scale appropriate to the desired future character of the area as identified by the LEP and DCP. The scale of the proposal has also been carefully designed to provide a balance between the amenity for the future occupants and that of existing properties adjoining the site.

Principle 3 Density

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

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

Comment:

The subject site is afforded a maximum floor space ratio of 1:1 under the provisions of the Liverpool Local Environmental Plan 2008, with an additional 0.5:1 made available as per the development standards outlined by SEPP (Affordable Rental Housing) 2009. The proposal provides for an overall FSR of 1.49:1 which is in keeping with the numerical standard and representative of the higher densities sought within the R4 zone.

The proposed development comprises of 49 units, including a mix of 14 x 1 bedroom units (28.6%) and 35 x 2 bedroom units (71.4%), all of which will be made available as affordable rental housing.

The development provides for new residential accommodation in a location where there is a demand for such accommodation. The proposed 49 units sought on the site is considered to be suitable, given the site is well located to public transport, shops, services and amenities and is consistent with

Council's planning instruments. The site is located in proximity to the Liverpool City Centre as detailed in this report.

Principle 4 Sustainability

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

Comment:

The Water, Thermal and Energy performance of the proposed residential flat building has been assessed as part of the submitted BASIX certificate prepared by Northrop. Where possible, the principles of environmentally sensitive design have been incorporated into the development and is evident through the arrangement of floor plates to maximise north facing units, the prevalence of dual aspect units to obtain cross ventilation and built elements that promote natural daylight into apartments and projecting awnings/blade walls/screens that provide shading to recessed windows.

A 5,000L rainwater tank will also be provided on site to capture stormwater for reuse as irrigation to common area landscaping.

Principle 5 Landscape

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

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

Comment:

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

A landscape plans has been prepared as part of this development application by Stitch design studio and is submitted under a separate cover.

The proposal and site appearance will be improved by the careful use of landscaping within and around the site. Deep soil areas have been incorporated throughout the perimeter if the site, allowing for plantings along the boundaries and providing for visual benefit to the street frontage. Overall, the landscaping provides for a balanced development between hard paved and soft landscaped areas throughout the site.

Principle 6 Amenity

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

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

Comment:

Careful consideration has been given to the orientation and positioning of the development and the design and layout of units to ensure a high level of visual and acoustic privacy is maintained between neighbouring properties. This has been further demonstrated in the architectural plans prepared by Smith & Tzannes.

The proposal provides future occupants with a high level of amenity in terms of natural daylight to habitable areas. Careful planning of the proposed built form provides solar access to 70% of its units. Living areas and balconies have been designed with a northern orientation as much as possible with passive shading measures, such as repetitive floor plans, designed to prevent excessive heat load on apartments during the summer period.

The development has been designed to achieve cross ventilation to 71% of the proposed apartments due to their aspect, design and internal layout planning.

Private open space areas meet minimum sizes as nominated by ADG and are configured to be functional and conducive to recreational use. All are accessed from living areas.

All dwellings achieve 2700mm ceiling heights to all habitable rooms. Generous amount of private storage is provided for each dwelling.

Other amenity issues include the provision of two lifts servicing all floors of the development. Five adaptable units (10.2% of the proposed units) are also provided.

Principle 7 Safety

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

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

Comment:

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

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

The entrance to the development will be clearly visible from the street. Access to the building will be through a controlled security system. An intercom system will be provided for visitor access.

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

Principle 8 Housing Diversity and Social Interaction

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

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

Comment:

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

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

It is important to acknowledge that unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 49 units will be nominated as affordable housing to be managed by our client, St George Community Housing.

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

A mix of units is proposed ranging between one and two bedroom units.

The proposal therefore addresses lifestyle and affordability issues of the immediate area.

Principle 9 Aesthetics

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

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

Comment:

It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The prominent location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development. The internal functions and structure have been clearly expressed through the articulation and massing of the facades.

Design Verification Statement:

A Design Verification Statement has been prepared by Smith & Tzannes and is submitted with this development application in accordance with State Environmental Planning Policy No. 65.

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

Appendix C State Environmental Planning Policy No. 65 – Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Reference should be made to Drawing No. DD-A-010 prepared by Smith & Tzannes.
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Although the subject site will experience an increase in overshadowing, the adjoining eastern and western properties will not be impacted in the morning (eastern property) or afternoon periods (western property) as a result of the proposed development. Rather these properties will overshadow their own rear setback.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies. Ground levels will be provided with direct access from Elizabeth Drive.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies
	3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="4">Communal And Public Open Space</td><td>Design criteria:
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter).</td><td>654m^2 or 27%.
Complies.
Refer to Part 4.1.5(b) of this SEE.

As demonstrated on Drawing No. DA-A-854, the majority of the communal open space at roof level will be free of shadow between 9am – 2pm.</td></tr>
<tr><td>3D-2 – Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting.</td><td>Complies.</td></tr>
<tr><td>3D-3 – Communal open space is designed to maximise safety.</td><td>Complies.</td></tr>
<tr><td>3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</td><td>N/A</td></tr>
<tr><td>Deep Soil Zones</td><td>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design criteria:
Deep soil zones are to meet the following minimum requirements:
<table>
<tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr>
<tr><td>less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m^2 - 1,500m^2</td><td>3m</td></tr>
<tr><td>greater than 1,500m^2</td><td>6m</td></tr>
<tr><td>greater than 1,500m^2 with significant existing tree cover</td><td>6m</td></tr>
</table>
</td><td>Complies. In excess of 7% is proposed within the rear setback alone having dimensions of 6m.</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td>Visual Privacy</td><td>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria:
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:
<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td>Level 0: 5.5 – 6m (west), 6 – 7.2m (rear), 3 – 6m (east).
Level 1 – 3: 6m (west), 8.0m (rear), 3 – 6m (east).
Level 4: 9m (west), 10.6m(rear),10.3m-12.4m (east).

Refer to Part 4.1.5(b) of this SEE.</td></tr>
<tr><td></td><td>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td>Complies.
The gallery space/external corridor presented to the Design Excellence Panel on level 4 has been deleted, rather an internal corridor has been provided on level 4, mitigating any privacy impacts and satisfying the Panels concerns. External corridors were found to be appropriate as per the Design Excellence Panel</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
		meeting, as this is only to provide access in the event that one of the lifts breaks down. It will normally be locked so it would not be used a fire egress. Hence, no privacy issues result.
Pedestrian Access And Entries	3G-1 - Building entries and pedestrian access connects to and addresses the public domain.	Complies. Ground levels will be provided with direct access from Elizabeth Drive.
	3G-2 - Access, entries and pathways are accessible and easy to identify.	Complies
	3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations	N/A
Vehicle Access	3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Complies
Bicycle And Car Parking	3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas *Design criteria:* *For development in the following locations:* *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, b# Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre* *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.*	Yes. Refer to comments under SEPP (ARH) 2009 and the submitted Traffic Report prepared by Stanbury Traffic Planning.
	3J-2 – Parking and facilities are provided for other modes of transport	Bicycle parking is proposed within the front setback.

STANDARD	OBJECTIVE	COMPLIANCE
	3J-3 – Car park design and access is safe and secure.	Complies
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	Complies
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	N/A
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A
Solar And Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. *Design criteria:* *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* *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*	35/49 or 70%. **Refer to 4.1.3(b).** N/A 7/49 or 14%. Complies.
	4A-2 – Daylight access is maximised where sunlight is limited.	Complies.
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	Complies. Refer to BASIX.
Natural Ventilation	4B-1 – All habitable rooms are naturally ventilated.	Complies
	4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	Complies.
	4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents *Design criteria:* *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.*	35/49 or 71%. Complies.

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="3">Ceiling Heights</td><td>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access

Design criteria:
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table><tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>These minimums do not preclude higher ceilings if desired.</td><td>Complies.</td></tr>
<tr><td>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</td><td>Complies</td></tr>
<tr><td>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Complies</td></tr>
<tr><td>Apartment Size And Layout</td><td>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

Design criteria:
Apartments are required to have the following minimum internal areas:
<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.</td><td>Complies. Refer to comments under SEPP (ARH) 2009.</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>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</td><td></td></tr>
<tr><td></td><td>4D-2 – Environmental performance of the apartment is maximised.

Design criteria:
Habitable room depths are limited to a maximum of 2.5 x the ceiling height
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>Refer to submitted plans.</td></tr>
<tr><td></td><td>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs

Design criteria:
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
Living rooms or combined living/dining rooms have a minimum width of:
3.6m for studio and 1 bedroom apartments
4m for 2 and 3 bedroom apartments
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>Refer to submitted plans.</td></tr>
<tr><td>Private Open Space And Balconies</td><td>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.
Design criteria:
All apartments are required to have primary balconies as follows:
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</td><td>Complies.</td></tr>
<tr><td></td><td>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Complies</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Complies</td></tr>
<tr><td></td><td>4E-4 - Private open space and balcony design maximises safety</td><td>Complies</td></tr>
<tr><td>Common Circulation And Spaces</td><td>4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments

Design criteria:
The maximum number of apartments off a circulation core on a single level is eight.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Complies. Maximum 6.</td></tr>
<tr><td></td><td>4F-2 - Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies</td></tr>
<tr><td>Storage</td><td>4G-1 - Adequate, well designed storage is provided in each apartment

Design criteria:
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td>Complies.
Adequate storage is provided for each unit, with at least 50% of the required storage located within the apartment.</td></tr>
<tr><td></td><td>4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.</td><td>Complies</td></tr>
<tr><td>Acoustic Privacy</td><td>4H-1 - Noise transfer is minimised through the siting of buildings and building layout</td><td>Complies</td></tr>
<tr><td></td><td>4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.</td><td>Complies.
Refer to Acoustic Report.</td></tr>
<tr><td>Noise And Pollution</td><td>4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</td><td>Complies.
Refer to Acoustic Report.</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
	4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Complies. Refer to Acoustic Report.
Apartment Mix	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies. The two-bedroom units have been designed to show how 2 single beds can be accommodated demonstrating a family arrangement.
	4K-2 - The apartment mix is distributed to suitable locations within the building.	Complies
Ground Floor Apartments	4L-1 - Street frontage activity is maximised where ground floor apartments are located	Complies
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	Complies
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies
	4M-2 - Building functions are expressed by the façade.	Complies
Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	Complies
	4N-3 – Roof design incorporates sustainability features.	None proposed.
Landscape Design	4O-1 – Landscape design is viable and sustainable	Complies. Refer to landscape plan.
	4O-2 – Landscape design contributes to the streetscape and amenity.	Complies. Refer to landscape plan.
Planting On Structures	4P-1 – Appropriate soil profiles are provided.	Complies. Refer to landscape plan.
	4P-2 – Plant growth is optimised with appropriate selection and maintenance.	Complies. Refer to landscape plan.

STANDARD	OBJECTIVE	COMPLIANCE
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies. Refer to landscape plan.
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. Refer to access report.
	4Q-2 - A variety of apartments with adaptable designs are provided.	Five adaptable units are proposed in total (spread over Levels 0, 1, 2 and 3).
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	As detailed, the proposed two-bedroom apartments have been shown to accommodate two single beds to cater to families.
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	N/A
Awnings And Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	N/A
	4T-2 - Signage responds to the context and desired streetscape character.	N/A
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies.
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
Water Management And Conservation	4V-1 - Potable water use is minimised.	Water efficient fixtures are specified by the submitted BASIX certificate.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Complies. Refer to stormwater plans.
	4V-3 – Flood management systems are integrated into site design.	Complies. Refer to stormwater plans.
Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies Reference should be made to the submitted Waste Management Plan prepared by Elephant's Foot Recycling Solutions.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies.
Building Maintenance	4X-1 – Building design detail provides protection from weathering.	Complies.
	4X-2 – Systems and access enable ease of maintenance.	Complies.
	4X-3 – Material selection reduces ongoing maintenance costs.	Complies.

Appendix D Liverpool Local Environmental Plan 2008

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Zoning	• Zone R4 High Density Residential *"2 Permitted without consent* *Home-based child care; Home occupations* *3 Permitted with consent* *Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing* *4 Prohibited* *Any development not specified in item 2 or 3".*	Residential flat building is proposed. Complies. **Refer to Part 4.1.3(a) of this SEE.**
Clause 2.7 Demolition	• Development consent required.	Demolition of all existing structures is proposed.
Clause 4.1 Minimum Subdivision Lot Size	• 1,000m^2	2,422m^2 Complies.
Cl 4.3 Height of Buildings	• 15m.	Maximum 17.417m proposed. Variation is sought. **Refer to Part 4.1.3(b) of this SEE.**
Cl 4.4 Floor Space Ratio	• 1.0:1 under LLEP 08. A bonus of 0.5:1 applies under SEPP (ARH) 2009. Therefore maximum 1.2:1.	Site area: 2,422m^2 Max GFA permissible: 3,633m^2

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		Proposed GFA: 3,630m^2 or 1.49:1.
Cl 5.10 Heritage Conservation	• The objectives of this clause are as follows: o to conserve the environmental heritage of Liverpool, o to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, o to conserve archaeological sites, o to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A.
Cl 7.6 Environmentally Significant Land	• Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant: (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.	N/A.
Cl 7.7 Acid Sulfate Soils	• The objective of this clause is to ensure that development not disturb, expose or drain acid sulfate soils and cause environmental damage.	N/A.
Cl 7.8 Flood Planning	• This clause applies to land at or below the flood planning level.	The site has been identified in a flood planning area. Refer to flood report prepared by Flood Mit.
Cl 7.14 Minimum building street frontage	• A residential flat building requires a street frontage of at least 24 metres to a public street (excluding service lanes).	Approximately 51 metres along Elizabeth Drive. Complies.

Appendix E Liverpool Development Control Plan 2008

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Part 1 General Controls for all Development		
Tree Preservation	• Any approvals to remove or prune trees issued with a development consent shall lapse when the development consent lapses or becomes invalid or void. • Council may refuse an application to remove a tree(s) under certain circumstances (refer to clause) but may give conditional consent for the appropriate remedial "branch or root pruning" for that tree(s). • An application to remove a tree may consented to by Council under certain circumstances (refer to clause). • Applications for trees that have Aboriginal marking and/or constitute an item of Aboriginal significance shall be referred to DECC. • Pruning must accord with AS 4373/2007. • All existing indigenous trees shall be retained or replaced. Where approval is given to remove trees, appropriate replacement planting will be required. • Significant trees that are identified as having habitat value shall not be relocated or removed.	• Complies. Refer to arborist report.
Landscaping And Incorporation Of Existing Trees	• Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. • Prior to the commencement of the design of a development existing trees should be identified. The design of the development should consider options to retain existing trees • Existing indigenous trees within any building setback should be retained where possible, as an integral component of the site's landscaping, and to protect local habitats. • Prior to the commencement of the design of a development existing street trees should be identified. The design of a development should consider options to retain existing street trees.	• Complies. Refer to arborist report.
Bushland And Fauna Habitat Preservation	• Refer to DCP.	• N/A.
Bushfire Risk	• Construction of single dwellings on or adjacent to bushfire prone land is to be carried out in accordance NSW Rural Fire Service's Single Dwelling Application Kit • All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006 • Asset Protection Zones shall be provided within the boundary of the land on which a development is proposed but may include public streets located between the land and bushland.	• N/A.

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Water Cycle Management	• For developments that require construction of stormwater drainage, a SDCP shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system.	• Complies. Refer to stormwater plans.
Development Near A Watercourse	• If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	• N/A.
Erosion And Sediment Control	• The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1.	• Complies. Refer to erosion and sediment control plan.
Flooding Risk	• Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.	• Complies. Refer to flood report.
Contaminated Land Risk	• To identify the presence of contamination at an early stage of the development process and to manage the issues of land contamination to ensure protection of the environment and that of human health is maintained. • Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment	• Complies. Refer to preliminary contamination report.
Salinity Risk	• To prevent further spread of urban salinity and remedy, where possible, existing areas of salinity.	• Complies. Refer to preliminary contamination report.
Acid Sulfate Soils Risk	• Identify areas of acid sulfate soil risk to prevent any unnecessary impact on the environment.	• N/A.
Demolition Of Existing Developments	• All demolition work must comply with the *Australian Standard AS2601 – 1991, The Demolition of Structures*.	• Complies.
Aboriginal Archaeology	• Identify and where possible preserve relics of the occupation of the land by Aboriginal communities	• N/A.
Heritage And Archaeological Sites	• Conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views; and conserve archaeological sites.	• N/A.

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Subdivision Of Land And Buildings	• Refer to DCP.	• N/A.
Water Conservation	• New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with *State Environmental Planning Policy – Building Sustainability Index (BASIX)*.	• Refer to submitted BASIX Certificate.
Energy Conservation	• Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with *State Environmental Planning Policy – Building Sustainability Index (BASIX).* A complying BASIX report is to be submitted with all development applications containing residential activities.	• Refer to submitted BASIX Certificate.
Waste Disposal & Re-Use Facilities	• A Waste Management Plan (WMP) shall be submitted with a Development Application for any activities generating waste, and be provided in three sections: - Demolition - Construction - On-going waste management. • In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. • Bin bays or waste service rooms are to be sufficiently open and well lit. • A hose cock for hosing the garbage bin bay and a sewered drainage point are to be provided in or adjacent to the bin storage area. • Bin bays are to be adjacent to a street frontage, or if not possible then at a designated point adjacent to the common access driveway provided sufficient level areas (<5% grade) is available for bin collection. The bin bay is to be located so that distance from bin bay to the nearest waste collection point accessible by the collection vehicle is no further than 15m. The bin bay position is to minimise noise impacts on residents from the usage of bins and waste or recycling collection.	• Reference should be made to the submitted Waste Management Plan prepared by Elephant Recycling Solutions.
Outdoor Advertising And Signage	• Refer to DCP provisions.	• N/A.
Social Impact Assessment	• A social impact assessment shall be submitted with a development application for all types of development listed in Table 21. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment, as specified in Table 21.	• **Refer to Part 4.3.1(a) of this SEE.**

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Part 3.7 Residential Flat Buildings in the R4 Zone (Outside of Liverpool City Centre)		
Frontage And Site Area	• Minimum lot width: 24m. • Minimum site area: Refer to LLEP08.	• 51m approximately. Complies. • 1,000m^2 required. 2,422m^2 proposed. Complies.
Site Planning	• The building should relate to the site's topography with minimal earthworks, except for basement car parking. • Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design. • Site layout should provide safe pedestrian, cycle and vehicle access to and from the street. • Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity. • 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. Refer to Water cycle management in Part 1. • The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development. • Note*: A Site Analysis Plan is required for each development application.*	• The proposal includes a new basement. Refer to Geotechnical Assessment report. • Where possible, units are orientated to the north. • Separate vehicle and pedestrian access points are proposed. • Complies, as detailed in this SEE. • Complies. Refer to stormwater plans. • Refer to Appendix B of this report. • Refer to Drawing No. DD-A-010
Setbacks	**Front and Secondary Setbacks:**	• Variation is sought. **Refer to Part 4.3.1(b) of this SEE.**

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td></td><td>
Table 1
<table>
<tr><th>Road</th><th>Front Setback</th><th>Secondary Setback</th></tr>
<tr><td>Classified Roads</td><td>7.0m</td><td>7.0m</td></tr>
<tr><td>Other Streets</td><td>5.5m</td><td>5.5m</td></tr>
</table>
• Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.
• The secondary setback is along the longest length boundary.
Side and Rear Setbacks:
Table 2
<table>
<tr><th>Item</th><th>Side Setback</th><th>Rear Setback</th></tr>
<tr><td>Boundary to land in R2 & R3 zones</td><td>10m</td><td>10m</td></tr>
<tr><td>Boundary to land in R2 & R3 zones (no windows to habitable rooms)</td><td>10m</td><td>10m</td></tr>
<tr><td>Boundary to land in R4 zone (First 10m in height, excluding roof/attic)</td><td>3m</td><td>8m</td></tr>
<tr><td>Boundary to land in R4 zone (Greater than 10m in height)</td><td>8m</td><td>8m</td></tr>
<tr><td>Boundary to public open space</td><td>6m</td><td>6m</td></tr>
</table>
• Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.
</td><td>Secondary setback N/A.
• Refer to comments made under SEPP 65/ADG.</td></tr>
<tr><td>Landscaped Area And Private Open Space</td><td>Landscaped area (deep soil area):
• A minimum of 25% of the site area shall be landscaped area.</td><td>• Refer to comments under SEPP (ARH) 2009.</td></tr>
</table>

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	• A minimum of 50% of the front setback area shall be landscaped area. • Optimise the provision of consolidated landscaped area within a site by: o The design of basement and sub-basement car parking, so as not to fully cover the site. o The use of front and side setbacks. o Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. • Promote landscape health by supporting for a rich variety of vegetation type and size • Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. **Open Space** • Provide communal open space, which is appropriate and relevant to the context and the building's setting. • Where communal open space is provided, facilitate its use for the desired range of activities by: o Locating it in relation to buildings to optimise solar access to dwellings. o Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. o Designing its size and dimensions to allow for the range of uses it will contain. o Minimising overshadowing. o Carefully locating ventilation duct outlets from basement car parking. • Locate open space to increase the potential for residential amenity.	• **Refer to Part 4.3.1(c) of this SEE.** • Complies. • Complies. Refer to landscape plan. • Complies. Refer to landscape plan. • Complies. Refer to landscape plan. • Refer to comments under SEPP 65/ADG.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td></td><td>Private Open Space
Table 3
<table><tr><th>Dwelling Size</th><th>Private Open Space Area</th><th>Minimum Width</th></tr><tr><td>Small < 65 sqm</td><td>10sqm</td><td>2m</td></tr><tr><td>Medium 65 – 100</td><td>12sqm</td><td>2m</td></tr><tr><td>Large > 100 sqm</td><td>12sqm</td><td>2m</td></tr></table>• Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above 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.
• Private open space should be clearly defined for private use.

Drying Areas
• Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.</td><td>• Refer to comments under SEPP 65/ADG.

• Refer to submitted plans. Drying areas are proposed to the balconies.</td></tr>
<tr><td>Building Design, Streetscape And Layout</td><td>Building Height
• Refer to LLEP08.

Building Appearance and Streetscape
• Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.
• Building facades shall be articulated and roof form is to be varied to provide visual variety.

• The pedestrian entrance to the building shall be emphasised.</td><td>• Variation is sought. Refer to Part 4.1.6(b) of this SEE.

• Refer to Appendix C of this report.
• Complies. Refer to Part 3 of this report.
• A clearly defined paved path is</td></tr>
</table>

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		proposed to the central lobbies.
	• A sidewall must be articulated if the wall has a continuous length of over 14 m.	• No blank side wall will exceed 14m in length.
	• 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.	• Access to the basement car park is from the north-eastern corner of the site.
	• Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	• This may be conditioned.
	• Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	• Landscaping is proposed adjacent to the driveway ramp.
	• The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	• Complies.
	• A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	• This may be conditioned.
	• Consider the relationship between the whole building form and the facade and /or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	• The proposed building is of a modern design which has been reflected through material selection.
	• Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: o Defining a base, middle and top related to the overall proportion of the building. o Expressing key datum lines in the context using cornices, a change in materials or building set back o Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. o Expressing the variation in floor-to-floor height, particularly at the lower levels. o Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.	• Facades have been designed to perpetuate a rhythm and proportion which is compatible with the local context and modern development in the locality.

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	o Selecting balcony types which respond to the street context, building orientation and residential amenity. o Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. o Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials.	Buildings have been well articulated, offering a degree of visual interest and providing delineation between levels.
	• Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	• Refer to comments under Appendix C of this report.
	• Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	• The site is not a corner property.
	• Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	• Capable of being complied with.
	• Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	• N/A.
	Roof Design	
	• Relate roof design to the desired built form. This may include: o Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. o Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. o Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. o Using special roof features, which relate to the desired character of an area, to express important corners.	• The proposal provides for a flat roof form to complement the modern form of the building.
	• Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	
	• Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	
	• Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	• The lift overrun will centred over the

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		building to minimise its visibility.
	• Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	• N/A.
	Building Entry	
	• Improve the presentation of the development to the street by: o Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. o Designing the entry as a clearly identifiable element of the building in the street. o Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.	• The development provides for multiple entries including private entrance to ground floor dwellings.
	• Provide as direct a physical and visual connection as possible between the street and the entry.	• Pedestrian paths are clearly defined through paved pathways and breaks in the landscaping.
	• Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	• The proposed landscaping and building finishes will clearly articulate the different zones across the site.
	• Ensure equal access for all.	• The proposal includes two lifts servicing all levels.
	• sProvide safe and secure access by: o Avoiding ambiguous and publicly accessible small spaces in entry areas. o Providing a clear line of sight between one circulation space and the next. o Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	• Communal areas may be accessed via clear, direct paths and will be well lit.
	• Generally provide separate entries from the street for: o Pedestrians and cars. o Different uses, for example, for residential and commercial users in a mixed use development.	• Complies.

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	o Ground floor dwellings, where applicable. • Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. • Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: o Locating them adjacent to the major entrance and integrated into a wall, where possible. o Setting them at 90 degrees to the street, rather than along the front boundary. **Balconies** • Balconies may project up to 1m from the façade of a building. • Balustrades must be compatible with the façade of the building. • Ensure balconies are not so deep that they prevent sunlight entering the dwelling below. • Design balustrades to allow views and casual surveillance of the street. • Balustrades on balconies at lower levels shall be of solid construction. • Balconies where possible should be located above ground level to maximise privacy for occupants, particularly from the street. • Solid or semi solid louvres are permitted. •	• Complies. • Mailboxes are proposed to the north of the development in a convenient location, easily accessible for all residents. • Balconies have been designed in accordance with ADG requirements. • Translucent glass balustrades are proposed in keeping with the modern architecture of the building. • Varied floor plates are provided with the exception of Levels 1, 2 and 3. • Complies. • Refer to comments above. • Complies. All ground level units are provided with courtyards. • Aluminium screens are proposed.

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	• Noise attenuation measures on balconies facing a Classified Road should be considered.	• Complies. Refer to acoustic report
	• Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	• Balconies are generally orientated to the front and rear of the site. Where balconies are proposed to the west, separation has been provided as per ADG requirements.
	• Primary balconies should be: o Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; o Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	• Complies. • Balconies are designed as per ADG requirements.
	• Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	• None proposed.
	• Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: o Locating balconies facing predominantly north, east or west to provide solar access. o Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. o Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	• Complies. Some south facing balconies are proposed as a result of the orientation of the site.
	• Provide primary balconies for all dwellings with a minimum depth of 2m.	• Complies.
	• Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	• Refer to comments above.
	• Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:	

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	o Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. o Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.	• Refer to comments above.
	• Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	• Refer to comments above.
	Daylight Access • Plan the site so that new residential flat development is oriented to optimise northern aspect. • Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer. • Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows: • Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access. • Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces. • Ensure single aspect, single-storey dwellings have a northerly or easterly aspect: o Locate living areas to the north and service areas to the south and west of the development. • Avoid south facing dwellings.	• Complies. Refer to Appendix B.
	• Design for shading and glare control, particularly in summer: o Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. o Optimising the number of north-facing living spaces. o Providing external horizontal shading to north-facing windows o Providing vertical shading to east or west windows. • Consider higher ceilings and higher window heads to allow deeper sunlight penetration. • On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun. • On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun. • Using high performance glass but minimising external glare off windows. • Avoid reflective films.	• The residential units have been assessed under BASIX and achieve the thermal targets.
	• Use a glass reflectance below 20%.	• This may be conditioned.

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	• Consider reduced tint glass.	• This may be conditioned.
	• Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where they are used: • Relate lightwell dimensions to building separation, for example, if nonhabitable rooms face into a light well less than 12m high, the lightwell should measure 6 x 6 m. • Conceal building services and provide appropriate detail and materials to visible walls. • Ensure light wells are fully open to the sky. • A combination of louvres provides shading for different times of the day.	• Refer to BASIX certificate. • None proposed.
	Internal design • All staircases should be internal. • Minimise the length of common walls between dwellings.	• Complies. • Where possible, where common walls are proposed, they have been designed adjacent to like uses to minimise noise disturbance.
	• Basement car parking shall be located beneath the building footprint. • Where possible natural ventilation shall be provided to basement car parking. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	• N/A. • N/A. • Windows and balconies have been primarily designed to address the street frontage or rear setback. Where windows are proposed to the side boundaries, they have been provided with appropriate setbacks.

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	• Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	• Where possible, common walls have been designed to adjoin like uses.
	• Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	• Complies. Refer to Acoustic report.
	• Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with *Part F5 of the Building Code of Australia*. • Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	• Capable of being complied with. • The balconies of upper level units will overlook the entry points to the building and areas of communal open space.
	Ground Floor Dwellings • Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	• The front setback will be landscaped. Private entrances are proposed to ground floor dwellings.
	• Create more pedestrian activity along the street and articulate the street edge by: o Balancing privacy requirements and pedestrian accessibility. o Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. o Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. o Increasing street surveillance with doors and windows facing onto the street.	• The proposal will include appropriate fencing, lighting and landscaping to address the privacy and safety requirements of occupants. Street surveillance has been maximised with

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		doors and windows facing onto the street.
	• Planting along the terrace edge contributes to a quality streetscape.	• Complies. Refer to landscape plan
	• Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children.	• Complies.
	• Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	• All ground floor dwellings fronting Elizabeth Drive are provided with a separate entry.
	• Provide ground floor dwellings with access to private open space, preferably as a courtyard.	• Complies.
	Security	
	• Entrances to buildings should be orientated towards the front of the site and facing the street.	• Pedestrian paths lead from the street frontage to individual ground level units fronting Elizabeth Drive and to the centre of the building where the residential lobby is sited.
	• The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.	• N/A.
	• Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to applied to the wall to a height of 2 metres.	• None proposed.
	• Minimise the number of entry points to buildings.	• Two access points are proposed to the central lobby. An

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		intercom permits visitor access.
	• Reinforce the development boundary to strengthen the distinction between public and private space by o Employing a level change at the site and/or building threshold (subject to accessibility requirements) o Signage. o Entry awnings. o Fences, walls and gates. o Change of material in paving between the street and the development.	• Appropriate fencing/gates will be provided.
	• Optimise the visibility, functionality and safety of building entrances by: o Orienting entrances towards the public street. o Providing clear lines of sight between entrances, foyers and the street. o Providing direct entry to ground level dwellings from the street rather than through a common foyer. o Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	• The development includes clear lines of sight between entrances and the street. The car park, lift lobbies and common areas will be well lit and designed as clear, direct paths.
	• Improve the opportunities for casual surveillance by: o Orienting living areas with views over public or communal open spaces, where possible. o Using bay windows and balconies, which protrude beyond the main façade and enable a wider angle of vision to the street. o Using corner windows, which provide oblique views of the street. o Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	• The living areas of upper level units are provided with views over the communal open space. The proposed north facing balconies will enable sightlines to the street.
	• Minimise opportunities for concealment by: o Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. o Providing well-lit routes throughout the development. o Providing appropriate levels of illumination for all common areas. o Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	• The development does not include any blind or dark alcoves near lifts and stairwells, at the entrance and within

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		indoor car parks, along corridors and walkways. Well-lit routes will be provided throughout the development.
	• Control access to the development by: o Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. o Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. o Providing direct access from car parks to dwelling lobbies for residents.	• Intercom access limits visitors to the site.
	Natural Ventilation • Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: o Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. o Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings. • Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout. • Provide narrow building depths to support cross ventilation. • Avoid single-aspect dwellings with a southerly aspect. • Design the internal dwelling layout to promote natural ventilation by: o Minimising interruptions in air flow through a dwelling. o Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the dwelling to be compartmentalised for efficient summer cooling or winter heating. o Select doors and operable windows to maximise natural ventilation opportunities established by the dwelling layout.	• Refer to Appendix C of this report.

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	Building Layout • The layout of dwellings within a residential flat building should minimise the extent of common walls. **Storage Areas** • A secure storage space is to be provided for each dwelling with a minimum volume 8 m3 (minimum dimension 1m2). This must be set aside exclusively for storage as part of the basement or garage. • Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	• Common walls have been minimised as much as possible. • Refer to Appendix C of this report.
Landscaping And Fencing	• The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas. • Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees. • The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors. • Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians. • Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. • Landscaping on any podium level or planter box shall be appropriately designed, and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development. • The development must be designed around significant vegetation on the site. • It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings. • Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. • Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years. • All species of trees and shrubs should be drought resistant. • Advanced tree species are to be used for key elements with the landscape design concept.	• Complies. Refer to landscape plan.

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	• any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.
	• Contribute to streetscape character and the amenity of the public domain by:
	  o Relating landscape design to the desired proportions and character of the streetscape.
	  o Using planting and landscape elements appropriate to the scale of the development.
	  o Mediating between and visually softening the bulk of large development for the person on the street.
	• Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.
	• Planting design solutions include:
	  o Trees for shading low-angle sun on the eastern and western sides of a dwelling.
	  o Trees that do not cast a shadow over solar collectors at any time of the year.
	  o Deciduous trees for shading of windows and open space areas in summer.
	• Design landscape which contributes to the site's particular and positive characteristics, for example by:
	  o Enhancing habitat and ecology.
	  o Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate.
	  o Retaining and incorporating changes of level, visual markers, views and any significant site elements.
	
	Planting on Structures
	• Design for optimum conditions for plant growth by:
	• Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.
	• Providing appropriate soil conditions and irrigation methods.
	• Providing appropriate drainage.
	• Design planters to support the appropriate soil depth and plant selection by:
	• Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant.
	• However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth. Providing square or rectangular planting areas rather than long narrow linear areas.
	• Refer to DCP for minimum standards for plant sizes.
	
	Fencing – Primary frontage
	• The maximum height of a 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.
	• Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	

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	• The front fence must be 30% transparent.
	• Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.
	• The front fence may be built to a maximum of 1.8m only if
	  o The primary frontage is situated on a Classified Road.
	  o The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.
	  o The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.
	
	Fencing – Secondary frontage
	• Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.
	• For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.
	
	Boundary Fences
	• The maximum height of side boundary fencing within the setback to the street is1.2m.
	• Boundary fences shall be lapped and capped timber or metal sheeting.	

Car Parking And Access	**Car Parking**
	• Visitor car parking shall be clearly identified and may not be stacked car parking.
	• Visitor car parking shall be located between any roller shutter door and the front boundary.
	• Pedestrian and driveways shall be separated.
	• Driveways shall be designed to accommodate removalist vehicles.
	• Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.
	• Give preference to underground parking, whenever possible by:
	  o Retaining and optimising the consolidated areas of deep soil zones.
	  o Facilitating natural ventilation to basement and sub-basement car parking areas, where possible.
	  o Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design.
		• Refer to SEPP (ARH) 2009 and the submitted Traffic Report prepared by Stanbury Traffic.

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	o Providing safe and secure access for building users, including direct access to residential dwellings, where possible. o Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths. • Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: o Avoid exposed parking on the street frontage. o Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail. **Pedestrian Access** • Utilise the site and it's planning to optimise accessibility to the development. • Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. • Promote equity by: o Ensuring the main building entrance is accessible for all from the street and from car parking areas. o Integrating ramps into the overall building and landscape design. o Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space. • Maximise the number of accessible and adaptable dwellings in a building by: o Providing more than one accessible entrance where a development contains clusters of buildings. o Separating and clearly distinguish between pedestrian accessways and vehicle accessways. o Locating vehicle entries away from main pedestrian entries and on secondary.	• Complies. • Complies. • Complies. Refer to Access Report.
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: o One living, rumpus room or the like; and o 50% of the private open space **Privacy** • Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.	• Refer to SEPP 65/ADG. • Refer to SEPP 65/ADG.

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	• Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space. • Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties. • Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: o Balconies to screen other balconies and any ground level private open space. o Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. o Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. • Use detailed site and building design elements to increase privacy without compromising access to light and air by: o Offsetting windows of dwellings in new development and adjacent development windows. o Recessed balconies and/or vertical fins between adjacent balconies. o Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies. o Fencing. o Vegetation as a screen between spaces. o Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. o Utilising pergolas or shading devises to limit overlooking of lower dwellings or private open space. **Acoustic Impact** • Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. • Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas. • The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance. • Arrange dwellings within a development to minimise noise transition between dwellings by:	• Complies. Refer to Acoustic Report.

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	○ Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms ○ Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas ○ Minimising the amount of common walls with other dwellings. ○ Design the internal dwelling layout to separate noisier spaces from quieter spaces by: ▪ Grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	
Site Services	**Letterboxes** • Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements. • Freestanding letterbox structures should be designed and constructed of materials that relate to the main building. • Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material. **Waste Management** • Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. • Any structure involving waste disposal facilities shall be located as follows: ○ Setback 1 m from the front boundary to the street. ○ Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. ○ Not be located adjacent to an adjoining residential property. ○ Details of the design of waste disposal facilities are shown in Part 1 of the DCP. **Frontage works and damage to Council infrastructure** • Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. • Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	• Complies. • N/A • This may be conditioned. • Bin room is located within the basement and is easily accessible by lift. • The bin room will not be visible to the street. • This may be conditioned. • This may be conditioned.

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	• Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site. **Electricity Sub Station** • In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage.	• This may be conditioned. • Complies.

Appendix F Clause 4.6 Variation to Clause 4.3 of the Liverpool Local Environmental Plan 2008 – Height of Buildings

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

1. Introduction

This submission seeks a variation to Clause 4.3 of the Liverpool Local Environmental Plan 2008 (LLEP08), which relates to building height.

This submission has been prepared with regards to a development application over Nos. 88 - 92 Elizabeth Drive seeking the demolition of all structures and the construction of a five (5) storey residential flat building comprising of 49 units and one level of basement parking. The application is made under the provisions of SEPP (Affordable Rental Housing) 2009, with all of the proposed units to be nominated as affordable rental housing.

As detailed in this written request for a variation to building height being a development standard under LLEP08, the proposed development meets the requirements prescribed under Clause 4.6 of LLEP08.

This submission is made under clause 4.6 of the LLEP08 – Exceptions to development standards. Clause 4.6 states the following:

> ***"4.6 Exceptions to development standards***
>
> *(1) The objectives of this clause are as follows:*
> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
>
> *(2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
>
> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
>
> *(4) Development consent must not be granted for development that contravenes a development standard unless:*
> *(a) the consent authority is satisfied that:*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

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

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

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4

(ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

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

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

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

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

(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

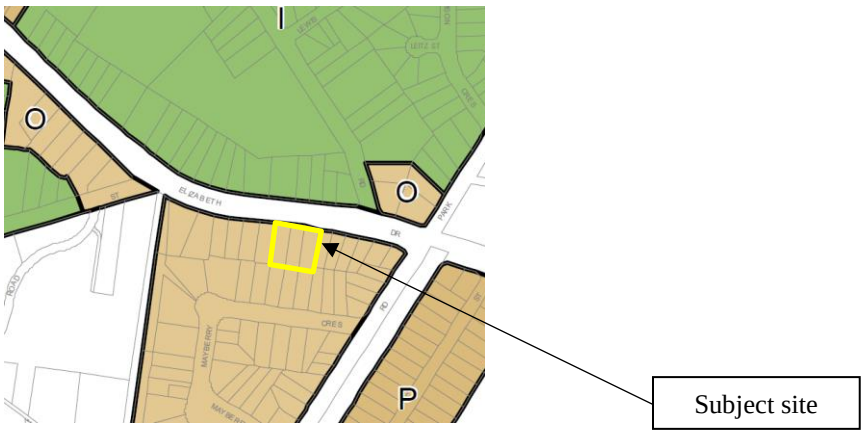
The Environmental Planning Instrument to which these variations relate to is the LLEP 08.

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

> *"(1) The objectives of this clause are as follows:*
> *(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
> *(b) to permit building heights that encourage high quality urban form,*
> *(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*
>
> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
>
> ***Note.** Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map".*

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

Figure 1 – Height of Buildings Map (*Source: NSW Legislation, LLEP08, map 10)*



The proposed residential flat building will exceed the standard with a proposed building height of 17.417m as measured from ground level to the lift overrun. The variation is equivalent to 2.417m^2 or 16.1%.

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

2. Extent of Non-Compliance

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

The current proposal seeks a maximum building height of 17.417m which is inclusive of the lift overrun. At its maximum point, inclusive of the lift overrun, the proposal therefore exceeds the standard by 2.417m^2 or 16.1%.

To the top most part of the building parapet the proposal measures 16.718m which therefore exceeds the standard by 1.718m or 11.8%.

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

A degree of flexibility is considered reasonable in this instance.

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

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827 are considered.*

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

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

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827,* Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	*The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

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

In respect of the building height standard, the first and second methods are invoked.

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

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

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

With respect to objective (a), the subject site is afforded a maximum building height limit of 15 metres and floor space ratio control of 1.0:1 under LLEP08. As the current proposal is made under State Environmental Planning Policy (Affordable Rental Housing) 2009, a bonus 0.5:1 is afforded, enabling a maximum floor space ratio of 1.5:1 to be achieved on the site.

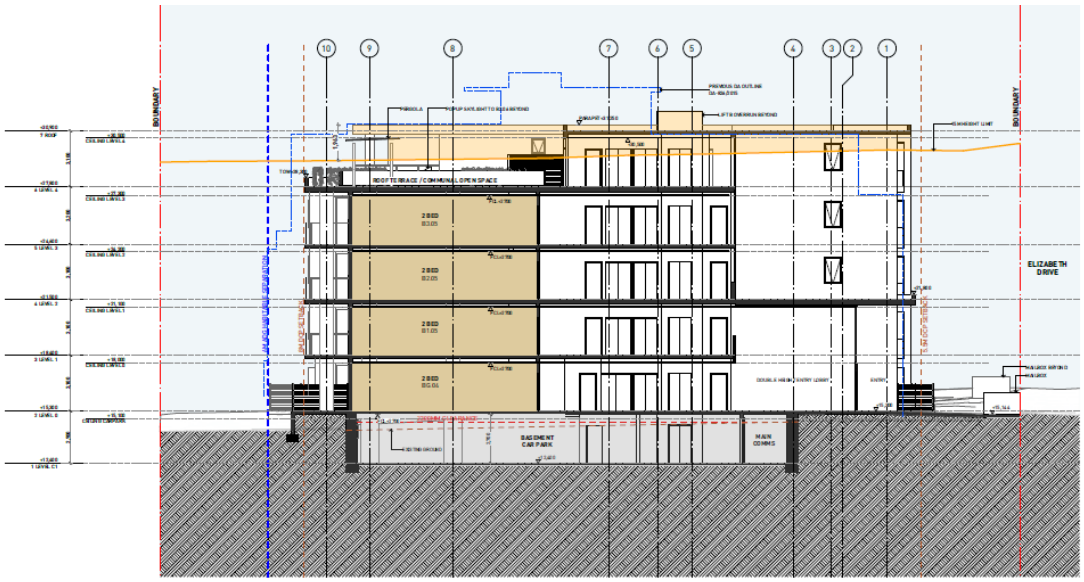
The proposal is notably compliant with the maximum floor space ratio control, however seeks a variation to the maximum height control as described in the accompanying Statement of Environmental Effects. In a decision of the Land Environment Court, *Abdul-Rahman v Ashfield Council [2015] NSWLEC 1122,* Commissioner O'Neil stated,

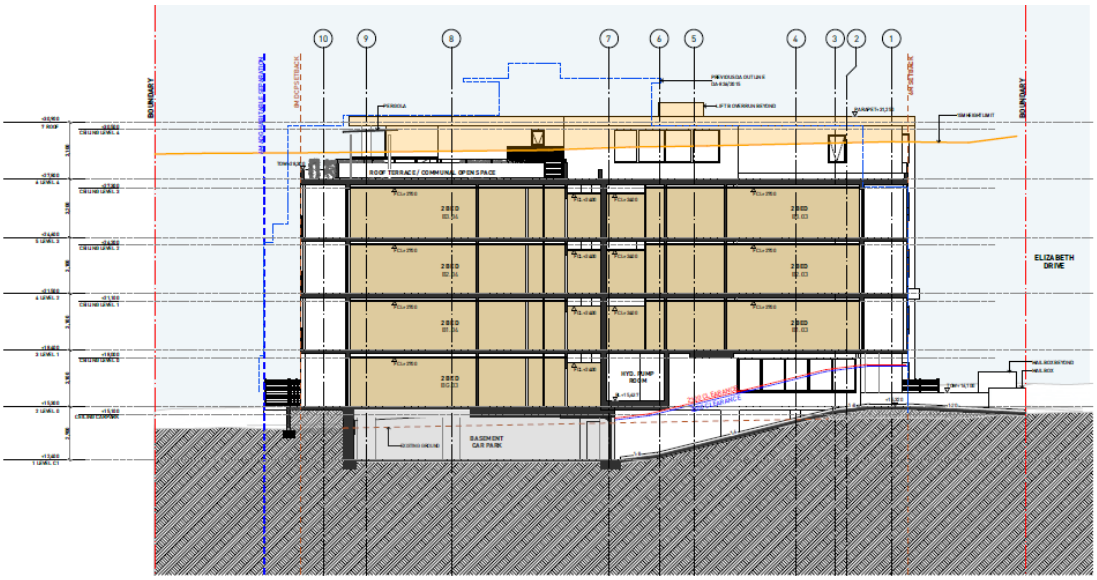
"I accept the argument put by the applicant that the consequence of the SEPP ARH incentives, which seek to facilitate the effective delivery of new affordable rental housing by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, is to expand the permissible building envelope for a site in some way, although pursuant to cl 16A of SEPP ARH, any increase of the building envelope has to be compatible with the character of the local area. In this matter, the proposal complies with the FSR development standard in LEP 2013 and does not seek the benefit of the FSR incentive of SEPP ARH at cl 13, however the principle of an expanded building envelope in recognition of the contribution of affordable rental housing made by the proposal is still relevant".

In keeping with the above, we submit that the proposed variation is attributable to the increased density available on the site along with flood levels. In view of the context of the site, it was not considered feasible to further encroach upon the setbacks of the adjoining developments and consequently the proposed height has exceeded the maximum standard.

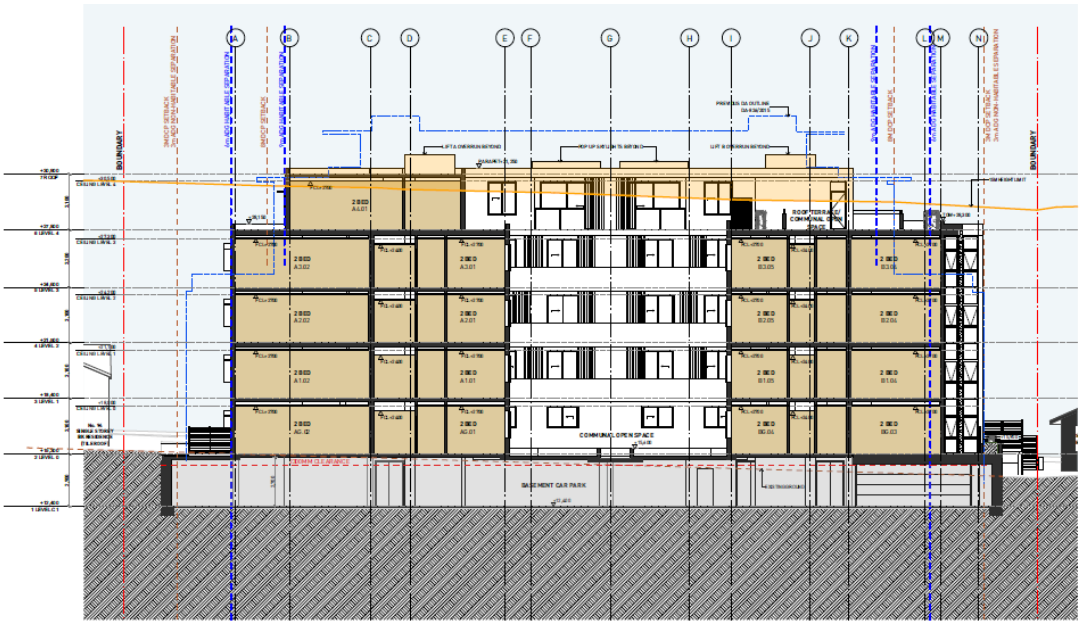
It is worthy to note, that the greatest variation to the height control is limited to the lift overrun accessing the communal open space at roof level. Where habitable floor area extends beyond the height plane, this is to a lesser extent. This is demonstrated in the images below.

Figure 2: Sections 1(top) Section 2 (middle) Section 3 (bottom)





1 SECTION (2)
1:200



1 SECTION (3)
1:200

Source: Smith & Tzannes

The extension of the lift overrun to service the roof/Level 4 has been specifically included to provide access not only to Level 4 units but to an area of communal open space. Although a generous area of communal open space is also proposed at ground level, within the rear setback, in view of the north-south orientation of the site the inclusion of a roof terrace has been provided to provide a greater level of amenity to the future residents acknowledging that greater solar access is available at this level.

The lift overrun has also been carefully sited at the centre of the building to reduce its visual prominence.

As detailed in the images above, there is a breach of habitable floor area of 1.718m or 11.8%. In addition to the comments made above regarding the appropriateness of the proposed height breach, it is important to note that flood levels across the subject site are also contributing to this height breach, requiring the building to be raised a certain distance. A flood report has been prepared for this application. This report has noted that that ground levels have a general slope form Elizabeth Drive to the south-east corner of the site which may result in some surface flows leaving the road reserved and flowing through the site. These flood levels have also been determined by Council's engineers. To mitigate this, the building is recommended to be raised by an additional 200mm. This advice has been incorporated within the proposed development. Hence, there is an environmental constraint of the subject site which has been determined to play a role in increasing the height of the overall development.

Overall, the proposed development sits lower than that of the approved development on site.

The proposed development has been carefully designed to project a highly articulated appearance to each of the facades. The depth of the units has been limited allowing for breaks in each elevation and steps in the overall design. The use of balconies, particularly to the front and rear of the building (which are the longer elevations) provides for visual relief from solid external walls and aids to break up the building mass. The use of varied building materials ranging from face brick, concrete panels aluminium, timber, glass and perforated grey framing provide for visual interest and creates vertical lines to the development to minimise the appearance of a long façade. The proposal therefore satisfies objective (b).

The proposed development has also been designed to maximise solar access with 70% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 71% of units across the development will be naturally cross ventilated in keeping with objective (c).

In terms of objective (d), the proposed development is in keeping with the R4 High Density Residential zoning afforded to the site and will reflect the character of emerging development in the area as the precinct is revitalised.

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

4. Are there Sufficient Environmental Planning Grounds?

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

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

The proposed variation is also a result of the flood affectation over the subject site. As per the submitted Flood Report, specific floor levels are required resulting in the overall building being raised. In accordance with Clause 4.6(3), this constitutes a sufficient environmental planning ground to justify contravening the development standard.

We respectfully submit that the proposal will result in a better planning outcome as unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 49 units will be nominated as affordable housing to be managed by our client, St George Community Housing.

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

The site is well located to local amenities and infrastructure with Collimore and Apex Parks located to the east, and Westfield Liverpool and Liverpool Hospital beyond. The site is also adequately serviced by public transport with regular bus services operating along Elizabeth Drive linking the subject site to Parramatta, Elizabeth Hills, Fairfield and Cabramatta.

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

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

5. Is the Variation in the Public Interest?

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

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

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

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

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

Zone R4 High Density Residential

Objectives of zone

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

In response to the above the following is provided:

The proposal will provide for 49 new residential units increasing reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing with the Liverpool local government area and our client is endeavouring to respond to this need by offering 100% of the dwellings as affordable housing far exceeding the requirements of SEE (Affordable Rental Housing) 2009. Under the requirements of the SEPP, only 50% of the units are required to be nominated as affordable housing. Our client, St. George Community Housing is a not for profit organisation who are genuinely seeking to address a rising demand for quality affordable housing in the area.

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

There are no other land uses proposed.

Regular bus services are available from Elizabeth Drive linking the subject site to Parramatta, Elizabeth Hills, Fairfield and Cabramatta. The site is well located to local amenities and infrastructure with Collimore and Apex Parks located to the east, and Westfield Liverpool and Liverpool Hospital beyond.

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

6. Public Benefit of Maintaining the Standard

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

Housing affordability in Sydney is becoming increasingly difficult. Our client is a not for profit organisation seeking to address a prevalent issue in Sydney's housing market. Our client is committed to providing a development that is 100% affordable housing far surpassing the requirements of State legislation. The additional height sought on the site will enable an additional area of communal open space to be provided on site to the benefit of the future occupants as well as additional affordable rental units.

As stated in the submitted Statement of Environmental Effects, an integrated landscape design including communal rooftop terrace, will be included on the site benefiting the future residents.

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

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

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

7. Is the Variation Well Founded?

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

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

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

8. General

Clause 4.6 also states that:

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

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

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

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

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to

which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."

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

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

The development proposed is not complying development.

A BASIX certificate was provided for the development.

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

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

9. Conclusion

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

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

The proposed development will be managed by our client, St George Community Housing with all units used for the purposes of affordable housing for at least a 10 year period.

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

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

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

Kind regards,

Melissa Rodrigues & Valdis Aleidzans
GAT & Associates
Plan 3035

Appendix G Pre-Development Application Minutes

LIVERPOOL CITY COUNCIL

Our Ref: PL-132/2017
Contact: Customer Service
Ph: 1300 36 2170
Date: 12 December 2017

GAT AND ASSOCIATES
PO BOX 96
HABERFIELD NSW 2046

Dear Sir/Madam,

Pre - Development Application Advice

Reference Number:	PL-132/2017	
Proposed Development:	Demolition of all existing structures over the subject site and the development of a five (5) storey residential flat building withing one (1) level of basement parking. The application is made in accordance with SEPP (Affordable Rental Housing 2009) and all units shall be used for afforable housing and managed by a Social Housing Provider.	
Property Address:	88 - 92 ELIZABETH DRIVE, LIVERPOOL NSW 2170 LOT 1 DP 26047, DP 391258 Pt Lot B, LOT 3 DP 414352	
Date of Meeting:	**25 October 2017**	
Present at Meeting:	**Council Representatives:**	
	Name	**Title**
	Michael Oliveiro	Senior Development Planner
	Kweku Aikins	Development Planner
	Vic Naidu	Land Development Engineer
	Victor Lim	Traffic Planning Engineer
	Applicant Representatives:	
	Name	**Company**
	Gerrad Turrisi	GAT & Associates

	Valdis Aleidzans	GAT & Associates
	Peter Smith	Smith & Tzannes
	Yvonne Kha	Smith & Tzannes
	Rachel Hemmings	Smith & Tzannes
	Gareth Williams	St George Community Housing
	Angus Nguyen	St George Community Housing
	Stephen Naughton	Bonacci Group Pty Ltd

EXECUTIVE SUMMARY

Zoning:	R4 – High Density Residential
Permissible Development:	Residential flat buildings are permissible within the R4 zone, subject to Council consent

Relevant Environmental Planning Instruments & Codes	• State Environmental Planning Policy (Affordable Rental Housing) 2009
	• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and the Apartment Design Guide
	• State Environmental Planning Policy No. 55 – Remediation of Land;
	• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
	• State Environmental Planning Policy (Infrastructure) 2007.
	• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment);
	• Liverpool Local Environmental Plan (LLEP) 2008
	• Liverpool Development Control Plan (LDCP) 2008
	  ○ Part 1: General Controls for All Development; and
	  ○ Part 3.7 Residential Flat Buildings in the R4 zone (Outside Liverpool City Centre)

Relevant external referrals:	• NSW Roads and Maritime Services (RMS) • Endeavour Energy
Other Relevant Matters:	• NSW Apartment Design Guide (ADG) • Seniors Living Policy: Urban design guidelines for infill development (UDAS 2004)

Issues	Comments
Accessible Area and ARH SEPP	Evidence shall be provided that the site is located within an accessible area as defined by SEPP Affordable Rental Housing. Unless it can be demonstrated that the site satisfies the accessible area criteria of SEPP Affordable Rental Housing, the proposal cannot rely on the provisions of the SEPP Affordable Rental Housing.
SWCPP	If the proposed development is considered to be an affordable rental housing development with a Capital Investment Value (CIV) in excess of $5,000,000 then the prospective development application will need to be determined by the Sydney Western City Planning Panel (SWCPP).
Floor Space Ratio	The relevant excerpt from Clause 13(2) of the SEPP Affordable Rental Housing reads as follows: *(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:* *(a) if the existing maximum floor space ratio is 2.5:1 or less:* *(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* *(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent,* *where:* *AH is the percentage of the gross floor area of the development that is used for affordable housing.* *Y = AH ÷ 100* Subclause (2)(a)(ii) applies to the proposal, calculation methodology is to be provided as part of the SEE.
Height	Consideration should be given to Clause 4.3(2) of the Liverpool Local Environmental Plan 2008 (LLEP 2008) which states the following: *"(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map."* Accordingly, the maximum height of any development on the subject site shall not exceed 8.5m. If the applicant wishes to pursue any departure from the maximum height, they will require a variation statement to be prepared in accordance with Clause 4.6 of the LLEP 2008. Variations will

	only be supported where an adequate environmental justification can be demonstrated and it can be shown that compliance with the development standard is unnecessary and/or unreasonable in this circumstance.
Parking	Consideration should be given to Subclause 14(2)(a)(i) of the SEPP Affordable Rental Housing which includes the following provisions for car parking: o 1 bedroom dwelling - 0.4 spaces o 2 bedroom dwelling – 0.5 spaces o 3 bedroom dwelling - 1 space Ensure that an appropriate amount of parking will be provided as listed above.
Solar Access	Clause 14 of the SEPP Affordable Rental Housing contains standards that cannot be used to refuse consent. The relevant excerpt from Clause 14(1) of the ARH SEPP reads as follows: *(e) if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.* Subclause 14(1)(e) applies, therefore it is advised to ensure that all the dwellings receive the required amount of sunlight.
Communal Open Space	Objective 3D-1 of the ADG states the following: *Communal open space has a minimum area equal to 25% of the site.* In this regard, the development shall be provided with the required amount of communal open space (COS) based on the entire site area. The principal COS must be provided with a minimum of 2 hours of solar access between 9 am and 3 pm on 21 June (winter solstice).
Setbacks	It is proposed that the development will have a minimum front setback of 6m from the classified road (Elizabeth Drive). Part 3.7 (section 4) of the LDCP 2008 requires setbacks to the street as follows: o A 7m front setback is required if the building is oriented towards a classified road Plans should be amended so that the proposed development is provided with a 7m setback from Elizabeth Drive. *Note: Non-compliance with the minimum setback will only be supported where adequate and adequate justification can be demonstrated. Due to location of the site any DA for the proposal will be referred to RMS for their comments.*

Stormwater Drainage	• Stormwater drainage for the site must be in accordance with Council's Development Control Plan. • A stormwater concept plan shall be submitted with the application. The stormwater concept plan shall be accompanied by a supporting report and calculations. • On-site detention is required to be provided for the site. The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards. • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. • Written approval shall be obtained from RMS for the connection of stormwater into the drainage system within Elizabeth Drive. • The rear courtyard overland flows can bypass the OSD system. Existing ground levels shall be maintained in the rear courtyard to ensure the overland flow is maintained as per existing conditions
Flooding	On-site water quality treatment facilities shall be incorporated in the proposal to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
Traffic and Access	• The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1, 2 and 6 and Council's Development Control Plan. • The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road. • A Traffic Impact Statement addressing traffic generation, impacts on the surrounding road network and parking provision is to be submitted. • Clear delineation of driveway access and internal circulation is to be provided. • Footpath is to be provided along Elizabeth Drive street frontage. • On-street parking restrictions are to be provided.

	• Street lighting to Council's specifications. • Waste collection is to be provided in accordance with Council's waste policy.
Social Impact Comment	In accordance with Part 1 (Section 27) of the LDCP 2008, a Social Impact Comment (SIC) will be required for the proposed development. The SIC shall address the following: • How the landscaped and communal areas will be designed to encourage social engagement and interaction • The intended purpose of the communal space areas, given that they will both receive little solar access throughout the day • Waste management procedures addressing the issues identified below:- o How bins will be stored before and after rubbish collection times o How the bins will be transported to and from the bin storage room in the basement
Waste Management	Facilities for ongoing waste management must be provided in accordance with Council's waste management fact sheet for higher density residential development, which is available on Council's website. It is noted that individual bins will be provided for each unit. Consideration should be given to how bins will be stored before and after rubbish collection times, as bins are not permitted on the designated footpath outside of the property boundaries. Additional information regarding waste management can be obtained from the NSW Environment Protection Authority (EPA).
Substation	The proposed development is likely to require a substation. Therefore, the prospective development application must be accompanied by detailed architectural plans of the substation. If the proposed substation is located outside the building envelope, the distance between the substation and the closest part of the building must exceed 3m otherwise a 6m high fire rated wall will be required as part of the design. Substations located outside the building envelope are to be designed in accordance with Integral Energy Substation Design Instruction Document No. SDI 104 (Current Version) and the Endeavour Energy Property Tenure Guidelines. Substations will need to be appropriately integrated in the overall presentation of the development to the streetscape and shall not detract from any visual amenity associated with the proposal.

	Note: It is strongly advised that the applicant liaises with Endeavour Energy prior to lodgement of the prospective development application.
Earthworks	• No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • Proposed fill material must comply with Council's Development Control Plan

Note:
This Pre-Lodgement advice is only a preliminary review of the concept development and the comments provided, written or otherwise, must not be considered as assessment of your proposal. Council is unable to make a recommendation on the proposal until such time as a full merit assessment of a lodged Development Application and its supporting documentation is undertaken.

The advice provided in no way fetters the discretion of Council in the assessment and determination of any potential application for the site. Additionally, any matters not identified in the below advice may emerge during the consideration of the complete application.

Information to be submitted with a Development Application

The following information is required to be submitted with any potential application. All the requested information is required to be submitted to enable a complete, proper and timely assessment of the application.

Please be advised that any potential application will not be accepted for lodgement unless all the required information is submitted.

- Statement of Environmental Effects addressing compliance with Section 79C of the Environmental Planning and Assessment Act 1979;
- SEPP 65 Design Verification Statement
- Survey plan;
- Architectural plans;
    - Site analysis plan;
    - Site plan;
    - Floor plan;
    - Elevations;
    - Sections
    - Shadow Diagrams
- Stormwater drainage plan and report;
- Water quality management report and electronic copy of MUSIC model;
- Landscape plan;
- Erosion and sediment control plan;

- Earthworks plan detailing any cut, fill and retaining walls;
- Schedule of colours and finishes;
- Acoustic Report;
- Social Impact Comment;
- Traffic impact statement;
- Quantity Surveyor's Report;
- BASIX Certificate;
- Waste management plan (for any demolition, construction and on-going waste management);
- USB/CD containing electronic copies in PDF format of all the above documents; and
- 1 copy of the above plans and reports.

Please do not hesitate to contact the undersigned on **1300 36 2170** if you wish to discuss this matter further.

Yours faithfully

Michael Oliveiro
Senior Development Planner
DEVELOPMENT ASSESSMENT

Appendix H Design Excellence Panel Meeting Minutes

LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF DEP MEETING
16th November 2017

DEP PANEL MEMBERS PRESENT:

Olivia Hyde	Chairperson
Lee Hillam	Panel Member
Geoff Baker	Panel Member

OTHER ATTENDEES:

Nelson Mu	Convener
Ivan Kokotovic	Planner
Kweku Aikins	Planner

APOLOGIES:

Nil

OBSERVERS:

Isaac Franzini	Smith & Tzannes	ifranzini@stz.com.au
Angus Nguyen	SGCH	angus.nguyen@sgch.com.au
Gerard Turrisi	GAT & Assoc	gerard@gatassoc.com.au
Gareth Williams	SGCH	garethw@sgch.com.au
Alex Soovoroff	Signature PM	alexs@signaturepm.com.au
Yvonne Kha	Smith & Tzannes	ykha@smithtzannes.com.au
Rachael Hemmings	Smith & Tzannes	rhemmings@smithtzannes.com.au

AGENDA:

Property Address:	88 Elizabeth Drive, Liverpool
Application Number:	PL-132/2017
Item Number:	2

1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Liverpool Design Excellence Panel (the Panel) comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

2. DECLARATIONS OF INTEREST

Nil

3. CONFIRMATION OF PREVIOUS MINUTES

No

4. PRESENTATION

The applicant presented their proposal for the demolition of existing structures and the construction of a 5-storey residential flat building above one level of basement parking. The aplication is to be made pursuant to SEPP (Affordable Rental Housing) 2009.

The Applicant's architect explained the details of the scheme as follows:

- SGCH has purchased the site with an approved DA for affordable rental housing DA, but has amended the scheme to meet their specific requirements;
- Garbage location is proposed in the basement and a motorised cart will be used to wheel bins to the street for collection;
- Double height entry proposed to provide a dignified entry to the buidling;
- Proposal provides for a mix of 1 and 2 bedroom units only;
- The building follows the setback fo the previous DA but will be provided with silver rating energy rating;
- The building provides 2 lift cores and 2 firestairs;
- Communal open space provided at the rear of the site and at the rooftop, being the primary space.
- External corridor proposed to provide access to other lift if one breaks down (locked at other times and therefore no privacy issues);
- Materiality: expressed concrete and brickworks, perforated metal screens;
- The building is over the LEP height limit but below the height of the approved DA; and
- The building has been raised due to flood affectation of the site - overland flow path running through the side of the site.

5. DEP PANEL COMMENTS

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context, 2] Built Form+ Scale 3] Density 4] Sustainability 5] Landscape 6] Amenity, 7] Safety 8] Housing Diversity +Social Interaction 9] Aesthetics.**

The Design Excellence Panel makes the following comments in relation to the project:

- The Applicant is to provide justification as to why there are no 3 bedroom apartments proposed within the scheme. Panel notes that this is in response to affordable housing tenant requirements.

- Detailed landscape plan shall be provided as part of the DA documentation. The Panel encourages the planting of large trees in deep soil that will grow to provide significant canopy cover to provide shade, amenity and for environmental reasons.

- The applicant advised that the proposal does not comply with the solar access requirements of the ADG in that significantly less than 70% of apartments would receive the required solar access (57%). This is not considered acceptable. The Panel expects that the proposal may require re-planning to achieve compliance.

- The Panel questioned the purpose of the proposed external corridor. The applicant advised that its main purpose is to provide access in the event that one of the lifts break down. It will be normally locked so it would not be used as fire egress. Under this arrangement, there should be no privacy issues.

- Entries to some units face laundries or kitchens, or pass though kitchens. Consideration be given to improve the entry to each apartment to provide a dignified sense of arrival at the entrance of each apartment.

- The Panel is concerned that the overall composition of the building, including materiality and the arrangement of elements, is unreasonably cluttered and complicated. The Panel would support a more restrained approach in keeping with other recent buildings by St George seen by the Panel.

- The location of the proposed rooftop communal open space is supported. However, the rooftop communal open space is not equitably accessible to the west wing of the building. The Panel recommends that consideration be given to relocating the rooftop communal open space to the north side of the building, where it can be accessed from both cores, or a second terrace provided for the western wing of the building.

- The proposal is currently slightly over the allowable height, however is it within the FSR and the additional height appears to have no overshadowing or other negative impacts on adjacent properties, as such the Panel does not have an objection. However, the lack of impacts should be proven as part of the DA submission.

- The Panel recommends the introduction of screening to internal corner facing apartments to address visual and acoustic privacy issues between diagonally facing apartments.

- The protruding balcony on the western elevation of Level 4 is an unusual architectural element. Consideration should be given to converting the roof space on the western elevation on level 4 into a terrace/balcony with suitable planting for privacy.

- **General**

  Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.

- **Quality of construction and Material Selection**

  Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged

- **Floor-to-floor height**

  The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.

6. CLOSE

The proposal requires further consideration and the development must be referred to the Design Excellence Panel again when the Development Application is lodged.