



STATEMENT OF ENVIRONMENTAL EFFECTS

41-43 Forbes Street, Liverpool

Construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works

Submitted to Liverpool Council
On Behalf of Barua Developers Investors

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1. INTRODUCTION

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the Development Application for construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works at 41-43 Forbes Street, Liverpool.

This statement should be read in conjunction with the architectural drawings prepared by Fox Johnston dated 20 June 2018.

The following consultant reports and plans have also been submitted with this application:

- SEPP 65 Design Verification Statement prepared by Fox Johnston;
- Survey Plan prepared by Urbanex;
- Landscape Plan prepared by Taylor Brammer;
- Stormwater Management Plan prepared by ITM Design;
- Soil and Water Management Plan prepared by ITM Design;
- NatHERS and BASIX Assessment Report prepared by Efficient Living;
- Traffic and Impact Assessment prepared by TTPA;
- BCA Report prepared by Vic Lilli & Partner;
- Waste Management Plan prepared by Fox Johnston;
- Stage 1 Environmental Site Assessment prepared by Environmental Investigations;
- Site Salinity Assessment prepared by Environmental Investigation Services; and
- Quantity Surveyor Report prepared by Coutts Cost Consulting
- Environmental Report by Environmental Investigations-Contamination Assessment Management & Geotechnical

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under the relevant Planning Controls, including the provisions of *Section 4.15 of the Environmental Planning and Assessment Act, 1979*.

The proposal seeks to construct a 9-storey shop-top housing development comprising of the following:

- Two basement levels comprising of a total of 45 residential car parking spaces, including 5 accessible car parking spaces, 2 motorbike spaces, 8 bicycle storage spaces, residential garbage area, commercial garbage area and plant rooms.
- 7 commercial car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces, 1 motor bike space and 3 bicycle spaces on the ground floor.
- Service vehicle area / car washing bay and a garbage collection point on the ground floor.
- Vehicular access to the basement parking levels and car parking spaces at the rear of the site from Forbes Street via a driveway located at the northern end of the site.
- 4 x commercial suites and toilet and kitchen on the ground floor.
- A total of 45 residential units (29 x 1-bedroom apartments and 16 x 2-bedroom apartments) on Levels 1 to Level 8.
- A separate front entry in the middle of the site for the commercial component of the development and a separate ground floor entry in the southern part of the site for the residential component of the development.
- Communal landscaped roof garden and planter box landscaping areas on Level 1 and Level 7.
- Lift and stairs to each level of the development.

- Deep soil planting area at the rear of the site.
- Landscaped front, side and rear setbacks.

The proposed shop-top housing development incorporates an affordable housing provision (i.e. 10 affordable units) under the SEPP (Affordable Rental Housing) 2009.

The proposed shop-top housing development is permissible in the R4 High Density Residential zone under the Liverpool Local Environmental Plan (LEP) 2008 and is consistent with the zone objectives, which seek to provide for the housing needs of the community within a high density residential environment.

In accordance with Liverpool LEP 2008, the subject site is afforded a 35m height limit. The proposed development has a maximum building height of 30.3m, thereby complying with the LEP height limit.

The proposed floor space ratio of 2.63:1 is compliant with the provisions of Clause 4.4(2B) of Liverpool LEP 2008 (2.13:1¹) and the bonus FSR afforded by the SEPP (Affordable Rental Housing) 2009. The additional 0.5:1 for FSR is permitted under SEPP (Affordable Rental Housing) 2009 given that residential flat buildings are permitted on the site and that the site is in an accessible area to public transport.

The proposal is compliant with the following relevant provisions of SEPP (Affordable Rental Housing) 2009:

- The aims of the Policy which seek to encourage the provision of affordable housing;
- The provision of additional floor space in areas where residential flat buildings are permitted;
- The provision of additional floor space inclusive of affordable housing in areas accessible to public transport;
- The provision of a compliant degree of floorspace;
- The dedication of at least 20% of the housing as affordable housing for a 10 year period;
- The provision of a site area of 1,188sqm which is over the minimum site area of 450sqm;
- The outperformance of the 30% landscaped area requirement;
- Compliance with the minimum dimension of 3m for deep soil planting;
- Solar access to 70% of the living rooms and private open space areas;
- Compliance with parking for the mix of 29 x 1-bedroom apartments and 16 x 2-bedroom apartments by providing for 45 residential car parking spaces in the two basement levels (minimum 31 spaces required);

¹ (2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:

(a) on a site area greater than 1,000 square metres, and

(b) on land in a zone specified in the Table to this clause, and

(c) on land for which the maximum building height shown on the [Height of Buildings Map](#) is as specified in Column 1 of the Table under the heading for that zone,

is the amount specified opposite that height in:

(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: $x = (\text{the number of square metres of the site area} - 1000) / 1500$

Zone R4 High Density Residential: 35m building height

(2 + X):1

(2 + 1,188.8sqm – 1,000 / 1,500):1

2.13:1

- Compliance with the dwelling size requirements (50sqm for 1-bedroom units and 75sqm for 2-bedroom units);
- Compliance with the 9 design principles under SEPP 65; and
- The design is compatible with the anticipated character of the area. The 9-storey scale is consistent with the controls for the site.

The proposal is considered to achieve a high degree of compliance with SEPP 65 and the accompanying Apartment Design Guide (ADG). In this regard, the architect has provided a SEPP 65 Design Quality of Residential Flat Developments Assessment and an Apartment Design Guide Compliance Table which demonstrates that the proposal conforms with the 9 design principles and objectives and performance criteria within the ADG. The proposal achieves compliance with the core amenity principles under SEPP 65 including solar access, cross ventilation, unit sizes, deep soil area, private open space, communal open space and storage. The dimensions and areas of the living areas, bedrooms and private open space areas are also compliant.

It is also considered that the siting of the built form achieves a high degree of compliance with Liverpool Development Control Plan (DCP) 2008 provisions under Part 1 General Controls and Part 4 Liverpool City Centre. This is exhibited by compliance with the DCP street frontage height, floor plate size, rear setback, site cover and adaptable unit requirements whilst other components are also consistent with the requirements of the ADG.

The combination of the above assessments under the relevant State and local controls demonstrates that the proposal will achieve a high level of internal amenity for the proposed apartments whilst also providing for a compatible height bulk and scale within the surrounding and anticipated future residential development context.

Each of the proposed apartments are of a high quality design with open plan layouts, pleasant outlooks, good sized rooms, access to sunlight, daylight, ventilation, storage and some with private open space areas.

The proposal will not result in any adverse amenity impacts to surrounding neighbours in terms of privacy, solar access or views. The proposal has been designed to ensure that mutual privacy is maintained between the proposed apartments and the neighbouring properties.

The proposal is considered to be in the public interest as it complies with the relevant aims, objectives and development standards of the applicable environmental planning instruments and the objectives and development controls of the associated development control plan. The proposal will not result in any unreasonable impacts on the environment or surrounding amenity.

The proposed height, scale and external finishes will be in keeping with the existing and future character of the neighbourhood and streetscapes of the zone. The proposed landscaping will add amenity to the area and ensure that the development sits well within the local context.

The proposal will positively contribute to the Liverpool City Centre. As outlined in the Independent Hearing and Assessment Panel Report for the previous DA on the site, DA-398/2011, *“Council” strategic planning documents identify that as a consequence of the growth of Liverpool Hospital and development within the education and medical precinct of Liverpool City Centre there will be increased demand for residential accommodation*”. The proposal provides improved housing choice and affordability in proximity to nearby services, within a high-density residential environment where housing is in demand. Moreover, the

proposal incorporates the consolidation of 2 lots which assists in minimising fragmentation within the Liverpool City Centre.

It is noted that an 8-storey residential flat building comprising 8 x 1 bedroom units, 6 x 1 bedroom and study units, 20 x 2 bedroom units and 3 x 3 bedroom units (37 units in total), was approved on the subject site on 29/09/2011 (DA-398/2011). DA-398/2011 was approved with a non-compliant FSR and non-compliant site coverage. The subject proposal has been designed to have a compliant building height, FSR (due to the bonus 0.5:1 FSR afforded by the SEPP (Affordable Rental Housing) 2009) and site coverage.

Accordingly, considering the above and given the lack of detrimental impacts resulting from the proposed development, the proposal is considered appropriate and is submitted to Council for favourable consideration.

2. SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

2.1. Site Location and Context

The subject site comprises of the following:

- No. 41 Forbes Street, Liverpool (Lot 4 DP 37806)
- No. 43 Forbes Street, Liverpool (Lot 5 DP 37806)

The site is located on the western side of Forbes Street, between Lachlan Street to the north and Campbell Street to the south.

The site is irregular in shape with an eastern boundary to Forbes Street of 25.6m, a northern side boundary of 46.255, a southern side boundary of 45.72m and a western rear boundary of 25.62m. The site has an area of 1,188.8m².

The site slopes gently from the front part of the site to the rear part of the site by approximately 1.8m.

Refer to the Survey Plan prepared by Urbanex submitted with this DA and to **Figure 1** and **Figure 2** below for a location map and an aerial map of the subject site.

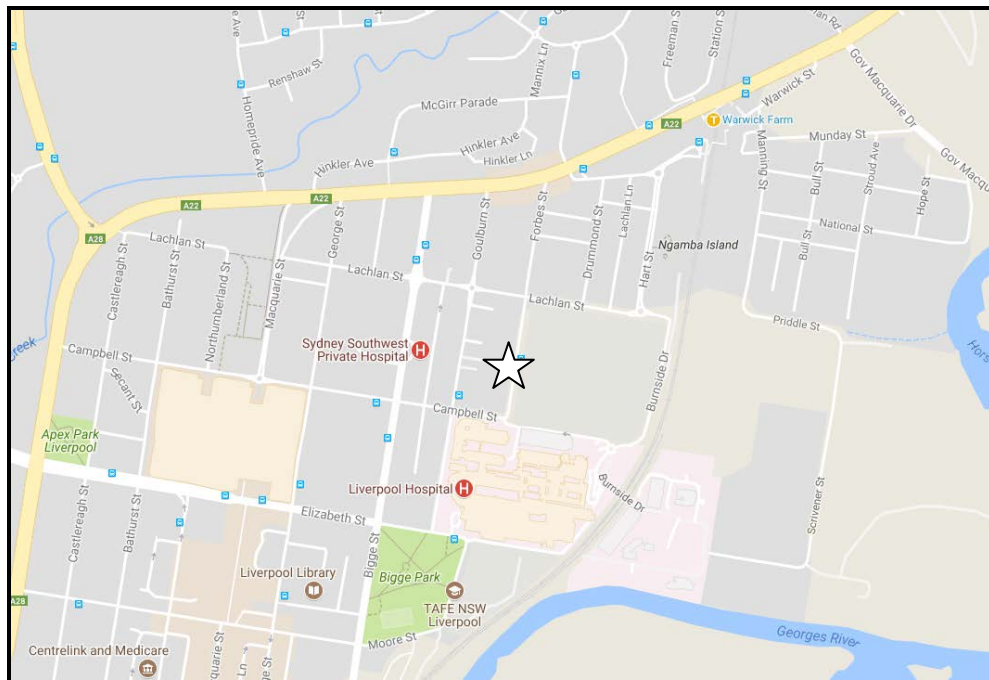


Figure 1: Site location and context



Figure 2: Aerial Photo

2.2. Existing Development

No. 41 Forbes Street contains a single storey fibro dwelling at the front of the site and a detached brick shed and detached fibro garage at the rear of the site. The front yard, rear yard and side setbacks are landscaped with overgrown shrubs and grass. The site does not contain any trees. The site has vehicular access via a driveway located at the northern end of the site.

No. 43 Forbes Street is vacant with overgrown shrubs and grass. The site does not contain any trees. The site has vehicular access via a driveway located at the northern end of the site.

Refer to **Figure 3** to **Figure 4** below for photos of the existing development on the subject site.

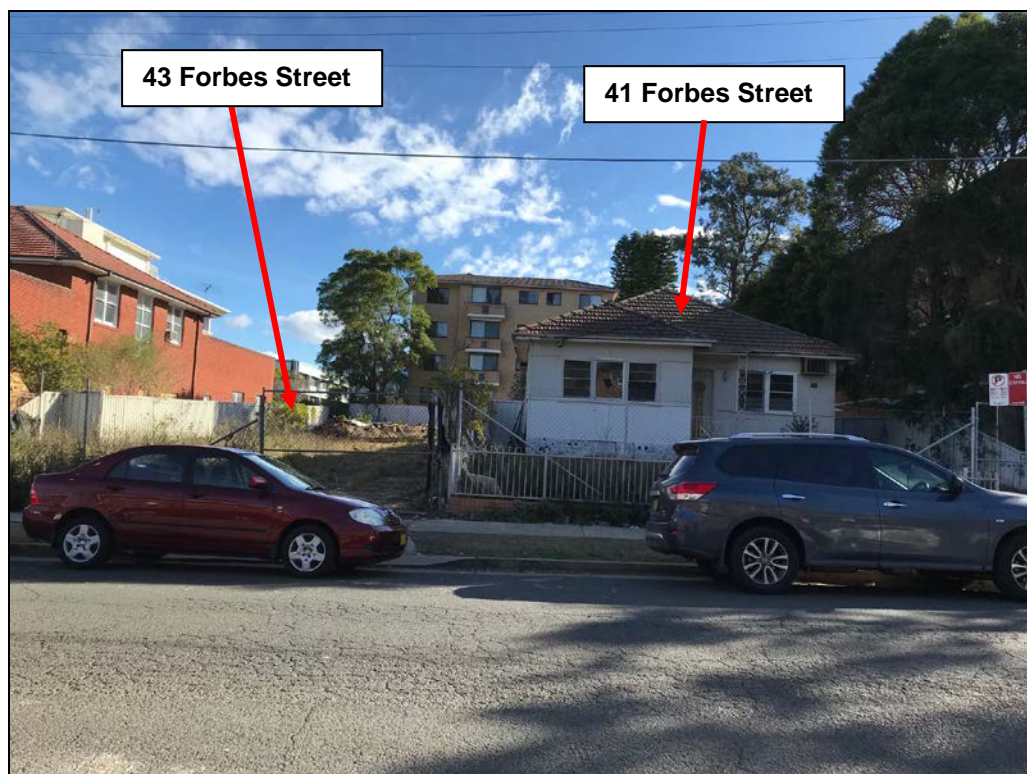


Figure 3: Front of the subject site



Figure 4: Front of the existing dwelling on subject site at 41 Forbes Street



Figure 5: Rear of the existing dwelling on subject site at 41 Forbes Street



Figure 6: Existing brick shed at the of the subject site at 41 Forbes Street



Figure 7: Existing garage and brick shed at the of the subject site at 41 Forbes Street



Figure 8: Existing site at 43 Forbes Street

3. SURROUNDING DEVELOPMENT

The subject site is located within an education and medical precinct located on the eastern edge of Liverpool City Centre. Surrounding development includes Liverpool Hospital, Liverpool Privat Hospital, medical centres and clinics, public and private schools and the Liverpool TAFE buildings.

3.1. North

Adjoining the subject site to the north is a 4-storey residential flat building at No. 37-39 Forbes Street. The building comprises of 3 levels of apartments over a ground floor car parking level.



Figure 9: Residential flat building adjoining the subject site to the north at No. 37-39 Forbes Street



Figure 10: Interface of the subject site and the residential flat building adjoining the subject site to the north, looking east



Figure 11: Interface of the subject site and the residential flat building adjoining the subject site to the north, looking west



Figure 12: Interface of the subject site and the residential flat building adjoining the subject site to the north, looking west

3.2. East

Opposite the subject site on the eastern side of Forbes Street is Liverpool Girls High School. North-east of the subject site, along the eastern side of Forbes Street is a bus stop.



Figure 13: Liverpool Girls Highschool opposite the subject site to the east

3.3. South

Adjoining the subject site to the south is a Central District Ambulance 2-storey brick building. Further south of the subject site is Liverpool Hospital, Brigg Park and TAFE NSW Liverpool.



Figure 14: Central District Ambulance brick building adjoining the subject site to the south



Figure 15: Interface of the subject site and the Central District Ambulance brick building adjoining the subject site to the south



Figure 16: Ingham Institute south of the subject site



Figure 17: Interface of the subject site and the Ingham Institute south of subject site



Figure 18: Development south of the subject site

3.4. West

To the rear of the subject site is a 4-storey residential flat building at No. 40 Goulburn Street. Bus stops are located along Goulburn Street to the west of the site. Further west of the subject site is Sydney Southwest Private Hospital. Southwest of the subject site is Westfield Liverpool.



Figure 19: Residential flat building adjoining the subject site to the west at No. 40 Goulburn Street



Figure 20: Residential flat building adjoining the subject site to the west at No. 40 Goulburn Street

4. BACKGROUND

Recent recorded planning history relating to the subject site includes the following:

- **DA-1891/2004**
Development Application - demolition of existing dwelling and erection of eight level residential unit building consisting of 2x3 bedroom and 23x2 bedroom units
Lodged: 26/03/2004
Determined: 29/06/2005 Approved by Council
- **DA-1891/2004/A**
Development Application - S.96 (1) application to modify DC1891/2004 seeking the inclusion of demolition in the development description
Lodged: 26/05/2008
Determined: 05/06/2008 Approved - Section 96 by Delegated / Staff
- **DA-398/2011**
Development Application - Demolition of existing structures and construction of an eight-storey residential flat building comprising 8 x 1 bedroom units, 6 x 1 bedroom and study units, 20 x 2 bedroom units and 3 x 3 bedroom units (37 units in total), with two levels of basement parking, and associated landscaping
Lodged: 25/10/2010
Determined: 29/09/2011 Approved by Council

It is noted that DA-398/2011 was approved with a non-compliant FSR and non-compliant site coverage. The subject proposal includes construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works. The subject proposal has been designed to have a compliant building height, FSR (due to the bonus 0.5:1 FSR afforded by the SEPP (Affordable Rental Housing) 2009) and site coverage. Refer to Sections 5 and 6 of this SEE for further details.

5. PROPOSAL

The proposal seeks to construct a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works at 41-43 Forbes Street, Liverpool.

The proposal does not include demolition. A CDC has been obtained for the demolition of the existing structures on the site.

The proposed development is broken down into the following components:

- **Basement 2**
 - 25 car parking spaces, including 1 accessible car parking space
 - Car waiting bay
 - 25 individual storage areas
 - 8 vertical bicycle storage spaces
 - 1 motor bike space
 - 2 x lifts and 1 x stairs leading to the upper levels
 - Vehicular ramp leading to the upper level
- **Basement 1**
 - 20 car parking spaces, including 4 accessible car parking spaces
 - 1 motor bike space
 - 22 individual storage areas
 - Car waiting bay
 - Commercial garbage room
 - Residential garbage room
 - 2 x lifts and 1 x stairs leading to the upper and lower levels
 - Vehicular ramp leading to the upper level and lower level
- **Ground Level**
 - 7 commercial car parking spaces, including 1 accessible car parking space and 3 retail car parking spaces
 - 1 motor bike space
 - 3 bicycle spaces
 - Driveway leading from the northern part of the site to the basement parking levels and car parking spaces at the rear of the site
 - Garbage collection point to the south of the driveway
 - 2 car waiting bays
 - Service vehicle area / car washing bay
 - Vehicular ramp leading to the lower basement levels
 - 4 x commercial suites
 - WC
 - Plant rooms
 - 2 x lifts and 1 x stairs leading to the upper and lower levels
- **Level 1**
 - 2 x 1-bedroom apartments
 - 3 x 1 bedroom + study apartments
 - 2 x 2-bedroom apartments
 - Garbage chute room
 - A/C plant

- 2 x lifts and 1 x stairs leading to the upper and lower levels
- Two planter box landscaping areas along the southern part of the building
- Levels 2 to 6
 - 4 x 1 bedroom + study apartments
 - 2 x 2-bedroom apartments
 - Garbage chute room
 - A/C plant
 - 2 x lifts and 1 x stairs leading to the upper and lower levels
- Level 7
 - 3 x 1 bedroom + study apartments
 - 2 x 2 bedroom apartments
 - Garbage chute room
 - A/C plant
 - 2 x lifts and 1 x stairs leading to the upper and lower levels
 - Two planter box landscaping areas along the rear northern and southern part of the building
- Level 8
 - 2 x 1 bedroom + study apartments
 - 2 x 2 bedroom apartments
 - Garbage chute room
 - A/C plant
 - 2 x lifts and 1 x stairs leading to the upper and lower levels
- Roof Top
 - Communal roof garden
 - Garbage chute room
 - A/C plant
 - 2 x lifts and 1 x stairs leading to the lower levels

The proposed shop-top housing development incorporates an affordable housing provision i.e. 10 affordable units) under the SEPP (Affordable Rental Housing) 2009, refer to Section 5.3 of this SEE for further details.

6. ASSESSMENT UNDER RELEVANT CONTROLS

The following planning instruments are relevant to the proposed development:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- Liverpool Local Environmental Plan 2008; and
- Liverpool Development Control Plan 2008.

6.1. COMPLIANCE SUMMARY

Table 1 below provides a snapshot of compliance of the proposed development with SEPP (Affordable Rental Housing) and the LEP and DCP controls. The following sections expand on the items identified below.

Table 1: Summary Compliance Table

Item	Control	Proposed	Complies
SEPP (Affordable Rental Housing) 2009 Division 1			
Gross floor area	At least 20% of GFA is to be used for affordable housing	20% of the GFA will be nominated as affordable rental apartments (i.e. 10 affordable units)	Y
Minimum site area	450m ²	1,188.8m ²	Y
Landscaped area	30%	30% (356.7sqm)	Y
Deep soil zone	15% Dimension of 3m Two thirds of the deep soil zone located at the rear of the site	8.11% (96.47qm) Dimension of at least 3m The deep soil area complies with the ADG requirement of 7%. The deep soil area is located at the rear of the site to allow for a landscaped buffer to be provided to the existing and future adjoining development to the rear of the site.	N
Solar access	Living rooms and private open space to a minimum of 70% of dwelling units, achieve 3 hours direct sunlight between 9am – 3pm mid-winter	100% of the units will achieve 3 hours sunlight	Y
Parking	0.5 space per 1 bedroom 1 space per 2 bedroom 1.5 spaces per 3+ bedroom	Based on the unit mix of 29 x 1 bedroom apartments and 16 x 2-bedroom apartments, 31 vehicle spaces required for the residential component of the development. Proposal will provide 45	Y

Item	Control	Proposed	Complies
		residential car parking spaces within the 2 basement levels, including 5 accessible parking spaces.	
Dwelling size	35m ² – studio 50m ² – 1 bedroom 70m ² – 2 bedroom 95m ² - 3+ bedroom	All units comply	Y
Liverpool LEP 2008			
Zoning	R4 – High Density Zone	9-storey shop-top housing development comprising of 4 ground floor commercial suites and 45 residential units above	Y
Height	35m	30.3m	Y
FSR	2.13:1 ² (LEP FSR) + 0.5 (Affordable Housing) 2.63 (3,126.54sqm)	2.63:1 (3,126.54sqm) Comprising of 2.13 (LEP FSR) + 0.5 (Affordable Housing)	Y
Building street frontage	Minimum 24m	Eastern boundary to Forbes Street of 25.6m	Y
Liverpool DCP 2008			
Car parking	<u>Residential Development</u> <ul style="list-style-type: none"> 1 space per two studio apartments 1 space per one bedroom or two bedroom apartments 1.5 spaces per three of more bedroom units 1 space per 10 units or part thereof, for visitors 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building). 	The proposal provides the following parking spaces: <ul style="list-style-type: none"> 45 residential car parking spaces on the 2 basement levels, including 5 accessible car parking spaces; 7 commercial ground floor car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces. 2 motor bike spaces on the 2 basement levels 	Complies with SEPP (Affordable Housing)

² (2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:

(a) on a site area greater than 1,000 square metres, and

(b) on land in a zone specified in the Table to this clause, and

(c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone,

is the amount specified opposite that height in:

(d) **Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or**

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: $x = (\text{the number of square metres of the site area} - 1000) / 1500$

Zone R4 High Density Residential: 35m building height

(2 + X):1

(2 + 1,188.8sqm – 1,000 / 1,500):1

2.13:1

Item	Control	Proposed	Complies
	<p><u>All other development</u></p> <ul style="list-style-type: none"> 1 space per 100sqm of floor area Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. <p><u>Motorcycle parking for all development</u></p> <ul style="list-style-type: none"> Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces <p><u>Minimum car parking requirements for people with disabilities</u></p> <ul style="list-style-type: none"> Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities. <p><u>Bicycle parking for all development</u></p> <ul style="list-style-type: none"> 1 bicycle space per 200sqm of leasable floor area. 15% of this requirement is to be accessible to visitors. 	<ul style="list-style-type: none"> 1 motor bike space on the ground floor 8 bicycle storage spaces located on Basement Level 2; 3 bicycle spaces on the ground floor Service vehicle area / car washing bay on the ground floor. <p>It is noted that the proposed development does not fully comply with the DCP parking provision requirements. However, the proposal complies with the SEPP (Affordable Rental Housing) car parking provision requirement for the residential component of the development and the DCP parking provision requirement for the commercial component of the development. Refer to the Traffic and Impact Assessment prepared by TTPA submitted with this DA.</p>	
Street setback	4m to 5m landscaped street setback along Forbes Street	The proposed development will be setback 3.6m from the street. The proposed front setback is however considered to be appropriate to the building function and character. Whilst also being compatible with the newly built form to the south.	MERIT
Street frontage height	Between 15m and 25m (5 to 7 storeys) along Forbes Street.	The proposed development will have a street frontage height of 21.3m (7 storeys).	Y
Floor plate size	For mixed use development, residential uses above the street frontage height to have a GFA of 700sqm per floor and a maximum building depth of 24m (excluding balconies).	<p>The two upper levels of the development (Level 7 and Level 8) will have a GFA of 273.06sqm.</p> <p>The proposed units on these levels will however comply with the ADG requirements for depth of cross-over or cross-through apartments (i.e.</p>	Y MERIT

Item	Control	Proposed	Complies
		units on these levels will have a maximum depth of 14m which is under the 18m ADG unit depth requirement). Moreover, 100% of the proposed units will receive solar access and natural ventilation.	
Side and rear setbacks	For mixed use developments between street frontage height and 45m, setback 6m from the side and rear boundaries.	<p>Side setbacks: The proposed development is setback 0m to 6m from the side boundaries. The proposed development however complies with the ADG building separation requirements.</p> <p>Rear setback: The proposed development is setback 6m to 6.4m from the rear boundary.</p>	<p>Complies with ADG Building Separation Requirements</p> <p>Y</p>
Floor to ceiling heights	Ground floor of mixed-use buildings to have a minimum floor to ceiling height of 3.6m. Above ground level, the minimum floor to ceiling heights for residential is 2.7m.	<p>The proposed development will have a 3.1m floor to ceiling height for the ground floor. The 3.1m floor to ceiling heights are considered to be suitable for the small commercial suites proposed.</p> <p>The proposed development will have a 2.7m floor to ceiling height for the residential levels of the development.</p>	<p>MERIT</p> <p>Y</p>
Site cover	Maximum site cover for residential zones to be 60% for mixed use developments.	The proposed development will have a site cover of 52.3%.	Y
Deep soil area	The DCP requires the development to provide 15% of the total site area as a deep soil zone. T.	The proposal includes 96.47sqm (8.11% of the site area) deep soil area at the rear of the site. However, the deep soil area complies with the ADG requirement for deep soil areas	Complies with ADG Deep Soil Requirements
Driveways	Vehicle access to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment.	The proposed driveway will have a maximum width of 2.7m.	Y
Unit mix	1-bedroom units to not be less than 10% of the total mix of units within each development. 3- or more bedroom units to not be less than 10% of the total mix of units within each	<p>The proposal provides the following apartments:</p> <ul style="list-style-type: none"> • 29 x 1 bedroom apartments (64%) • 16 x 2-bedroom 	MERIT

Item	Control	Proposed	Complies
	development.	apartments (36%) The proposal does not provide any 3-bedroom apartments. The proposed unit mix is however considered appropriate for the location.	
Adaptable units	10% of all dwellings to be designed to be capable of adaptation	The proposal includes 5 accessible apartments (11%).	Y
Solar access	Dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight to principal living rooms and to at least 50% of the private open space between 9am and 5pm on 21st June.	100% of apartments will receive 2 hours between 9am and 3pm in mid-winter and 100% of the communal rooftop garden will receive sunlight for more than 2 hours between 9am and 3pm on June 21 in accordance with the ADG requirements. As demonstrated in the shadow diagrams submitted with this DA, the proposal will result in overshadowing to the adjoining development to the south. This is somewhat unavoidable due to the east-west orientation of the subject site and adjoining site to the south. It is noted that the adjoining site to the south is zoned SP2 Infrastructure and that the proposed development complies with the LEP height and FSR control for the site and complies the ADG building separation distance requirements.	Y MERIT
Private open space	For units above ground level to have a balcony with a minimum area of 10sqm and a minimum depth of 2.5m.	The private open space areas comply with the ADG requirements of 8m ² for 1-bedroom units and 10m ² for 2-bedroom units.	Complies with ADG Private Open Space Requirements
Communal open space	Communal open space to consist of at least 50% deep soil, have a minimum dimension of 5m in any direction, contain landscaping, seating and barbeque areas.	The proposed development includes a 304.4sqm communal roof garden. The communal roof garden will be landscaped and contain barbeque areas and seating.	MERIT

Item	Control	Proposed	Complies
	Communal open space to receive a minimum of 3 hours of sunlight between 9am and 5pm to a least 50% of the space on 21st June	The communal roof garden will more than 3 hours of sunlight between 9am and 5pm to a least 50% of the space on 21st June.	Y

* Calculations prepared by Fox Johnston

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides a state-wide practice for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils/ developers.

Under clause 7 (1) (a) of SEPP 55, consideration has to be given as to whether the land is contaminated.

A Stage 1 Environmental Site Assessment prepared by Environmental Investigations is submitted with the DA.

The Stage 1 Environmental Site Assessment concludes the following:

“The property located at 41-43 Forbes Street, Liverpool NSW, was the subject of a Stage 1 Environmental Site Assessment (ESA 1) in order to determine the potential for site contamination resulting from past site activities and present a baseline of contamination conditions for assessment of the site's suitability for the leasing of the existing commercial warehouse structure.

Based on the review of historical information for the site, the predominant land uses have been residential in nature. In view of the historical activities and site walkover inspection, areas of environmental concern (AECs) were subject to potential soil contamination. These areas comprised of the entire site where previous demolition activities took place (AEC1); and the entire site where fill of unknown origin may have been imported for the purposes of levelling and raising (AEC 2).

The likelihood of contamination at both AECs was considered to be low.

In view of the findings of the Stage 1 ESA, it was concluded that further assessment (Stage 2 ESA) is required to confirm that the site soils would not pose a risk to users of the site.”

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

A NatHERS and BASIX Assessment Report prepared by Efficient Living is submitted with this application which incorporates appropriate measures to reduce artificial heating, lighting and cooling means whilst also reducing water consumption.

6.4. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposal is considered to achieve a high degree of compliance with SEPP 65 and the accompanying Apartment Design Guide (ADG). In this regard, the architect has provided a SEPP 65 Design Quality of Residential Flat Developments Assessment and an Apartment Design Guide Compliance Table which demonstrates that the proposal conforms with the 9 design principles and objectives and performance criteria within the ADG.

Overall, it is considered that the proposed residential flat building is appropriate for its context and exhibits a bulk, scale and density which is suited to its surroundings.

The aesthetics of the proposal are of a high quality being vertically and horizontally modulated whilst also exhibiting recessed upper levels. The provision of deep soil planting and landscaping around the perimeter of the built form softens the appearance when viewed from the respective streetscapes and from neighbouring properties.

The proposal affords a high degree of internal amenity for apartments in regard to solar access, cross ventilation, unit sizes, private open space, storage and communal open space area. The dimensions and areas of the living areas, bedrooms and private open space areas are also compliant.

Refer to the SEPP 65 Compliance Table below.

Table 2:SEPP 65 Summary Compliance Table

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
SEPP65 / ADG			
BUILDING SITING			
Communal Open Space	Has a minimum area of 25% of the site area	Communal roof garden: 304.4sqm (25.6%)	Y
	Achieves a minimum 50% direct sunlight to the principle usable open space with a minimum of 2 hours between 9am and 3pm on June 21	Communal roof garden will have 100% sunlight for more than 2 hours between 9am and 3pm on June 21.	Y
Deep Soil zone	7% of the site area with the following minimum dimension: $<650\text{m}^2 = \text{N/A}$ $650\text{m}^2 - 1,500\text{m}^2 = 3\text{m}$ $> 1,500\text{m}^2 = 6\text{m}$	The site has an area of $1,188\text{m}^2$. The proposal will provide 96.47sqm (8.12%) of deep soil area with a minimal dimension of 3m.	Y
	Where possible, provide the following deep soil: 10% on sites with an area of $650\text{m}^2 - 1,500\text{m}^2$ 15% of sites greater than $1,500\text{m}^2$	The site has an area of $1,188\text{m}^2$. The proposal will provide 96.47sqm (8.12%) of deep soil area, which complies with the ADG 7% landscape requirement.	N
Separation Distances	Up to 12m (4 storeys) 6m between non-habitable; 9m between habitable and non-habitable; and 12m between habitable rooms /	9.8m to 15.8m between non-habitable rooms, between habitable and non-habitable rooms and	Y

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	balconies Up to 25m (5-8 storeys) 9m between non-habitable rooms; 12m between habitable and non-habitable; and 18m between habitable rooms/balconies.	between habitable rooms/balconies.	
DESIGNING THE BUILDING			
Solar access	Living rooms and private open space of at least 70% of apartments receive 2 hours between 9am and 3pm in mid-winter for properties in dense urban areas in Sydney Metropolitan Area and Newcastle and Wollongong LGA otherwise minimum 3 hours	100% of apartments will receive 2 hours between 9am and 3pm in mid-winter.	Y
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm	0% of apartments will receive no direct sunlight between 9am and 3pm.	Y
Overshadowing	Living rooms and private open space to 70% of apartments receive 2 hours between 9am – 3pm	100%	Y
	50% direct sunlight to principle communal open space for a minimum 2 hours	100%	Y
	Where neighbouring properties do not receive the required solar access, the proposed development does not reduce this by more than 20%	0%	Y
Natural Ventilation	All habitable rooms are naturally ventilated	All habitable rooms naturally ventilated	Y
	60% of apartments are naturally cross ventilated in the first 9 storeys	100% of apartments are naturally cross ventilated	Y
	Overall depth of cross-over or cross-through apartment does not exceed 18m, glass line to glass line.	14m	Y
Floor to ceiling heights	Habitable rooms – 2.7m Non-habitable – 2.4m	Habitable rooms: 2.7m Non-habitable rooms:	Y

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	Mixed use areas: 3.3m for ground and first floor	2.7m Ground floor: 3.45m	
Minimum room and private open space requirements			
Min size for 1 bedroom apartment	Internal > 50m ²	49.1m ²	MERIT
	External > 8m ² with a minimum 2m depth	8.84m ² with a depth greater than 2m	Y
Min size for 2 bedroom apartment	Internal > 70m ²	72.24m ²	Y
	External > 10m ² with a minimum 2m depth	21.09m ² with a depth greater than 2m	Y
Min size for 3 bedroom apartment	Internal > 90m ²	N/A	N/A
	External > 12m ² with a minimum depth of 2.4m	N/A	N/A
Bedroom configuration	Master bedrooms have a minimum area of 10m ² and other bedrooms are 9m ² (excluding wardrobes)	10.50m ²	Y
	Bedrooms have a minimum 3m dimension	3m	Y
Living room configuration	Habitable rooms have a maximum depth of 2.5m x ceiling height	6.75m	Y
	In open plan layouts, the maximum depth from a window is 8m	6.3m to 7.3m	Y
	Living rooms or combined living / dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 	3.4m 4m	MERIT Y
	The width of cross-over or cross-through apartments is at least 4m wide	4.1m to -7.1m	Y
Storage facilities			
1 bedroom	6m ³	Type B unit (Accessible): 4.22m ³ + 9m ³ next to parking space Type B unit: 6.45m ³ + 8m ³ next to parking space	Y

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
2 bedroom	8m ³	Type A unit: 5m ³ + 9m ³ next to parking space Type C unit: 10m ³ + 8m ³ next to parking space	Y
3+ bedroom	10m ³	N/A	N/A
Circulation	Maximum number of apartments of a circulation core is 8	Maximum of 8 apartments on Level 1 to Level 6	Y

* Calculations prepared by Fox Johnston

6.5. State Environmental Planning Policy (Affordable Rental Housing) 2009

Table 3: Infill Affordable Housing SEPP Table

Item	Control	Applies	Response
10. Development to which Division Applies			
1	<i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i>	Y	The proposal is for shop-top housing development comprising of commercial units on the ground floor and residential units above.
a	<i>the development concerned is permitted with consent under another environmental planning instrument, and</i>	Y	Shop-top housing developments are permissible in the R4 High Density Residential zone of the Liverpool LEP Plan 2008.
b	<i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u>.</i>	Y	The subject site does not contain a heritage item.
2	<p><i>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.</i></p> <p>accessible area means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport Act 1990</i>) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	Y	The subject site is within an accessible area being within 400m of frequent bus routes along Forbes Street, Goulburn Street and Campbell Street.
3	<i>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</i>	N/A	The subject site is located within the Sydney region

Item	Control	Applies	Response
	those zones.		
13. Floor Space Ratios			
1	<i>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.</i>	Y	The proposed development will dedicate 20% of the gross floor area towards Affordable Housing (i.e. 10 affordable units).
2	<i>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:</i>	-	-
a	<i>if the existing maximum floor space ratio is 2.5:1 or less:</i>	N/A	The maximum FSR is greater than 2.5:1 as broken down below.
(i)	<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</i>	N/A	As above.
(ii)	<i>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. $Y = AH \div 100$ or</i>	N/A	As above.
b	<i>if the existing maximum floor space ratio is greater than 2.5:1:</i>	Y	The maximum FSR is greater than 2.5:1 as broken down below.
(i)	<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</i>	Y	The percentage of GFA used for affordable housing is less than 0.5:1.
(ii)	<i>Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the</i>	Y	The proposal seeks a maximum FSR of 2.63:1 (3,126.54sqm), comprising the LEP FSR standard of 2.63:1 ³ and an additional

³ (2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:

- (a) on a site area greater than 1,000 square metres, and
- (b) on land in a zone specified in the Table to this clause, and
- (c) on land for which the maximum building height shown on the [Height of Buildings Map](#) is as specified in Column 1 of the Table under the heading for that zone, is the amount specified opposite that height in:
- (d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or**
- (e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

Item	Control	Applies	Response
	<p>development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>$Z = AH \div 2.5$</p>		<p>FSR of 0.5:1, in accordance with the SEPP (Affordable Rental Housing) 2009.</p> <p>In this regard, a minimum GFA of 625.3sqm is required to be dedicated to affordable housing. Subsequent to approval of the development application, a minimum FSR of 0.5:1 will be nominated to affordable rental units and will be managed by a registered housing provider, in accordance with this policy.</p>
14. Standards that cannot be used to refuse consent			
1	<p>Site and solar access requirements</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	-	-
a	(Repealed)	-	-
b	<p>site area</p> <p>if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	Y	The subject site has an area of 1,188sqm.
c	<p>landscaped area</p> <p>if:</p> <ul style="list-style-type: none"> 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 ii. in any other case—at least 30 per cent of the site area is to be landscaped, 	Y	<p>The proposed development is not made by a social housing provider.</p> <p>30% of the site area will be landscaped (356.7sqm).</p>
d	<p>deep soil zones</p> <p>if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:</p>	-	-
(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	N	The proposed development provides for 8.12% (96.47sqm) of deep soil planting which does not comply with the deep soil area required under the SEPP.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: $x = (\text{the number of square metres of the site area} - 1000) / 1500$

Zone R4 High Density Residential: 35m building height

$(2 + X):1$

$(2 + 1,188.8\text{sqm} - 1,000 / 1,500):1$

2.13:1

Item	Control	Applies	Response
(ii)	<i>each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</i>	Y	The deep soil zone exceeds the minimum 3m dimension.
(iii)	<i>if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</i>	N	The deep soil area is located at the rear of the site to allow for a landscaped buffer to be provided to the existing and future adjoining development to the rear of the site.
e	solar access <i>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.</i>	Y	100% of the proposed units will receive at least 3 hours of solar access on June 21 st .
2	<u>General</u> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i>	-	-
a	<i>Parking if:</i>	-	-
(i)	<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</i>	N/A	The application is not made by a social housing provider. Refer to (ii) below.
(ii)	<i>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,</i>	Y	Based on the unit mix of 29 x 1 bedroom apartments and 16 x 2-bedroom apartments, 31 vehicle spaces required. Proposal will provide 45 residential car parking spaces within the 2 basement levels, including accessible parking spaces.
b	dwelling size <i>if each dwelling has a gross floor area of at least:</i> <i>i. 35 square metres in the case of a bedsitter or studio, or</i> <i>ii. 50 square metres in the case of a dwelling having 1 bedroom, or</i> <i>iii. 70 square metres in the case of a dwelling having 2 bedrooms, or</i> <i>iv. 95 square metres in the case</i>	Y	The proposed 1-bedroom and 2-bedroom apartments satisfy the required unit sizes.

Item	Control	Applies	Response
	<i>of a dwelling having 3 or more bedrooms.</i>		
3	<i>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).</i>	-	Noted
15. Design Requirements			
1	<i>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.</i>	N/A	The proposal does not include seniors housing.
2	<i>This clause does not apply to development for the purposes of a residential flat building if State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies to the development.</i>	N/A	SEPP 65 – Design Quality of Residential Flat Development applies to the development, therefore this clause does not apply.
16. Continued application of SEPP 65			
	<i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</i>	Y	Refer to the separate Design Verification Statement and Design Report prepared by Fox Johnston, which highlights the excellent performance of the development under SEPP 65 and the 9 design principles.
16A. Character of local area			
	<i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i>	Y	<p>The proposed development is compatible with the character of the local area for the following reasons:</p> <ul style="list-style-type: none"> The 9 storey built form will be compatible with the bulk and scale of future development in the area. The recessed nature of the upper two levels ensures that the built form is provided in a sensitive manner. The proposal is consistent with the building envelope controls envisaged by the LEP. The 9 storey scale is reasonable given the 35m LEP height control. It is noted that the proposal also complies with the 25m DCP street frontage height control.

Item	Control	Applies	Response
			<ul style="list-style-type: none"> The proposal will be of a high visual quality and will positively enhance the existing streetscape. The site is in close proximity to transport, shops and recreational facilities including Westfield Liverpool, Bigge Park, Warwick Farm Train Station and bus stops along Forbes Street, Goulburn Street and Campbell Street. The provision of landscaping will add amenity to the area and ensure that the development sits well within the local context. The articulated nature of the design and choice of materials ensure that the proposed development is not overbearing in terms of colour and finishes, materials and finishes. The proposed new building includes a clear pedestrian entrance from the street. The proposal does not result in unreasonable amenity impacts in terms of privacy and overshadowing to surrounding properties which confirms the compatible and reasonable nature of the proposal.
17. Must be used for affordable housing for 10 years			
1	<i>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:</i>	-	-
a	<i>for 10 years from the date of the issue of the occupation certificate: the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i>	Y	The proposed development will be used for the purpose of affordable housing for 10 years from the date of the issue of the occupation certificate. Suitable conditions of consent can be imposed by Council.
(ii)	<i>all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i>	Y	All accommodation relevant to the affordable housing component will be managed by a registered community housing provider.
b	<i>a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i>	Y	The requirements of Section 88E (a) of the Conveyancing Act 1919 will be met.

Item	Control	Applies	Response
2	<i>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.</i>	N/A	-
18. Subdivision			
	<i>Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.</i>	N/A	The proposal does not involve the subdivision of land.

* Calculations prepared by Fox Johnston

6.6. Liverpool LEP 2008

6.6.1. Zoning

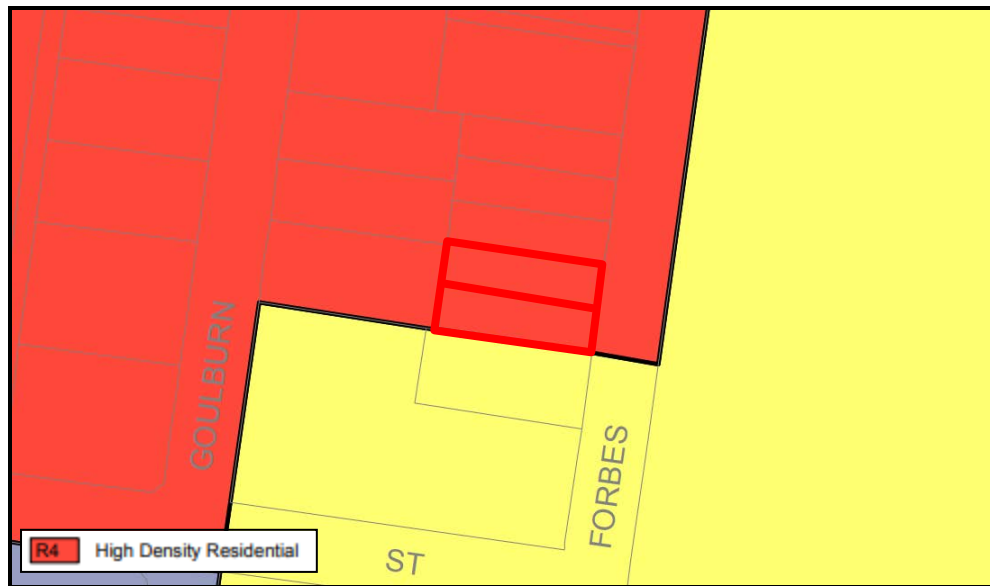


Figure 21: Zoning Map

1 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.

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

Assessment: The proposal is consistent with the objectives of the zoning as follows:

- Shop top housing development is permissible on the subject site (see discussion below).
- The proposal provides improved housing choice and affordability in proximity to nearby services, within a high-density residential environment where housing is in demand.
- The proposed works provide a variety of 1-bedroom and 2-bedroom apartments which will assist in promoting housing choice, flexibility and affordability.

- Through various design solutions and considerations, the proposed development will be consistent with existing and anticipated future scale and bulk of residential development surrounding the site.
- The proposed landscaping will add amenity to the area and ensure that the development sits well within the local context.
- The proposal has been designed to relate to its site in terms of appearance, setbacks, bulk and scale.
- The proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed floor layout has been designed to ensure that mutual privacy is maintained between neighbours within the building and neighbouring properties.
- The proposal will not inhibit other land uses to be provided in the area that provide facilities or services to meet the day to day needs of residents.
- The proposal incorporates the consolidation of 2 lots which assists in minimising fragmentation within the Liverpool City Centre.
- The proposed development is considered suitable for the subject site.

Permissibility

Shop-top housing is permitted in the R4 Medium Density Residential zone.

The definition for shop-top housing in the Liverpool LEP 2008 is as follows:

“shop top housing means one or more dwellings located above ground floor retail premises or business premises.”

The proposal includes constructing a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works. Accordingly, the proposed works are permissible with development consent.

6.6.2. Building Height

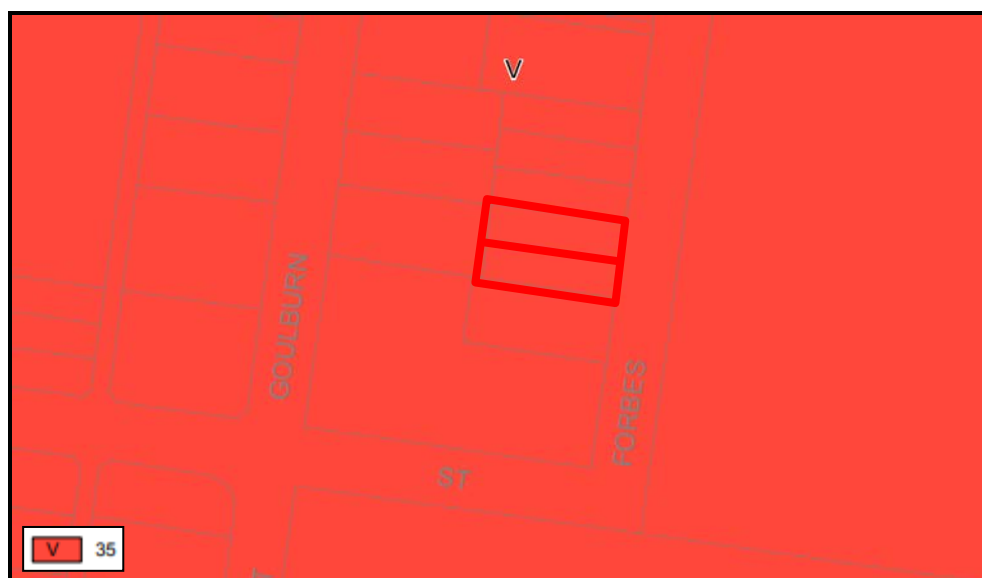


Figure 22: Building Height

(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.

Assessment: Clause 4.3 of Liverpool LEP 2008 prescribes a maximum height limit of 35m for a building on the site. The proposed development will have a maximum height of 30.3m, thereby being 4.7m below the Liverpool LEP 2008 height of building control applicable to the site.

Through various design solutions and considerations, the proposed height and scale of the development will be consistent with the anticipated future scale and bulk of residential development surrounding the site. The recessed nature of the upper two levels ensures that the built form is provided in a sensitive manner.

The proposed height is considered to satisfy the objectives by preserving solar access, to public areas and surrounding properties where reasonable.

The height does not generate any adverse shadow, privacy or view impacts.

The proposed height is therefore compliant and is also considered to satisfy the objectives of the height standard.

6.6.3. Floor Space Ratio

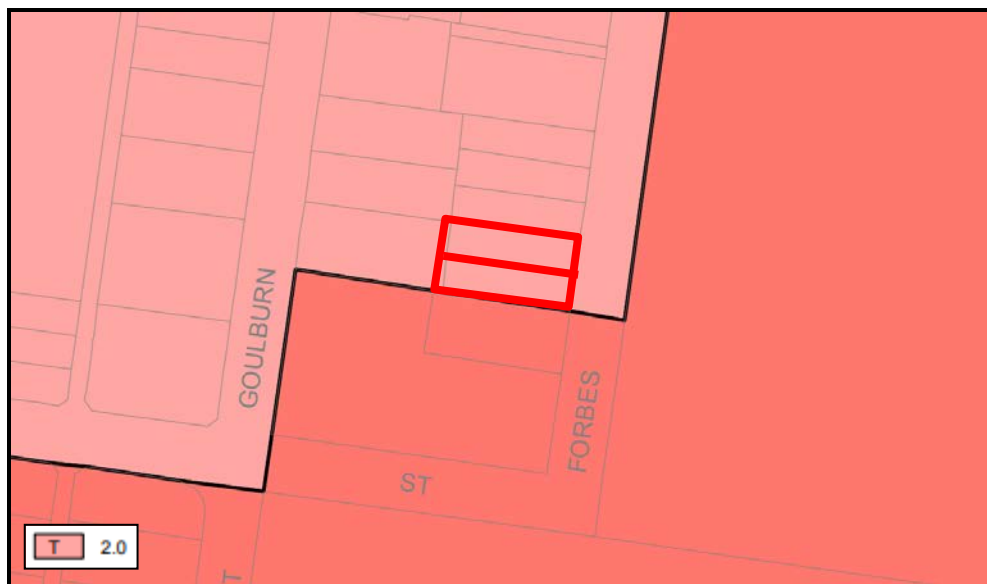


Figure 23: FSR Map

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

- (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,

- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

Assessment: The proposed floor space ratio of 2.63:1 is compliant with the provisions of Clause 4.4(2B) of Liverpool LEP 2008 (2.13:1⁴) and the bonus 0.5:1 FSR afforded by the SEPP (Affordable Rental Housing) 2009. The additional 0.5:1 for FSR is permitted under SEPP (Affordable Rental Housing) 2009 given that residential flat buildings are permitted on the site and that the site is in an accessible area to public transport.

The height, bulk and scale of the proposal is considered to be appropriate for the site notwithstanding that a slightly greater floor space ratio is provided than that typically contemplated by the LEP. The lack of impact to surrounding properties assists in accommodating the additional FSR on this site in this context.

The suitability of the built form is reflected by compliance with the overall height limit for the site. The floor space ratio is provided in an articulated and relieved manner with appropriate landscaping and modulation to each of the facades.

The floor space ratio provides for additional high quality housing on the subject site, some of which is allocated to much needed affordable housing.

The proposed floor space ratio will preserve the amenity to neighbouring properties in terms of privacy, solar access and view loss.

Therefore, it is considered that the proposed floor space ratio is appropriate for the site.

(2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:

- (a) on a site area greater than 1,000 square metres, and*
 - (b) on land in a zone specified in the Table to this clause, and*
 - (c) on land for which the maximum building height shown on the [Height of Buildings Map](#) is as specified in Column 1 of the Table under the heading for that zone,*
- is the amount specified opposite that height in:*

(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: $x = (\text{the number of square metres of the site area} - 1000) / 1500$

Zone R4 High Density Residential: 35m building height

$(2 + X):1$

$(2 + 1,188.8\text{sqm} - 1,000 / 1,500):1$

2.13:1

6.6.4. Heritage Conservation

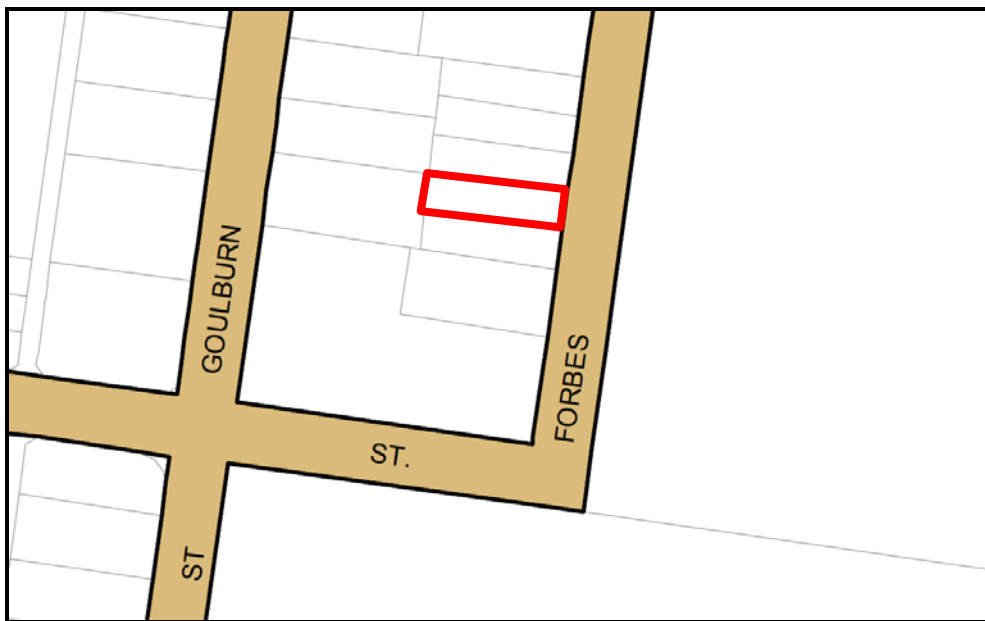


Figure 24: Heritage Map

Assessment: The existing building on the site is not identified as a Heritage Item and the subject site is not located within a Heritage Conservation Area (HCA).

The streets surrounding the subject site are heritage listed as Item 89: Plan of Town of Liverpool (early town centre street layout–Hoddle 1827). The proposed development will preserve the existing street layout and reinforce the street character by providing a consistent building alignment. The proposed development incorporates an appropriate design and use of colours, materials and finishes which are compatible with the streetscape.

6.6.5. Flood Planning Area'



Figure 25: Flood Planning Map

Assessment: The site is not identified as being affected by a flood planning area.

6.6.6. Acid Sulfate Soils

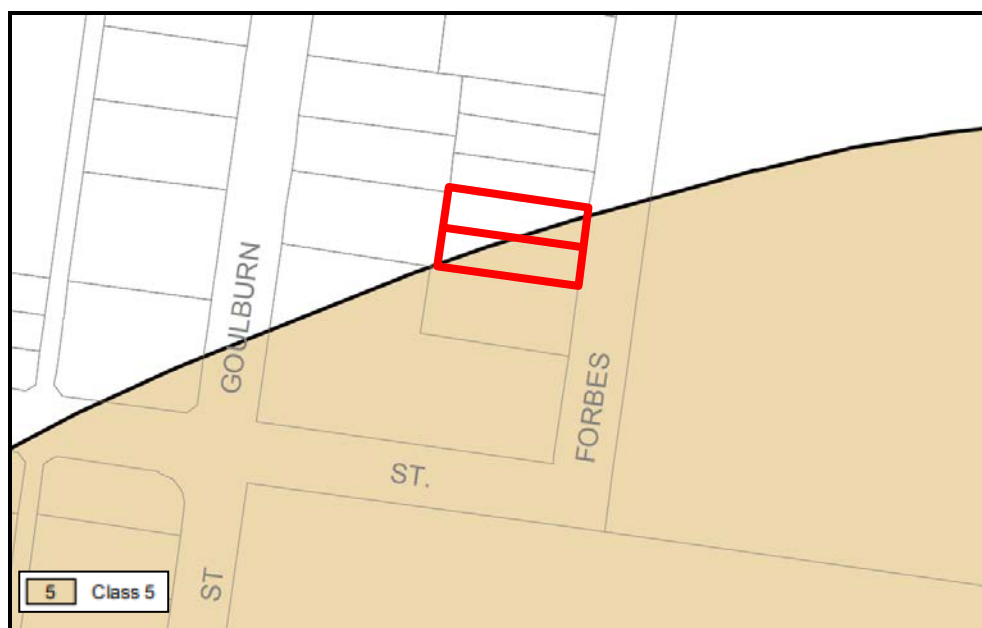


Figure 26: Acid Sulfate Soils Map

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Assessment: Part of the site is identified as being affected by Class 5 acid sulfate soils. The proposal includes excavation for the two basement levels of parking. The proposed works are however not be within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and will not lower the watertable below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

6.6.7. Minimum building street frontage

- (1) *The objectives of this clause for the control of building frontage to streets are as follows:*
- (a) *to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*
 - (b) *to ensure that vehicular access is reasonably spaced and separated along roads and lanes,*

- (c) to provide appropriate dimensions for the design of car parking levels,*
- (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.*
- (2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres:*
 - (a) any building on land in Zone B3 Commercial Core or B4 Mixed Use, or*
 - (b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or*
 - (c) any residential flat building.*

Assessment: The LEP requires sites to have a street frontage of 24m for development within the R4 High Density Residential zone. The subject site will have an eastern boundary to Forbes Street of 25.6m, thereby complying with this requirement.

6.6.8. Earthworks

- (1) The objectives of this clause are as follows:*
 - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) to allow earthworks of a minor nature without requiring separate development consent.*

Assessment: The proposal includes excavation to accommodate two basement parking levels. It is considered that the proposed earthworks will not have a detrimental impact on environmental functions and processes or neighbouring properties.

6.6.9. Division 1 Liverpool City Centre Provisions

The subject site is located in the Liverpool City Centre.

The objectives for development in Liverpool city centre are as follows:

- (a) to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) to improve the quality of public spaces in the city centre,*
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- (f) to enhance the natural river foreshore and places of heritage significance,*
- (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

Assessment: The proposed development will preserve the existing street layout and reinforce the street character by providing a consistent building alignment. The proposed development has been designed to allow adequate solar access to the adjoining sites and Forbes Street.

Sun access in Liverpool city centre

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing.*
- (2) This clause applies to certain land in the Liverpool city centre, as specified in the Table to this clause.*

- (3) *Despite clause 4.3, development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table.*
- (4) *This clause does not apply to development resulting only in refurbishment of a building.*

Assessment: The subject site is not within the proximity to the public open space areas specified in the Table in Clause 7.2 of the LEP.

Car parking in Liverpool city centre

- (1) *The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.*

Assessment: The proposal provides the following parking spaces:

- 45 residential car parking spaces on the 2 basement levels, including 5 accessible car parking spaces;
- 7 commercial ground floor car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces;
- 2 motor bike spaces on the 2 basement levels;
- 1 motor bike space on the ground floor;
- 8 bicycle storage spaces located on Basement Level 2;
- 3 bicycle spaces on the ground floor; and
- Service vehicle area / car washing bay on the ground floor.

Assessment: The proposal complies with the SEPP (Affordable Rental Housing) car parking provision requirement for the residential component of the development and the DCP parking provision requirement for the commercial component of the development. Refer to the Traffic and Impact Assessment prepared by TTPA submitted with this DA.

Building Separation in Liverpool city centre

- (1) *The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*
- (2) *Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:*
- (a) *9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (b) *12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (c) *18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential*

Assessment: As discussed in Section 5.4 of this SEE, the proposed development complies with the ADG requirements for building separation.

Design excellence in Liverpool city centre

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*

Assessment: The proposed development is considered to exhibit design excellence as follows:

- A high standard of architectural design, materials and detailing has been achieved which is appropriate to the building type and location.
- The form and external appearance of the proposed development will improve the quality and amenity of the public domain.
- The articulated and modulated nature of the facades, recessed nature of the two upper levels, landscaping along the front perimeter and variation in materials results in an excellent design outcome that is visually appealing from a streetscape perspective.
- Through various design solutions and considerations, the proposed development will be consistent with existing and anticipated future residential development surrounding the site.
- The proposal has been designed to relate to its site in terms of appearance, setbacks, bulk and scale.
- The proposal will not detrimentally impact on view corridors or overshadow public areas.
- The proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed floor layout has been designed to ensure that mutual privacy is maintained between neighbours within the building and neighbouring properties.
- The proposed development incorporates environmentally sustainable design.
- The proposal will conserve and protect nearby environmental heritage.
- The proposal generally complies with the relevant requirements of the LEP and DCP. This statement assesses any numeric non-compliance as acceptable on merit.

6.7. Liverpool DCP 2008

6.7.1. General Controls

The table below sets out the General Controls (Part 1) of the Liverpool DCP 2008 that apply to the subject site and proposed development.

Item	Response
1. Preliminary	<p>Complies</p> <p>The proposed development is consistent with the objectives of the DCP as follows:</p> <ul style="list-style-type: none"> • The proposal will provide a diversity of housing to meet the needs of the residents of the City of Liverpool. • The proposed development incorporates environmentally sustainable design. • Through various design solutions and considerations, the proposed development will be consistent with existing and anticipated future residential development surrounding the site. • The proposed landscaping will add amenity to the area and ensure that the development sits well within the local context. • The proposal has been designed to relate to its site in terms of appearance, setbacks, bulk and scale. • The proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed floor layout has been designed to ensure that mutual privacy is maintained between neighbours within the building and neighbouring properties. • The proposal will conserve and protect nearby environmental heritage.
2. Tree Preservation	<p>Not Applicable</p> <p>The subject site does not contain any trees.</p>
3. Landscaping and Incorporation of Existing Trees	<p>Complies</p> <p>The subject site does not contain any trees. The proposed landscape design incorporates a variety of species of trees, shrubs and grasses which will improve the landscape amenity of the site. The proposal incorporates landscaping around the perimeters of the site, the communal roof garden and planter box landscaping areas on Level 1 and Level 7. Refer to the Landscape Plan prepared by Taylor Brammer submitted with this DA.</p>
4. Bushland and Fauna Habitat Preservation	<p>Not Applicable</p> <p>The subject site does not contain or is adjacent to bushland.</p>

Item	Response
5. Bushfire Risk	<p style="text-align: center;">Not Applicable</p> <p>The subject site is not identified as being Bushfire Prone Land or designated as Bushfire Prone Lands Buffer Zones on Liverpool City Council Bushfire Prone Land Maps.</p>
6. Water Management Cycle	<p style="text-align: center;">Complies</p> <p>A Stormwater Plan prepared by ITM Design is submitted with this DA demonstrating that the proposal will comply with the objectives and controls of Section 6 of this DCP.</p>
7. Development watercourse near	<p style="text-align: center;">Not Applicable</p> <p>The subject site is not located near a watercourse.</p>
8. Erosion and Sediment Control	<p style="text-align: center;">Complies</p> <p>The proposal includes excavation to accommodate two basement parking levels. It is considered that the proposed earthworks will not have a detrimental impact on environmental functions and processes or neighbouring properties.</p> <p>A Soil and Water Management Plan prepared by ITM Design is submitted with this DA demonstrating that the proposal will comply with the objectives and controls of Section 8 of this DCP.</p>
9. Flooding Risk	<p style="text-align: center;">Complies</p> <p>The subject site is not identified in the LEP maps as being located within a flood planning area.</p>
10. Contaminated Land Risk	<p style="text-align: center;">Complies</p> <p>As discussed in Section 5.2 of this SEE, the site appears to have been in residential use since its original subdivision and there is no evidence of any potentially contaminating uses occurring at the site. It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. No further consideration is therefore required under clause 7 (1) (b) and (c) of SEPP 55.</p>
11. Salinity Risk	<p style="text-align: center;">Not Applicable</p> <p>The subject site is not located in an existing or proposed area that may be affected by the processes of salinisation.</p>

Item	Response
12. Acid Sulfate Soils	<p>Complies</p> <p>As discussed in Section 5.6.6 of this SEE, part of the site is identified as being affected by Class 5 acid sulfate soils in the LEP maps. The proposal includes excavation for the two basement levels of parking. The proposed works are however not be within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and will not lower the watertable below 1m AHD on adjacent Class 1, 2, 3 or 4 land.</p>
13. Weeds	<p>Not Applicable</p> <p>The subject site does not contain noxious weeds.</p>
14. Demolition of Existing Developments	<p>Not Applicable</p> <p>The proposal does not include demolition. A CDC has been obtained for the demolition of the existing structures on the site.</p>
15. On-Site Sewerage Disposal	<p>Not Applicable</p> <p>The subject site has access to a reticulated sewerage system. The proposal does not include on-site sewage disposal.</p>
16. Aboriginal Archaeology	<p>Not Applicable</p> <p>The subject site has been cleared. Aboriginal sites, places or relics have not been previously identified on the site and the site is not within an identified cultural landscape.</p>
17. Heritage and Archaeological Sites	<p>Complies</p> <p>The existing building on the site is not identified as a Heritage Item and the subject site is not located within a Heritage Conservation Area (HCA).</p> <p>The streets surrounding the subject site are heritage listed as Item 89: Plan of Town of Liverpool (early town centre street layout–Hoddle 1827). The proposed development will preserve the existing street layout and reinforce the street character by providing a consistent building alignment. The proposed development incorporates an appropriate design and use of colours, materials and finishes which are compatible with the streetscape.</p>

Item	Response
18. Notification of Applications	<p>Complies</p> <p>It is noted that the proposed development will be notified accordingly.</p>
19. Used Clothing Bins	<p>Not Applicable</p> <p>Charity bins will not be located on the subject site.</p>
20. Car Parking and Access	<p>Merit Assessment</p> <p>The proposal includes a driveway leading from the northern part of the site to the basement parking levels and car parking spaces at the rear of the site.</p> <p>The DCP requires car parking in Liverpool City Centre to be provided at the following rates:</p> <p><u>Residential Development</u></p> <ul style="list-style-type: none"> • 1 space per two studio apartments • 1 space per one bedroom or two bedroom apartments • 1.5 spaces per three or more bedroom units • 1 space per 10 units or part thereof, for visitors • 1 space per 40 units for service vehicle (including removalist vans and car washing bays, up to a maximum of 4 spaces per building). <p><u>All other development</u></p> <ul style="list-style-type: none"> • 1 space per 100sqm of floor area • Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. <p><u>Motorcycle parking for all development</u></p> <ul style="list-style-type: none"> • Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces <p><u>Minimum car parking requirements for people with disabilities</u></p> <ul style="list-style-type: none"> • Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities. <p><u>Bicycle parking for all development</u></p> <ul style="list-style-type: none"> • 1 bicycle space per 200sqm of leasable floor area. 15% of this requirement is to be accessible to visitors.

Item	Response
	<p>The proposal provides the following parking spaces:</p> <ul style="list-style-type: none"> • 45 residential car parking spaces on the 2 basement levels, including 5 accessible car parking spaces; • 7 commercial ground floor car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces. • 2 motor bike spaces on the 2 basement levels • 1 motor bike space on the ground floor • 8 bicycle storage spaces located on Basement Level 2; • 3 bicycle spaces on the ground floor • Service vehicle area / car washing bay on the ground floor. <p>It is noted that the proposed development does not fully comply with the DCP parking provision requirements. However, the proposal complies with the SEPP (Affordable Rental Housing) car parking provision requirement for the residential component of the development and the DCP parking provision requirement for the commercial component of the development. Refer to the Traffic and Impact Assessment prepared by TTPA submitted with this DA.</p>
<p>21. Subdivision of Land and Buildings</p>	<p>Not Applicable</p> <p>The proposal does not include Torrens title or strata subdivision.</p> <p>The proposal incorporates the consolidation of 2 lots which assists in minimising fragmentation within the Liverpool City Centre.</p>
<p>22. Water Conservation</p>	<p>Complies</p> <p>A NatHERS and BASIX Assessment Report prepared by Efficient Living is submitted with this application, which includes water saving devices and appliances.</p>
<p>23. Energy Conservation</p>	<p>Complies</p> <p>A NatHERS and BASIX Assessment Report prepared by Efficient Living is submitted with this application, which includes the incorporation of energy conservation measures.</p>
<p>24. Landfill</p>	<p>Not Applicable</p> <p>The proposed development does not involve landfill.</p>

Item	Response
25. Waste Disposal & re-use facilities	<p>Complies</p> <p>Refer to the Waste Management Plan prepared by Fox Johnston submitted with this DA which demonstrates that efficient storage and collection of wastes and recyclables will be implemented during the construction and operational stages of the development.</p> <p>A separate residential garbage room and separate commercial garage room are provided on Basement Level 1. A garbage collection pointy is located south of the driveway at the front of the site. Waste management has been designed to provide satisfactory amenity for occupants.</p>
26. Outdoor Advertising and Signage	<p>Not Applicable</p> <p>The proposed development does not include outdoor advertising or signage.</p>
27. Social Assessment Impact	<p>Complies</p> <p>The proposal includes the construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites and 45 residential units (including 10 affordable housing units). The proposal will ensure distributional equity of positive and negative social impacts as follows:</p> <ul style="list-style-type: none"> • The proposed shop-top housing development is permissible on the subject site. • The proposal will positively contribute to the Liverpool City Centre. As outlined in the Independent Hearing and Assessment Panel Report for the previous DA on the site, DA-398/2011, "<i>Council' strategic planning documents identify that as a consequence of the growth of Liverpool Hospital and development within the education and medical precinct of Liverpool City Centre there will be increased demand for residential accommodation</i>". The proposal provides improved housing choice and affordability in proximity to nearby services, within a high-density residential environment where housing is in demand. • The proposed works provide a variety of 1-bedroom and 2-bedroom apartments which will assist in promoting housing choice, flexibly and affordability. • Through various design solutions and considerations, the proposed development will be consistent with existing and anticipated future scale and bulk of residential development surrounding the site. • The proposed landscaping will add amenity to the area and ensure that the development sits well within the local context. • The proposal has been designed to relate to its site in terms of appearance, setbacks, bulk and scale. • The proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed floor layout has been designed to ensure that mutual privacy is maintained between neighbours within the

Item	Response
	<p>building and neighbouring properties.</p> <ul style="list-style-type: none">• The proposal will not inhibit other land uses to be provided in the area that provide facilities or services to meet the day to day needs of residents.• The proposal incorporates the consolidation of 2 lots which assists in minimising fragmentation within the Liverpool City Centre.

6.7.2. Liverpool City Centre Provisions

The table below sets out the Liverpool City Centre Provisions (Part 4) of the Liverpool DCP 2008 that apply to the subject site and proposed development.

Item	Response
Section 2: Controls for Building Form	
2.1 Building Form	<p data-bbox="1189 512 1559 539">Complies / Merit Assessment</p> <p data-bbox="645 576 2101 818">The DCP requires a 4m to 5m landscaped street setback along Forbes Street. The proposed development will be setback 3.6m from the street, which does not comply with the DCP front setback control. The proposed front setback is however considered to be appropriate to the building function and character. The development will achieve a strong and consistent definition of the public domain. The external facades of building will align with the street frontage. The proposed front setback will create an appropriate transition between public and private space. A ground floor commercial unit will be provided on the ground floor fronting the street, which will provide an active use close to the pedestrian activity area of the street. The proposed development allows an outlook to, and surveillance of, the street and provides a street landscape character and maintains sun access to the public domain.</p> <p data-bbox="645 855 2101 911">The front setback provides for a transition between the nil setback of the recently constructed commercial building to the south whilst having an appropriate front setback for a built form within commercial development at ground floor.</p> <p data-bbox="645 948 2101 1067">The DCP requires a street frontage height of between 15m and 25m (5 to 7 storeys) along Forbes Street. The proposed development will have a street frontage height of 21.3m (7 storeys), which complies with the DCP street frontage height control. The proposed street frontage height will achieve a comfortable street environment for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation.</p> <p data-bbox="645 1104 2101 1315">The DCP requires for mixed use development that residential uses above the street frontage height have a GFA of 700sqm per floor and a maximum building depth of 24m (excluding balconies). The two upper levels of the development (Level 7 and Level 8) will have a GFA of 273.06sqm, thereby complying with the DCP floor plate size control. The two upper levels of the development (Level 7 and Level 8) will have a depth of 32m. The proposed units on these levels will however comply with the ADG requirements for depth of cross-over or cross-through apartments (i.e. units on these levels will have a maximum depth of 14m which is under the 18m ADG unit depth requirement). Moreover, 100% of the proposed units will receive solar access and natural ventilation.</p> <p data-bbox="645 1351 2101 1372">The DCP requires mixed use developments between street frontage height and 45m to be setback 6m from the side and</p>

Item	Response
	<p>rear boundaries. The proposed development is setback 0m to 6m from the side boundaries and 6m to 6.4m from the rear boundary. It is noted the proposed side setbacks do not fully comply with the DCP side setback controls, however the proposed development complies with the ADG building separation requirements.</p> <p>The proposal has been designed to maximise the northern orientation to the residential units and private open space areas. The proposed side and rear setbacks ensure an appropriate level of amenity for building occupants and adjoining developments in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy. The proposal has been designed to reduce potential for overlooking and provide appropriate amenity levels to future residential developments on the adjoining sites through the provision of appropriate screening devices.</p>
2.2 Mixed Use Buildings	<p style="text-align: center;">Complies / Merit Assessment</p> <p>The proposed development includes the construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial units and 45 residential units above. The ground floor commercial units will provide active uses close to the pedestrian activity area of the street.</p> <p>The DCP requires the ground floor of mixed-use buildings to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, the minimum floor to ceiling heights for residential is 2.7m. The proposed development will have a 3.1m floor to ceiling height for the ground floor and a 2.7m floor to ceiling height for the residential levels of the development. The proposed floor to ceiling height for the ground floor are considered to be appropriate for the proposed development, which includes small commercial suites.</p> <p>The proposal includes a separate front entry in the middle of the site for the commercial component of the development and a separate ground floor entry in the southern part of the site for the residential component of the development.</p> <p>Security access controls will be provided to all entrances into private areas, including car parks and internal courtyards. Safe pedestrian routes are provided through the site.</p>
2.3 Site Cover and Deep Soil Zones	<p style="text-align: center;">Complies</p> <p>The DCP requires the maximum site cover for residential zones to be 60% for mixed use. The proposed development will have a site cover of 52.3%.</p> <p>The DCP requires the development to provide 15% of the total site area as a deep soil zone. The proposal also includes a 96.47sqm (8.11% of the site area) deep soil area at the rear of the site, which does not comply with the DCP control. However, the deep soil area complies with the ADG requirement for deep soil areas.</p>

Item	Response
	The proposed site cover and deep soil area will limit the building bulk on the site and allow for good daylight access, ventilation, visual privacy and landscaping.
2.4 Landscape Design	<p>Complies</p> <p>The subject site does not contain any trees. The proposed landscape design incorporates a variety of species of trees, shrubs and grasses which will improve the landscape amenity of the site. The proposal incorporates landscaping around the perimeters of the site, the communal roof garden and planter box landscaping areas on Level 1 and Level 7. Refer to the Landscape Plan prepared by Taylor Brammer submitted with this DA.</p>
2.5 Planting on Structures	<p>Complies</p> <p>The proposal includes a communal roof garden which will be landscaped and planter box landscaping on Level 1 and Level 7. Refer to the Landscape Plan prepared by Taylor Brammer submitted with this DA The planting on structures will be irrigated with recycled water.</p>
Section 3 Amenity	
3.1 Pedestrian Permeability	<p>Complies</p> <p>The proposal does not include a through-site link.</p> <p>The ground floor commercial units will provide active uses close to the pedestrian activity area of the street.</p> <p>The proposal will provide for pedestrian amenity and safety.</p>
3.2 Active Street Frontages and Address	<p>Complies</p> <p>As mentioned above, the ground floor commercial units will provide active uses close to the pedestrian activity area of the street.</p> <p>The proposed development allows an outlook to, and surveillance of, the street.</p> <p>The proposal includes a separate front entry in the middle of the site for the commercial component of the development and a separate ground floor entry in the southern part of the site for the residential component of the development.</p>
3.3 Front Fences	Not Applicable

Item	Response
	The proposed development does not include a front fence.
3.4 Safety and Security	<p>Complies</p> <p>The proposed development provides for passive surveillance opportunities over Forbes Street, the communal areas and the vehicular and pedestrian entrances to the site.</p> <p>The proposed entries are legible with an easily identifiable, which assist in ensuring security. The pedestrian access will be suitably illuminated without creating light spill to neighbouring properties.</p> <p>The pedestrian entries are separate from the vehicular access to the site which is located at the northern end of the site.</p>
3.5 Awnings	<p>Complies</p> <p>The proposed development does not include awnings. The proposal does include appropriate weather protection to the entrances of the development</p>
3.6 Vehicle Footpath Crossings	<p>Complies</p> <p>The proposal includes a driveway leading from the northern part of the site to the basement parking levels and car parking spaces at the rear of the site.</p> <p>The DCP requires vehicle access is to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment. The proposed driveway will have a maximum width of 2.7m, thereby complying with the DCP.</p>
3.7 Pedestrian Overpasses and Underpasses	<p>Not Applicable</p> <p>The proposed development does not include pedestrian overpasses or underpasses.</p>
3.8 Building Exteriors	<p>Complies</p> <p>The articulated and modulated nature of the facades, recessed nature of the two upper levels, landscaping along the front perimeter and variation in materials results an excellent design outcome that is visually appealing from a streetscape perspective. Balconies have been provided along each façade and planter boxes are provided along the perimeter of the communal roof garden area</p>

Item	Response
3.9 Corner Treatments	<p>Not Applicable</p> <p>The subject site is not located on a street corner.</p>
3.10 Public Artworks	<p>Not Applicable</p> <p>The proposal does not include public artwork.</p>
Section 4 Traffic and Access	
4.1 Pedestrian Access and Mobility	<p>Complies</p> <p>The proposal includes a separate front entry in the middle of the site for the commercial component of the development and a separate ground floor entry in the southern part of the site for the residential component of the development.</p> <p>The pedestrian entries are separate from the vehicular access to the site which is located at the northern end of the site.</p> <p>The pedestrian entries to the building are clearly visible from the street frontage and enhanced appropriately with high quality architectural features that contribute to visitor and occupant amenity.</p> <p>The proposal includes 5 adaptable (11% of the proposed apartments), 5 residential accessible car parking space, 1 commercial accessible car parking space and two lifts within the development.</p> <p>The pedestrian access ways, entry paths and lobbies will comprise of durable materials and appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>
4.2 Vehicular Driveways and Manoeuvring Areas	<p>Complies</p> <p>The proposal includes a driveway leading from the northern part of the site to the basement parking levels and car parking spaces at the rear of the site.</p> <p>Vehicle access is integrated into the building design and will be visually recessive.</p> <p>All vehicles will be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p> <p>Refer to the Traffic and Impact Assessment prepared by TTPA submitted with this DA.</p>

Item	Response
4.3 On Site Parking	<p data-bbox="1256 247 1487 272">Merit Assessment</p> <p data-bbox="645 309 1615 335">As discussed in Section 5.7.1, the proposal provides the following parking spaces:</p> <ul data-bbox="680 371 2101 624" style="list-style-type: none"> • 45 residential car parking spaces on the 2 basement levels, including 5 accessible car parking spaces; • 7 commercial ground floor car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces. • 2 motor bike spaces on the 2 basement levels • 1 motor bike space on the ground floor • 8 bicycle storage spaces located on Basement Level 2; • 3 bicycle spaces on the ground floor • Service vehicle area / car washing bay on the ground floor. <p data-bbox="645 660 2101 772">It is noted that the proposed development does not fully comply with the DCP parking provision requirements. However, the proposal complies with the SEPP (Affordable Rental Housing) car parking provision requirement for the residential component of the development and the DCP parking provision requirement for the commercial component of the development. Refer to the Traffic and Impact Assessment prepared by TTPA submitted with this DA.</p>
Section 5 Environmental Management	
5.1 Energy Efficiency and Conservation	<p data-bbox="1310 833 1433 858">Complies</p> <p data-bbox="645 895 2101 1007">A NatHERS and BASIX Assessment Report prepared by Efficient Living is submitted with this application which incorporates appropriate measures to reduce artificial heating, lighting and cooling means whilst also reducing water consumption. The BASIX certificate and is considered to address the energy and water conservation objectives and controls in Section 5 of the DCP.</p>
5.2 Water Conservation	<p data-bbox="1310 1051 1433 1077">Complies</p> <p data-bbox="645 1114 2101 1225">As mentioned above, a NatHERS and BASIX Assessment Report prepared by Efficient Living is submitted with this application which incorporates appropriate measures to reduce artificial heating, lighting and cooling means whilst also reducing water consumption. The BASIX certificate and is considered to address the energy and water conservation objectives and controls in Section 5 of the DCP.</p>
5.3 Reflectivity	<p data-bbox="1310 1270 1433 1295">Complies</p> <p data-bbox="645 1332 2040 1380">Visible light reflectivity from the building materials used on the facades of the proposed building will not exceed 20% in accordance with the DCP. This will ensure that the proposed building does not result in glare that causes discomfort or</p>

Item	Response
	threatens safety of pedestrians or drivers.
5.4 Wind Mitigation	<p>Complies</p> <p>The proposed development will have a maximum height of 30.3m and therefore does not require a Wind Effects Report. The proposed development will maintain comfortable conditions for pedestrians.</p>
5.5 Noise	<p>Complies</p> <p>The subject site is not adjacent to a noise source or within a noise affected location.</p>
5.6 Waste	<p>Complies</p> <p>Refer to the Waste Management Plan prepared by Fox Johnston submitted with this DA which demonstrates that efficient storage and collection of wastes and recyclables will be implemented during the construction and operational stages of the development.</p> <p>A separate residential garbage room and separate commercial garage room are provided on Basement Level 1. A garbage collection pointy is located south of the driveway at the front of the site. Waste management has been designed to provide satisfactory amenity for occupants.</p>
5.7 Floodplain and Water Cycle Management	<p>Complies</p> <p>The subject site is not identified in the LEP maps as being located within a flood planning area.</p> <p>A Stormwater Plan prepared by ITM Design is submitted with this DA demonstrating that the proposal will comply with the objectives and controls of Section 5.7 of this DCP.</p>
5.8 Sewage Treatment Plant	<p>Not Applicable</p> <p>The subject site is not located near to a sewage treatment plant.</p>
5.9 Business where trolleys are required	<p>Not Applicable</p> <p>The proposed development does not comprise of a business where trolleys are required.</p>

Item	Response
Section 6 Controls for Residential Development	
6.1 Housing Choice and Mix	<p style="text-align: center;">Merit Assessment / Complies</p> <p>The DCP requires studio and 1-bedroom units to not be less than 10% of the total mix of units within each development and that 3- or more bedroom units to not be less than 10% of the total mix of units within each development.</p> <p>The proposal provides the following apartments:</p> <ul style="list-style-type: none"> • 29 x 1 bedroom apartments (64%) • 16 x 2-bedroom apartments (36%) <p>The proposal does not provide any 3-bedroom apartments. The proposed unit mix is however considered appropriate for the location. The proposed development provides a variety of 1-bedroom and 2-bedroom apartments with different layouts which will assist in promoting housing choice, flexibility and affordability. The apartment types and mix of sizes will cater for a variety of socio-economic groups. The dwelling layouts are sufficiently flexible for residents' changing needs over time.</p> <p>The DCP requires 10% of all dwellings to be designed to be capable of adaptation for disabled or elderly residents. The proposal includes 5 adaptable apartments (11% of the [proposed apartments]). The proposal includes 5 residential accessible car parking spaces, 1 commercial accessible car parking space and two lifts within the development.</p>
6.2 Multi-Dwelling Housing	<p style="text-align: center;">Merit Assessment / Complies</p> <p><u>Form and Streetscape</u></p> <p>The proposal ensures that a number of the apartments front Forbes Street. Private and communal spaces are clearly defined with a clear sense of ownership within the development. The proposed development has been separated in accordance with the ADG requirements.</p> <p><u>Privacy</u></p> <p>The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal has considered the location of the development on the site, the internal layout and the building materials used.</p> <p>The proposed development will have appropriate setbacks thereby providing adequate separation from the adjoining properties.</p> <p>Windows have been appropriately sited and designed to minimise any potential overlooking.</p>

Item	Response
	<p>The upper level balconies are limited in size and appropriately screened to ensure that privacy and acoustic impacts to neighbouring properties are minimised.</p> <p>The ground floor communal open space areas will be screened by 1.8m high fencing and landscaping to minimise potential acoustic privacy concerns.</p> <p><u>Solar Access</u></p> <p>The DCP requires dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight to principal living rooms and to at least 50% of the private open space between 9am and 5pm on 21st June.</p> <p>100% of apartments will receive 2 hours between 9am and 3pm in mid-winter and 100% of the communal rooftop garden will receive sunlight for more than 2 hours between 9am and 3pm on June 21 In accordance with the ADG requirements.</p> <p>As demonstrated in the shadow diagrams submitted with this DA, the proposal will result in overshadowing to the adjoining development to the south. This is somewhat unavoidable due to the east-west orientation of the subject site and adjoining site to the south and the building controls which allow for a maximum of 35m building height in this area. It is noted that the adjoining development to the south is zoned SP2 Infrastructure and that the proposed development complies with the LEP height and FSR control for the site and complies the ADG building separation distance requirements. It is further noted that the proposal has been designed to minimise overshadowing to the existing residential flat buildings which adjoin the subject site to the north and west.</p> <p><u>Private Open Space</u></p> <p>The DCP requires for units above ground level to have a balcony (preferably adjacent to a living room or kitchen of the dwelling), with a minimum area of 10sqm and a minimum depth of 2.5m. The private open space areas comply with the ADG requirements.</p> <p><u>Communal Open Space</u></p> <p>The DCP requires the communal open space to consist of at least 50% deep soil, have a minimum dimension of 5m in any direction, contain landscaping, seating and barbeque areas. The proposed development includes a 304.4sqm communal roof garden which will be landscaped and contain seating and barbeque areas. Refer to the Landscape Plan prepared by Taylor Brammer submitted with this DA. The communal roof garden will receive more than 3 hours of sunlight between 9am and 5pm to a least 50% of the space on 21st June.</p>

Item	Response
	<p><u>Parking and Driveways</u></p> <p>The proposal includes a driveway leading from the northern part of the site to the basement parking levels and car parking spaces at the rear of the site. The proposed driveway and car parking areas have been designed to not be visually dominant from the streetscape.</p>
Section 7 Controls for Special Areas	
<p>7.1 Heritage Items and Conservation Areas</p>	<p>Complies</p> <p>The existing building on the site is not identified as a Heritage Item and the subject site is not located within a Heritage Conservation Area (HCA).</p> <p>The streets surrounding the subject site are heritage listed as Item 89: Plan of Town of Liverpool (early town centre street layout–Hoddle 1827). The proposed development will preserve the existing street layout and reinforce the street character by providing a consistent building alignment. The proposed development incorporates an appropriate design and use of colours, materials and finishes which are compatible with the streetscape.</p>
<p>7.2 Controls for special uses</p>	<p>Not Applicable</p> <p>The proposed development does not include special uses.</p>
<p>7.3 Key Sites</p>	<p>Not Applicable</p> <p>The subject site is not a key site.</p>
<p>7.4 Design Excellence</p>	<p>Complies</p> <p>The proposed development is considered to exhibit design excellence as follows:</p> <ul style="list-style-type: none"> • A high standard of architectural design, materials and detailing has been achieved which is appropriate to the building type and location. • The form and external appearance of the proposed development will improve the quality and amenity of the public domain. • The articulated and modulated nature of the facades, recessed nature of the two upper levels, landscaping along the front perimeter and variation in materials results an excellent design outcome that is visually appealing from a streetscape perspective.

Item	Response
	<ul style="list-style-type: none"> • Through various design solutions and considerations, the proposed development will be consistent with existing and anticipated future residential development surrounding the site. • The proposal has been designed to relate to its site in terms of appearance, setbacks, bulk and scale. • The proposal will not detrimentally impact on view corridors or overshadow public areas. • The proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed floor layout has been designed to ensure that mutual privacy is maintained between neighbours within the building and neighbouring properties. • The proposed development incorporates environmentally sustainable design. • The proposal will conserve and protect nearby environmental heritage. • The proposal generally complies with the relevant requirements of the LEP and DCP. This statement assesses any numeric non-compliance as acceptable on merit.
7.5 Non Business Uses	<p style="text-align: center;">Complies</p> <p>The subject site is zoned R4 High Density Residential. The proposal includes the construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites and 45 residential units above. The proposal has been designed so that the commercial uses on the ground floor and the residential uses above will be compatible.</p>
7.6 Restaurants/Outdoor Cafes	<p style="text-align: center;">Not Applicable</p> <p>The proposed development does not include restaurants or outdoor cafes.</p>
7.7 Child Care Centres	<p style="text-align: center;">Not Applicable</p> <p>The proposed development does not include a child care centre.</p>

7. SECTION 4.15 CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This assessment has taken into account the following provisions:

STATUTORY POLICY AND COMPLIANCE – s.4.15 (1)(a)

The proposal has been assessed in relation to all relevant LEPs and DCPs above in the *Statement of Environmental Effects*.

The LEP which is relevant to the proposal is:

Liverpool LEP 2008

Comment: The proposed shop-top housing development comprising of 4 commercial units on the ground floor and 45 residential units above is permissible in the R4 High Density Residential zone and is considered to be consistent with the objectives of the R4 Zone.

The relevant development control plan is:

Liverpool DCP 2008

Comment: This Statement of Environmental Effects has addressed each of the relevant provisions of the DCP and it is considered that the proposal satisfies the objectives and performance criteria of the DCP regardless of compliance.

NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposal, the day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian / vehicular traffic flows.

The proposal will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site while no endangered fauna have been identified on or around the site.

The proposal does not involve the removal of any significant trees or vegetation on the site.

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed development will not be detrimental to the social and economic environment in the locality.

SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The size and shape of the site is suitable for the proposed development and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT – s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

THE PUBLIC INTEREST – s.4.15(e)

Amenity impacts have been minimised and the proposal is considered to be a positive contribution to the built and natural environment. The proposal provides improved housing choice and affordability in proximity to nearby services, within a high-density residential environment where housing is in demand.

8. CONCLUSION

This SEE accompanies a DA for proposed construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscape works at 41-43 Forbes Street, Liverpool.

The proposal comprises of the following:

- Two basement levels comprising of a total of 45 residential car parking spaces, including 5 accessible car parking spaces, 2 motorbike spaces, 8 bicycle storage spaces, residential garbage area, commercial garbage area and plant rooms.
- 7 commercial car parking spaces, including 1 accessible parking space and 3 tandem car parking spaces, 1 motor bike space and 3 bicycle spaces on the ground floor.
- Service vehicle area / car washing bay and a garbage collection point on the ground floor.
- Vehicular access to the basement parking levels and car parking spaces at the rear of the site from Forbes Street via a driveway located at the northern end of the site.
- 4 x commercial suites and toilet and kitchen on the ground floor.
- A total of 45 residential units (29 x 1-bedroom apartments and 16 x 2-bedroom apartments) on Levels 1 to Level 8.
- A separate front entry in the middle of the site for the commercial component of the development and a separate ground floor entry in the southern part of the site for the residential component of the development.
- Communal landscaped roof garden and planter box landscaping areas on Level 1 and Level 7.
- Lift and stairs to each level of the development.
- Deep soil planting area at the rear of the site.
- Landscaped front, side and rear setbacks.

The proposed shop-top housing development incorporates an affordable housing provision under the SEPP (Affordable Rental Housing) 2009.

The proposed shop-top housing development is permissible in the R4 High Density Residential zone under the Liverpool Local Environmental Plan (LEP) 2008 and is consistent with the zone objectives, which seek to provide for the housing needs of the community within a high density residential environment.

In accordance with Liverpool LEP 2008, the subject site is afforded a 35m height limit. The proposed development has a maximum building height of 30.3m, thereby complying with the LEP height limit.

The proposed floor space ratio of 2.63:1 is compliant with the provisions of Clause 4.4(2B) of Liverpool LEP 2008 (2.13:1⁵) and the bonus FSR afforded by the SEPP (Affordable Rental

⁵ (2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:

(a) on a site area greater than 1,000 square metres, and
 (b) on land in a zone specified in the Table to this clause, and
 (c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone,
 is the amount specified opposite that height in:

(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

Housing) 2009. The additional 0.5:1 for FSR is permitted under SEPP (Affordable Rental Housing) 2009 given that residential flat buildings are permitted on the site and that the site is in an accessible area to public transport.

The proposal is generally compliant with the relevant provisions of SEPP (Affordable Rental Housing) 2009.

The proposal is considered to achieve a high degree of compliance with SEPP 65 and the accompanying Apartment Design Guide (ADG). In this regard, the architect has provided a SEPP 65 Design Quality of Residential Flat Developments Assessment and an Apartment Design Guide Compliance Table which demonstrates that the proposal conforms with the 9 design principles and objectives and performance criteria within the ADG. The proposal achieves compliance with the core amenity principles under SEPP 65 including solar access, cross ventilation, unit sizes, deep soil area, private open space, communal open space and storage. The dimensions and areas of the living areas, bedrooms and private open space areas are also compliant.

It is also considered that the siting of the built form achieves a high degree of compliance with Liverpool Development Control Plan (DCP) 2008 provisions under Part 1 General Controls and Part 4 Liverpool City Centre. This is exhibited by compliance with the DCP street frontage height, floor plate size, rear setback, site cover and adaptable unit requirements whilst other components are also consistent with the requirements of the ADG.

The combination of the above assessments under the relevant State and local controls demonstrates that the proposal will achieve a high level of internal amenity for the proposed apartments whilst also providing for a compatible height bulk and scale within the anticipated future context of the surrounding area.

Each of the proposed residential apartments are of a high quality design with open plan layouts, private open space areas, pleasant outlooks, good sized rooms and access to sunlight, daylight, ventilation and storage.

The proposal will not result in any adverse amenity impacts to surrounding neighbours in terms of privacy, solar access or views. The proposal has been designed to ensure that mutual privacy is maintained between the proposed apartments and the neighbouring properties.

The proposal is considered to be in the public interest as it complies with the relevant aims, objectives and development standards of the applicable environmental planning instruments and the objectives and development controls of the associated development control plan. The proposal will not result in any unreasonable impacts on the environment or surrounding amenity. The proposed landscaping will add amenity to the area and ensure that the development sits well within the local context.

The proposal provides improved housing choice and affordability in proximity to nearby services, within a high-density residential environment where housing is in demand.

Based on these considerations, the proposal are considered to be appropriate for the site and worthy of approval.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: $x = (\text{the number of square metres of the site area} - 1000) / 1500$

Zone R4 High Density Residential: 35m building height

$(2 + X):1$

$(2 + 1,188.8\text{sqm} - 1,000 / 1,500):1$

2.13:1