

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SSW026
<b>DA Number</b>	DA-627/2018
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	Demolition of existing structures and construction of a 6-storey residential flat building comprising 58 units.  The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
<b>Street Address</b>	23-29 Harvey Avenue, Moorebank
<b>Applicant/Owner</b>	Pagano Architects / Qing Shi & Yao Chen
<b>Date of DA lodgement</b>	14/08/2018
<b>Number of Submissions</b>	10 individual submissions and two Petitions
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development))</b>	The development is for affordable housing (a 'community facility') and has a CIV of \$19,305,000, pursuant to Clause 5 of Schedule 7.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i):</i> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>○ State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>○ Liverpool Local Environmental Plan 2008</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii):</i> <ul style="list-style-type: none"> <li>○ Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP”. On this basis, assessment under clause 7 of SEPP 55 is not required.</li> </ul> </li> <li>• <i>List any relevant development control plans: s4.15(1)(a)(iii):</i> <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008 <ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development</li> <li>- Part 3.7 – Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv):</i> <ul style="list-style-type: none"> <li>○ No planning agreement relates to the site or proposed development.</li> </ul> </li> <li>• <i>List any relevant regulations: s4.15(1)(a)(iv):</i> <ul style="list-style-type: none"> <li>○ Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC).</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Recommended conditions of consent</li> <li>2. Architectural plans</li> <li>3. Landscape plans</li> <li>4. Stormwater plans</li> <li>5. Height analysis</li> <li>6. Survey Plan</li> <li>7. Statement of Environmental Effects, and Addendum to SEE</li> <li>8. Design Verification Statement</li> <li>9. Traffic Management Report</li> <li>10. Traffic Impact Assessment</li> <li>11. Waste Management Plan</li> <li>12. Acoustic Report</li> <li>13. Access Compliance Report</li> <li>14. BCA Report</li> <li>15. BASIX Commitment Report and Certificate</li> <li>16. NatHERS Certificates</li> <li>17. Design Excellence Panel Comments</li> </ol>
<b>Clause 4.6 requests</b>	The applicant has provided an assessment under Clause 4.6 to vary the maximum height limit under Clause 4.3 of LLEP 2008.
<b>Summary of key submissions</b>	<p>10 submissions and two petitions (one with 339 signatures and one with 69 signatures) were received that raised the following concerns:</p> <ul style="list-style-type: none"> <li>○ bulk and scale of development</li> <li>○ impact on character of the area / development not in keeping with the area</li> <li>○ overdevelopment of the area</li> <li>○ excessive density / FSR</li> <li>○ excessive height</li> <li>○ loss of privacy</li> <li>○ visual impact</li> <li>○ overshadowing</li> <li>○ impact on parking / lack of visitor parking</li> <li>○ traffic safety and access issues</li> <li>○ construction impacts</li> <li>○ noise and disturbance</li> <li>○ impact on infrastructure</li> <li>○ impact on property values</li> </ul>
<b>Report prepared by</b>	Adam Flynn – Senior Development Assessment Planner
<b>Report date</b>	27 April 2020

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

---

**Legislative clauses requiring consent authority satisfaction**

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

**Yes**

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

---

**Clause 4.6 Exceptions to development standards**

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

**Yes**

---

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

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

---

**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

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

---

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Sydney Western City Planning Panel is the determining authority as the development includes affordable housing with a Capital Investment Value over \$5 million, pursuant to Clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

### **1.2 The proposal**

The application proposes the construction of a 6-storey residential flat building comprising 58 residential units (including 27 affordable housing units), two levels of basement parking and associated landscaping works.

The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

### **1.3 The site**

The development site is comprised of 4 lots being Lots 25-28 DP 236405 and is identified as 23-29 Harvey Avenue, Moorebank.

### **1.4 The issues**

The main issues identified in the assessment relate to the following:

1. The applicant has provided an assessment under Clause 4.6 to vary the maximum height limit. The submitted written request to vary Clause 4.3 – height of buildings development standard has been assessed against the provisions of Clause 4.6; the objectives of the clause being varied; and the objectives of the R4 zone. The variation request is considered to be acceptable in this instance.
2. Overshadowing to the property to the south is of concern. At present the proposal would place the dwelling in shadow for most of the day on 21 June. However, it is anticipated that the site to the south may be redeveloped in the future given the R4 zoning of the locality. On balance, the proposal is considered acceptable as it consistent with the objectives of the zoning, complies with FSR, and that the height variation has merit.
3. There are inconsistencies with the Apartment Design Guide (ADG) relating to building separation. Through amendments to the design of the building made by the applicant since lodgement of the DA, the proposal is considered to have adequately addressed these inconsistencies and therefore is considered acceptable with regards to the ADG.

Notwithstanding the issues listed above, the proposal is considered an acceptable form of development in the circumstances and is worthy of support, subject to conditions.

### **1.5 Exhibition of the proposal**

In accordance with LDCP 2008, the application was notified for a 14-day period, from 9 October 2018 to 25 October 2018. 10 submissions and two petitions (one with 339 signatures and one with 69 signatures) were received in relation to the proposed development during the public consultation process. The issues raised within the submissions are discussed within the report.

## 1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the amendments made to the original proposal by the applicant, it is recommended that the DA be approved, subject to the recommended conditions of consent.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lots 25-28 in DP 236405, being 23-29 Harvey Avenue, Moorebank. The combined sites are regular in shape with a total area of 2,745.2sqm. The site has a frontage to Harvey Avenue of 75.06m.

The site is currently occupied by 4 single storey detached dwellings. The site slopes to the north-west from the south-east by approximately 4.5m.



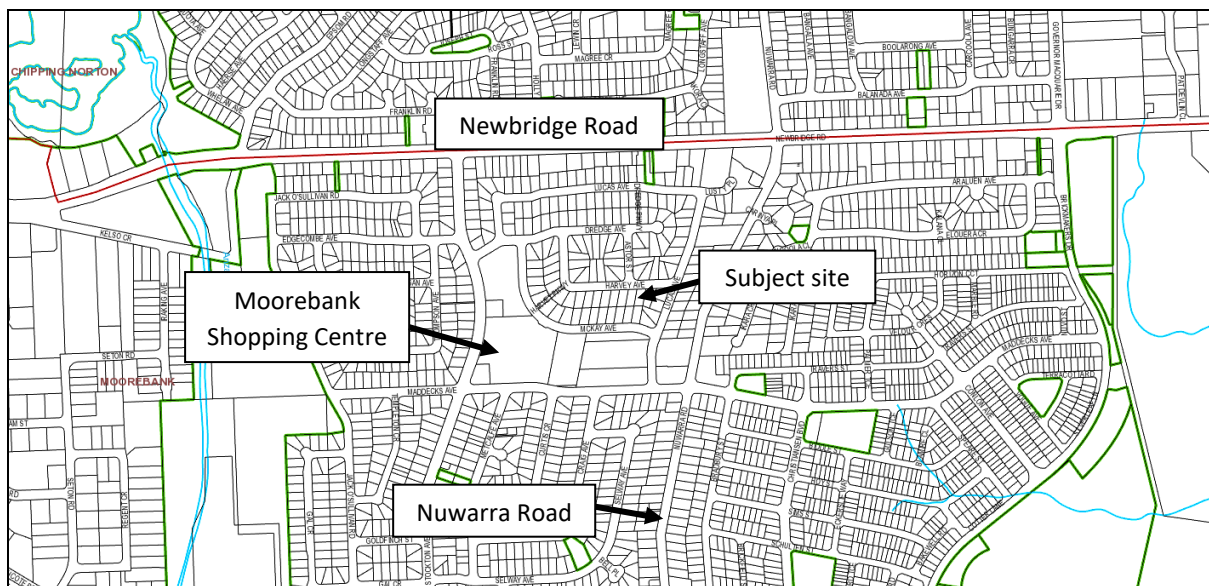
**Figure 1: Aerial Photograph**

### 2.2 The locality

The subject site is located on the southern side of Harvey Avenue, in Moorebank. The site is located approximately 300m south of Newbridge Road (in a direct line), and 1.4km north of the M5 Motorway. The site sits to the north of Nuwarra Public School and Moorebank Shopping Centre.

The locality within the immediate vicinity of the subject site is predominately of a low to medium density scale, with a number of community and commercial uses in the area. The area is becoming more intensely developed in line with the R4 zoning.





**Figure 2: Context**

### 2.3 Site affectations

The subject site has no constraints.

## 3. BACKGROUND

### 3.1 Planning Panel Briefing

The proposal was briefed to the Sydney Western City Planning Panel on 11 February 2019. The key issues outlined at the briefing to be addressed by Council are as follows:

- *The Panel would be assisted by comment from the Design Excellence Panel on the following matters:*
  - *non-compliance with the height limit*
  - *potential over shadowing (noting the objective of not unreasonably constraining the development potential of the site to the rear while taking into account the proposed development at Lucas Street).*
  - *Whether the front and rear portion of the ground floor open space could be better connected or joined.*
  - *Materials and colour choice should consider the contribution to good environmental design.*

**Comment:** The DEP provided comment on the above matters, who recommended a number of changes that have been undertaken. These are discussed in more detail below.

- *The application should nominate the units which are to be used as affordable housing with attention to ensuring they are not clustered and are distributed in terms of housing type.*

**Comment:** The affordable housing units provide a good mix of unit types, including a number of each type of unit. It is noted that they are provided on certain floors, being ground level, level 1 and level 2 of the building, and this is done from a management perspective, however, the units could be further distributed if required.

Based on the amended plans provided, it is considered that the proposal provides a development that adequately addresses the concerns raised by the panel and is worthy of support in this case.

### 3.2 Design Excellence Panel

The proposal was presented to Council's Design Excellence Panel (DEP) on 24 April 2018 at Pre-DA stage, then again on 14 February 2019 following the lodgement of the DA. The DEP provided the following comments in relation to this proposal:

- The Panel expressed concerns regarding the bulk and scale of the building. There is currently a fair amount of solid, enclosed space that is within the additional 4m building height; we understand the previous panel supported the height exceedance where it was limited to the rooftop communal open space, amenity facilities and related structures and we endorse that support within the same limitations.*

**Comment:** Noted. The first Panel supported the proposed breach in height as it is limited to the rooftop communal open space, amenity facilities and related structures. The proposed breach in height continues to relate to the rooftop communal open space.

- The Panel recommends revising the design to address concerns over the Level 3 and Level 4 balconies on the Harvey Avenue frontage. The Panel recommends adding larger windows to one of the internal facing walls and eliminating the windows from the opposite facing apartment walls (i.e. rather than having double-blank walls). This would address the concern regarding views from these apartments and increase views to the communal open spaces. Changing the shape of the balconies and/or sliding the position of the built forms slightly, could assist in addressing this issue. The Panel commended the revised design approach with two separate buildings and landscaping in the central zone.*

**Comment:** The design of the balconies servicing Unit 304 & 306, 404 & 406 and 504 & 506 has been revised to omit privacy concerns raised by the Panel. To alleviate these concerns, a privacy screen has been proposed in the centre of the eastern face of the balconies for Units 304, 404 & 504, whilst privacy louvres have been proposed in the north western portion of the balconies for Units 306, 406 & 506. The two balconies at levels 3, 4 and 5 have also been offset from each other to ensure there are no possibilities for overlooking.

The window in the eastern wall of Units 303, 403 & 503 have been lengthened to increase solar access and ventilation to the living rooms of each unit. In response to this change, the existing windows proposed in the western wall of the bathroom of Units 305, 405 & 505 have been removed to alleviate privacy concerns. This design reconfiguration mitigates potential privacy concerns whilst ensuring double blank walls do not occur.

- In respect to the northern and western boundaries, the proposal does not comply with ADG building separation requirements above level 4 in that the building is only provided with 6m setback from these boundaries, whereas the ADG requires a minimum of 9m setback for Levels 5 - 8. Applicant advised that the northern adjoining RFB is only 4-storey and the non-compliance will be over the roof of the building and thus, should not create significant amenity issues. The Panel supports the reduced setbacks.*

**Comment:** Noted. This variation is further assessed in the report.

- The Panel recommends that careful attention be directed toward future detailing of the Harvey Avenue façade which at present appears well articulated but will require a high degree of finish and surface resolution to achieve design excellence. Detail around slab edges, drainage, downpipes, junctions between materials and balustrade/screen details must be of high quality and durability.*

**Comment:** The proposed detailing of the Harvey Avenue façade has been adapted via the connection of the two buildings at levels 2 and 3 only. This ensures there is no continuous wall fronting Harvey Avenue. The proposed materials and finishes also provide a suitable interaction with the public domain by utilising materials in their natural state, with any finished surfaces non-reflective and subtle in colour.

- *The Panel recommends using photovoltaic technology to generate power for lighting and electricity purposes in common areas (e.g. with LED lighting of car park and all common areas). This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic panels (e.g. space for integrating panels into the building façade and/or covered shade areas on north of building/rooftop). This can be an attractive marketing feature for the development.*

**Comment:** As is demonstrated on the updated Proposed Site & Roof Plan, areas allowing the provision of photovoltaic technology has been accounted for on a portion of roofing servicing both towers. The development has satisfied this recommendation by the Panel.

- *The Panel recommends investigating opportunities to capture stormwater for re-use on site.*

**Comment:** This has been considered and satisfied with the stormwater concept plans displaying the specifications for an above ground rainwater tank to capture stormwater and reuse that water across the site.

- *The Panel recommends reducing the amount of paved surfaces and exploring the use of permeable paving where applicable. The Panel commends the orientation of building, which will maximise northern exposure and the proposal's good cross ventilation for the apartments. A northern aspect is markedly superior to an east or west orientation because:*
  - *In summer, solar penetration (undesirable) can be easily and inexpensively prevented (a westerly aspect in particular is virtually impossible to control without fully-adjustable louvres, which block views out when closed).*
  - *In winter, solar access (desirable) can be achieved all day (whereas east or west orientations receive sunlight for only half the day).*

*Passive solar design is encouraged, both for sustainability and improved internal amenity*

**Comment:** This has been adopted and implemented most notably in the north eastern corner of the subject site. The original proposed pathway extending south from Harvey Avenue has been proposed to be replaced with stepping stones, reducing the amount of hardstand area. The increased number of trees proposed throughout the subject site will also reduce the appearance of hardstand areas, resulting in a softer, landscaped presence.

- *The Panel recommends finessing the design of the common spaces to work better for the residents and visitors. More resting and seating spaces/ places with better amenity.*

**Comment:** The design of common spaces has been refined to allow for increased amenity and a greater number of places for residents/visitors to sit and enjoy the common spaces. Bench seats have been proposed between the trees that line the southern boundary. In-built seats are proposed at the western end of the proposed boardwalk. Three bench seats are proposed in between trees along the eastern boundary, in the south eastern corner of the subject site. The proposed in-built bench seat located along the eastern boundary of the subject site has been replaced with two sets of tables and chairs to provide greater seating opportunities. A BBQ and lightweight pergola have also been proposed in this area.



- *The Panel recommends including a large, mature tree within the courtyard. This needs to be a signature element of the development that will act as a landmark and provide a shady place for people to sit.*

**Comment:** As per the amended landscape plans, a Cornus Florida (Flowering Dogwood) has been proposed which will achieve a mature height of 9m and mature spread of 6m ensuring suitable amounts of shade is provided whilst also acting as a natural landmark to the development.

- *The Panel recommends improving the landscape design at ground level to enhance the interface of the building with the streetscape.*

**Comment:** Improved landscape design at ground floor to enhance the interface of the building with the streetscape was recommended by the Panel. In response to this recommendation, the location of trees within plantation beds fronting Harvey Avenue have been relocated to increase the provision of plants and shrubs, providing a softer interface. Along the Harvey Avenue boundary, originally proposed Claret Ash trees, which are an exotic species, have been replaced with native species. An additional tree has been proposed along the frontage to Harvey Avenue, in front of Unit G06, increasing the prevalence of landscaping as viewed from the street. In addition, the relocation on the north eastern pedestrian pathway has increased the potential for plantation abutting the Harvey Avenue boundary. The use of stepping stone for the relocated pathway, instead of pavers, reduces the amount of hard paved area, softening this portion of the street frontage. It is considered that the proposed changes enhance the interface of the building with the streetscape by providing a softer transition between the public domain and the proposed built form.

- *The Panel recommends that the Landscape Architect specify large mature trees for the deep soil zones.*

**Comment:** A variety of substantial mature trees have been proposed in the deep soil zones of the development on the ground floor, ranging in mature height from 5m to 10m. As the proposed deep soil zones constitute tight spaces in some instances, provision of large mature trees is difficult. Notwithstanding this, it is considered that the proposed trees will enhance the interface of the property between the built form and communal areas, provide a high level of amenity and ample amounts of shade for residents and visitors to the proposed building.

- *The Panel recommends moving the gate located in northwest corner of site, to increase planting and communal gathering spaces. The Panel commended the increase in Deep Soil Zones and the rooftop communal open spaces.*

**Comment:** The gate has been relocated to the north eastern corner of the subject site, with the pedestrian pathway being relocated to extend from the new gate location, running parallel to the eastern boundary before cutting across the communal area to rejoin her existing path at the southern end of unit G10. The relocation of the gate and pathway also sees a greater separation between the pedestrian walkway and the private open space of ground floor unit G10, increasing the amenity of the private open space for residents and visitors of the unit.

- *The Panel recommended that the area adjacent to Bedrooms 1 and 2 of Unit G10 be amended by intruding into the existing communal open space to provide for a planting area that would enable appropriate screening of the bedroom windows from the adjacent communal open space.*

**Comment:** The eastern wall of the private open space of unit G10 has been retained however, a planter bed has been proposed to extend 1.20m from the eastern wall of the private open space and extend the width of bedrooms 1 and 2 of the same unit. This ensures visual privacy for the occupants of both bedrooms whilst also providing a mild acoustic barrier between the bedrooms and the communal area.

- *The Panel recommends the use of materials in their unfinished and unpainted state where possible (e.g. brick, concrete, timber). Where materials are applied with a finish, ensure that the highest quality materials are used and the lowest maintenance is required.*

**Comment:** As the schedule of materials and finishes in the architectural plan set shows unpainted brick is proposed to be used as an external finish across much of the proposed development. Where external painted walls are proposed, they are to be finished with weather retardant paint that is non-reflective and will require minimal maintenance. Stone wall cladding is also proposed to be used in its natural state for the fences along Harvey Avenue.

- *The project is supported subject to the identified design amendments being addressed. The plans are to be reviewed/approved by Council.*

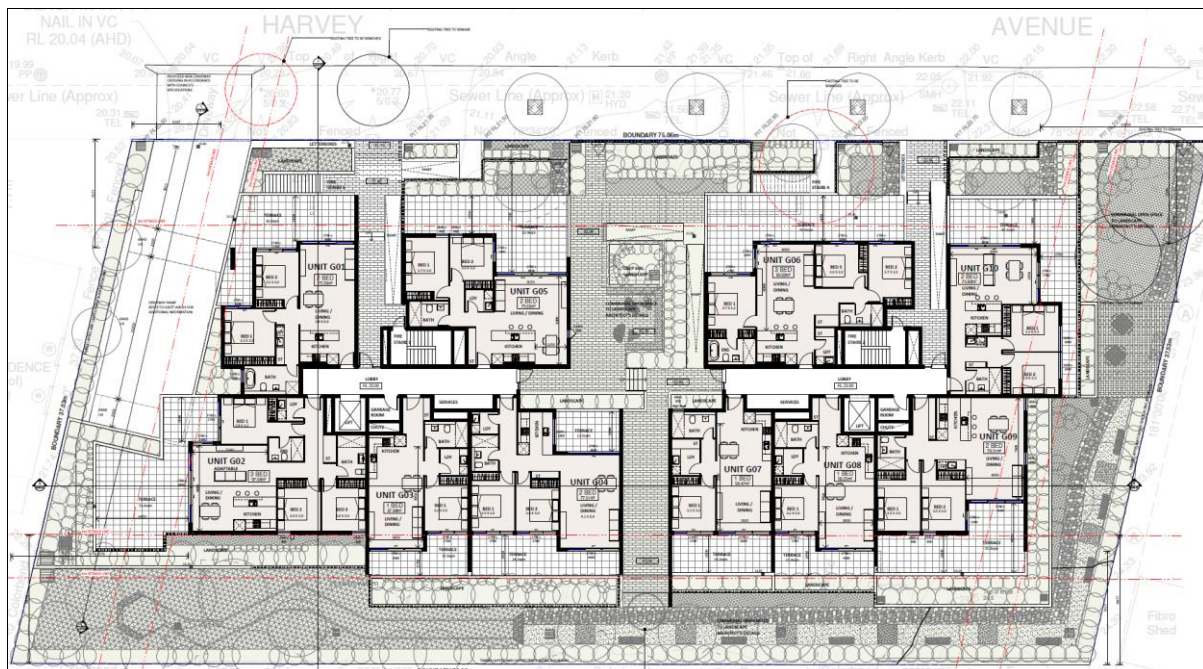
**Comment:** Noted.

It is considered that the applicant has adequately addressed the matters raised by the DEP in its meeting dated 11 February 2019. In that regard, the proposed development is considered to exhibit design excellence.

#### **4. DETAILS OF THE PROPOSAL**

Development consent is sought for two 6-storey residential flat buildings, consisting of the following:

- 58 residential units (2 x studio units, 14 x 1-bed units, 35 x 2-bed units, and 7 x 3-bed units).
- 27 affordable units provided under the ARH SEPP 2009, (being units G03, G07, G08, 101-112, and 201-212).
- 2 basement levels providing 60 car parking spaces (including 6 accessible spaces), and 15 bicycle spaces.
- Basement storage and garbage areas.
- New driveway and access ramp.
- Landscaping, including roof gardens, landscaping within setbacks, and deep soil areas.



**Figure 3: Site Layout**

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

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

#### Environmental Planning Instruments (EPI's)

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

#### Draft Environmental Planning Instruments

- Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018.

#### Development Control Plans

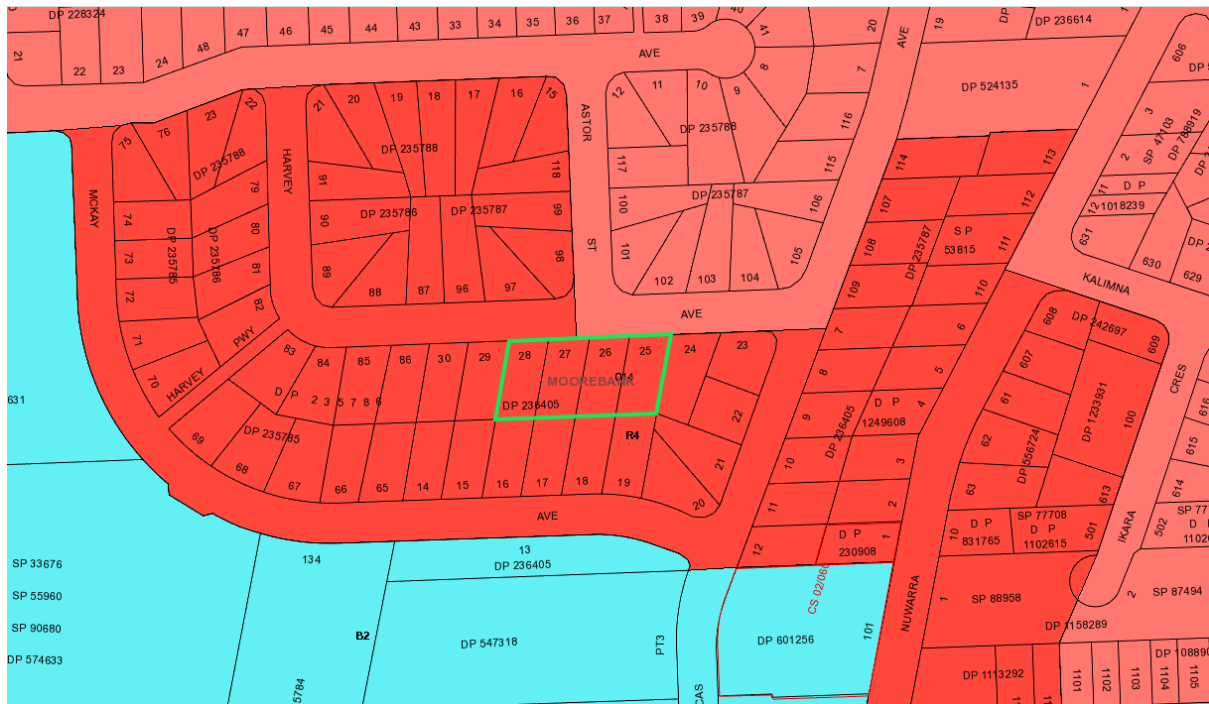
- Liverpool Development Control Plan 2008
  - Part 1 – Controls applying to all development
  - Part 3.7 – Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)

#### Contributions Plans

- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & Act.

## 5.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in the figure below.



**Figure 4: Zoning Map**

## 5.3 Permissibility

The proposed development would be defined as a “*residential flat building*”, which is a permissible use with consent within the R4 High Density Residential Zone.

## 6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

### 6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

#### (a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
<b>Principle One – Context and Neighbourhood Character</b>	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>The proposal is for a residential flat development. Located within an 'up-zoned' area of R4 zoning, the proposed development is considered likely to bring increased streetscape amenity to the local community. The development incorporates an active street frontage design that is considered to contribute to the community by generating a point of visual interest that interacts and compliments the area.</i></p> <p><i>The development site is located in a highly serviced area with access to a variety of public transport services, educational services, employment opportunities, commercial/retail services, recreation facilities and community uses.</i></p> <p><i>Accordingly, the proposed intensification of the site, from 4 dwellings to 58 residential apartments, will facilitate the increased accessibility of services to future occupants of Liverpool City Centre.</i></p> <p><i>As building forms for adjacent sites have been modelled, it is considered to appropriately respond to the neighbourhood and streetscape character; both existing and desired.</i></p>
<b>Design Principle 2 – Built form and scale</b>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>The bulk of the proposed development is consistent with the controls set out in the LEP 2008 and LDCP 2008. The building is situated within the site boundaries and is set back from Harvey Avenue. This provides the opportunity to reduce building scale at street edges.</i></p> <p><i>The height of the majority of building is less than that identified in the LLEP 2008, being 6 storeys overall, with only the lift overrun and roof features being above the height limit.</i></p> <p><i>Building mass is also articulated and stepped to reduce the perceived bulk of the development.</i></p>

Design Quality Principle	Comment
<b>Design Principle 3 – Density</b>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>This application proposes an FSR of 1.65:1 for this site which complies with the maximum densities set out in the LLEP 2008 and ARH SEPP (2009).</i></p> <p><i>The proposed density will benefit the public by enabling the proposed building to respond to the future character of the R4 zone and the yield will facilitate a high-quality design outcome at the site. In this location, a well-designed residential flat development is likely to attract greater investment to the locality.</i></p> <p><i>High densities are also considered to be sustainable within this area as they are supported by the site's proximity to employment, transport and public open space.</i></p>
<b>Design Principle 4 – Sustainability</b>	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p><i>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</i></p> <p><i>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</i></p> <ul style="list-style-type: none"> <li>- <i>All corner and cross through apartments are naturally ventilated.</i></li> <li>- <i>Minimum 60% of apartments are cross-ventilated;</i></li> <li>- <i>Minimum 70% of apartments have the required solar access in winter;</i></li> <li>- <i>The development includes adequate amounts of deep soil zones.</i></li> </ul>
<b>Design Principle 5 – Landscape</b>	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values</p>	<p><i>Minimal street planting exists to the front of the site, but four new street trees are proposed as part of the application. This will be further complimented through additional planting within the site boundaries along Harvey Avenue.</i></p> <p><i>Apartments have been provided with private open space in excess of SEPP 65 requirements. Communal open space will incorporate barbecue facilities and seating. The communal open space also incorporates a mix of active and passive landscape spaces.</i></p>



Design Quality Principle	Comment
<p>and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><i>The proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species.</i></p>
<b>Design Principle 6 – Amenity</b>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><i>The development provides the following mix of units:</i></p> <ul style="list-style-type: none"> <li>- 4% studio apartments (2)</li> <li>- 24% 1-bedroom apartments (14)</li> <li>- 60% 2-bedroom apartments (35)</li> <li>- 12% 3-bedroom apartments (7)</li> </ul> <p><i>The units are designed to the Universal Design standards, including the 10% requirement for adaptable housing (6 units).</i></p> <p><i>Apartments comply with storage requirements and additional storage areas are located in the basement carparking levels. These levels also have the capacity to accommodate parking for bicycles.</i></p> <p><i>Communal open spaces will provide passive and active recreational opportunities including: raised garden beds and benches for seating, grassed, paved and planted surfaces, shaded, sunny and feature-lit areas.</i></p> <p><i>Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.</i></p> <p><i>Interior corridors have access to daylight and natural ventilation, with views out of the building to improve both amenity and sustainability.</i></p>
<b>Design Principle 7 – Safety</b>	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p>	<p><i>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobby from the street.</i></p> <p><i>The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.</i></p>

Design Quality Principle	Comment
<p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>Upper floor apartments will provide passive surveillance of the street and opportunity for night-time activation. Apartments overlook communal open spaces providing passive surveillance to improve safety and the development has been designed to avoid blind corners and hidden spaces.</i></p> <p><i>Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is minimised to maximise street activation and surveillance.</i></p>
<b>Design Principle 8 – Housing Diversity and Social Interaction</b>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>The proposed development provides housing choice through varied apartment sizes. The communal open spaces and public street interface will encourage social interaction amongst residents and the community.</i></p> <p><i>The provision of studios and one bedroom apartments in the development will provide for a more affordable entry point into the housing market.</i></p> <p><i>10% of units are designed to be adaptable to the needs of people with disabilities and to facilitate intergenerational changes and changing lifestyles.</i></p> <p><i>Variety in sizing, aspect and outlook within apartment types will result in some price differentiation.</i></p> <p><i>Dedicated residential communal open spaces are provided on various levels to support the communal life of the building. These spaces have direct access from the circulation core.</i></p>
<b>Design Principle 9 – Aesthetics</b>	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><i>The street façade has been designed to give a consistent and pleasing appearance to Harvey Avenue. The interplay of building materials, including a composition of brown brick buff render, timber, dark coloured fenestration, glass balustrades, and feature wall elements assist in creating a visually varied façade without cluttering the overall building appearance.</i></p>

Design Quality Principle	Comment
	<i>The design response ensures an appropriate provision for the future desired character of the area as a high density residential area.</i>

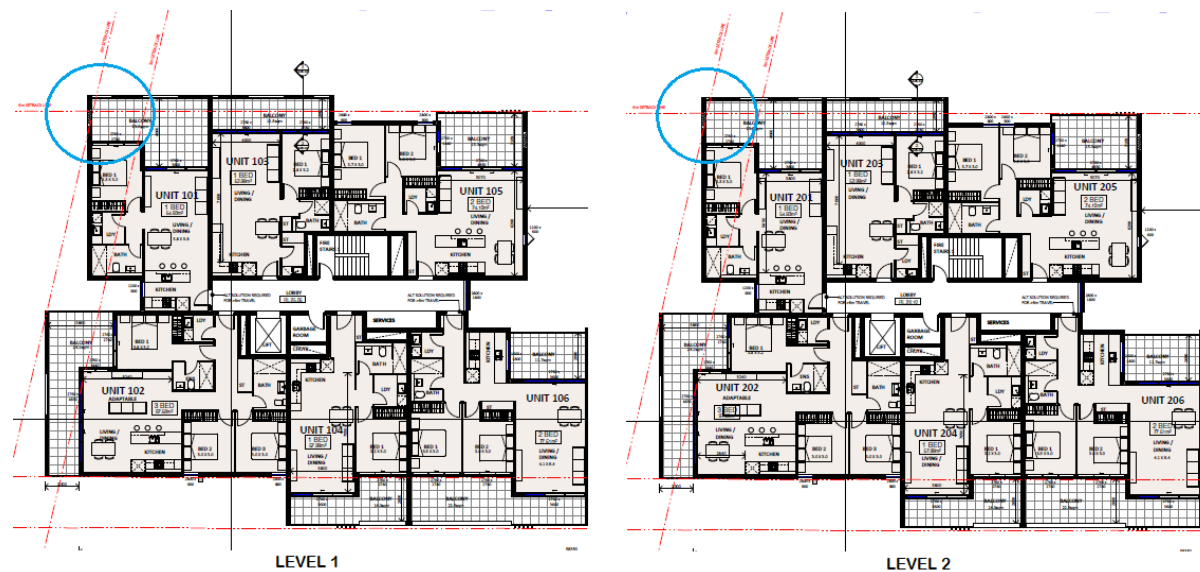
Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the proposal against the relevant provisions of the ADG:

Provisions	Comment
<b>2E Building depth</b>	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<b>Complies</b> Building depths are generally 8-9m, with a maximum depth of 12m.
<b>2F Building separation</b>	
<b>Note:</b> Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes separation equally between sites.	Noted.
<u>Up to four storeys (approximately 12m):</u> <ul style="list-style-type: none"> <li>12m between habitable rooms/balconies</li> <li>9m between habitable and non-habitable rooms</li> <li>6m between non-habitable rooms</li> </ul>	<b>Complies on merit:</b> 5.5m to western boundary from balconies at levels 1 (Unit 101) and 2 (Unit 201). A small portion (up to 0.5m) of two balconies at level protrude into the separation requirement to the side of the site. The variation allows for more useable balcony space at this level, and a more uniform building design. Given the minor nature of the variations, and the location towards the very front of the site, this is considered to be acceptable in this instance.  <b>Compliance:</b> 6m separation to eastern and southern boundaries between habitable rooms/ balconies from ground level to level 3.
<u>Five to eight storeys (approximately 25m):</u> <ul style="list-style-type: none"> <li>18m between habitable rooms/balconies</li> <li>12m between habitable and non-habitable rooms</li> <li>9m between non-habitable rooms</li> </ul>	<b>Complies on merit:</b> 8.5m to western boundary between balconies at levels 4 (Units 401 and 402) and 5 (Units 501 and 502). A small portion (up to 0.5m) of four balconies as these levels protrude into the separation requirement. The variation allows for more useable balcony space at these levels, and a more uniform building design.

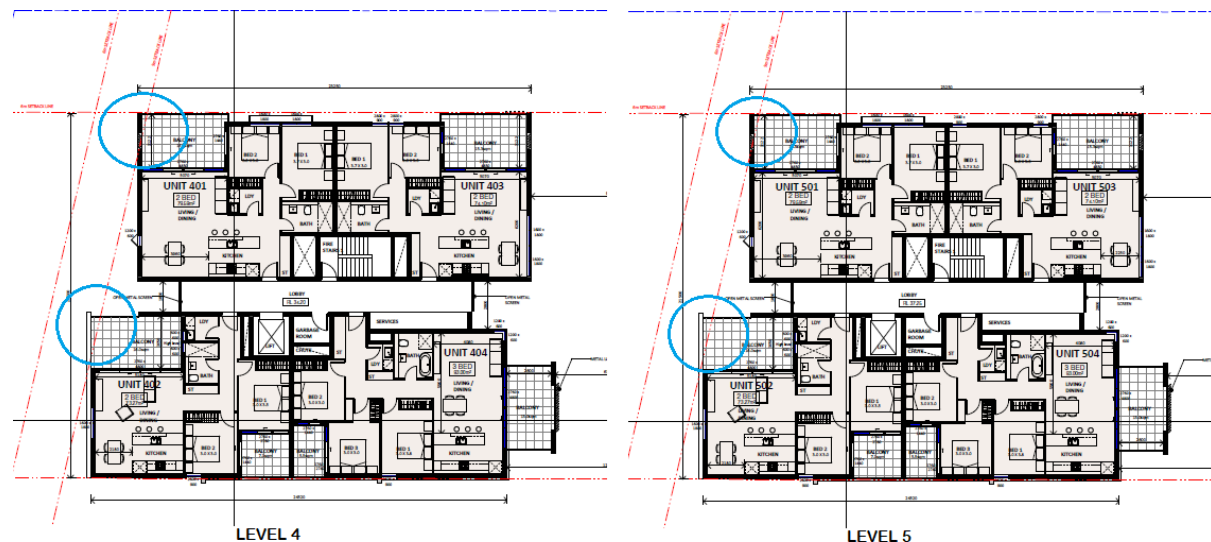
Provisions	Comment
	<p>Given the minor nature of the variations, and the location on the site, this is considered to be acceptable in this instance.</p> <p><b>Compliance:</b> 9m separation to eastern and southern boundaries between habitable rooms/ balconies at levels 4 and 5.</p>

### Variation to 2F – Building Separation

As indicated in the above table the development proposes potential future non-compliances with Section 2F – Building Separation for portions of the proposed building. This occurs with balconies at 6 points on the western boundary. See non-compliances in the figure below.



**Figure 5:** Excerpts from Level 1 and 2 Plans showing areas of non-compliance (in blue)



**Figure 6:** Excerpts from Level 4 and 5 Plans showing areas of non-compliance (in blue)

It is apparent from the assessment of building separation above that the non-compliances in the main would *potentially* occur if the neighbouring site to the west were redeveloped.

Provisions	Comment
<p>To address this, visual privacy measures to mitigate any potential overlooking impacts to future occupants' amenity have been proposed to four balconies and will be required by condition for the other two balconies. Also, given the layout of the proposal, adequate sunlight and daylight would still be received by the subject development should such a redevelopment of the neighbouring site occur.</p> <p>It should be noted that the proposal complies with FSR development standards, the variation to building height is acceptable, the proposal would not cause any undue overshadowing to any neighbouring residential sites, and is not considered to be an over development of the site with regards to the LLEP 2008.</p> <p>Accordingly, the proposed variations to building separation are considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.</p>	
<b>3A Site analysis</b>	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</p>	<p><b>Complies</b> A detailed site analysis plan has been provided.</p>
<b>3B Orientation</b>	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p><b>Complies on merit</b> The building type is appropriate for the streetscape.</p> <p>It is noted that there would be significant overshadowing of the private open space of the property to the south as a result of this development. However, the properties to the south are also zoned R4 and could be expected to take advantage of the 'up-zoning' of the area and be redeveloped in a similar fashion to this proposal, with a DA already having been approved on two of the four adjacent lots. Given the context of the site and the type of development envisaged by the R4 zoning, the impact on that site is considered to be acceptable in this instance.</p>
<b>3D Communal and public open space</b>	
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p><b>Complies</b> Approximately 187m<sup>2</sup> of communal open space is provided at roof level and 858m<sup>2</sup> at ground floor. This is equivalent to 1045m<sup>2</sup> of COS at the site, which is 38% of the site area.</p> <p>Various areas of communal open space on the site is considered to achieve sufficient solar access between 9am and 3pm during mid-winter.</p>

Provisions			Comment
			The communal open space allows for a range of activities with BBQ facilities, rest areas and recreational spaces.
3E Deep soil zones			
Deep soil zones are to meet the following minimum requirements:			<b>Complies</b> Proposal provides 483.85m <sup>2</sup> of deep soil zone, which is 17% of the site area.  The deep soil zones at the rear of the site have minimum dimensions of 6m.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m <sup>2</sup>	-	7%	
650m <sup>2</sup> to 1500m <sup>2</sup>	3m		
Greater than 1500m <sup>2</sup>	6m		
Greater than 1500m <sup>2</sup> with significant tree cover	6m		
3F Visual Privacy			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			<b>Non-compliance:</b> 5.5m separation to the western boundary from balconies at levels 1 (Unit 101) and 2 (Unit 201).  <b>Compliance:</b> 6m separation to eastern and southern boundaries from habitable rooms/ balconies from ground level to level 3.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	
			<b>Non-compliance:</b> 8.5m separation to western boundary from balconies at levels 4 (Units 401 and 402) and 5 (Units 501 and 502)..  <b>Compliance:</b> 9m separation to eastern and southern boundaries from habitable rooms/ balconies at levels 4 and 5.
Variation to 3F – Visual Privacy			
The aims of section 3F – Visual Privacy of the ADG are as follows:			
<ul style="list-style-type: none"><li>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</li><li>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</li></ul>			
From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Privacy concerns to existing residences to the west and any future development of the adjacent lots can be alleviated via privacy screens, which are both proposed with the development and required to be complied with via condition. It should be noted that the building is predominantly under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.			



Provisions	Comment
Therefore, notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to visual privacy.	
<b>3G Pedestrian Access and Entries</b>	
Building entries and pedestrian access connects to and addresses the public domain	<b>Complies</b> Pedestrian access and entries complies with the objectives of the ADG.
Access, entries and pathways are accessible and easy to identify	
Large sites provide pedestrian links for access to streets and connection to destinations	
<b>3H Vehicle Access</b>	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<b>Complies</b> Vehicle access points are located to achieve safety and minimize conflict.
<b>3J Bicycle and Car Parking</b>	
For development in the following locations: <ul style="list-style-type: none"><li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li><li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li></ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	<b>Complies</b> Bicycle parking is provided in accordance with the requirements of the LDCP 2008.  Car parking has been provided in accordance with the ARH SEPP 2009.
Parking and facilities are provided for other modes of transport	
Car park design and access is safe and secure	
Visual and environmental impacts of underground car parking are minimised	
Visual and environmental impacts of on-grade car parking are minimised	
Visual and environmental impacts of above ground enclosed car parking are minimised	

Provisions		Comment												
4A Solar and Daylight Access														
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas		<b>Complies</b> 58 Units proposed. 71% of units (41) will receive 2 hours sunlight.  7 units (12%) are unlikely to receive any direct sunlight.												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter														
4B Natural Ventilation														
All habitable rooms are naturally ventilated		<b>Complies</b> 11 units (81%) are cross-ventilated. Those that are single aspect are naturally ventilated.  The maximum depth of a unit is 12m.												
The layout and design of single aspect apartments maximises natural ventilation														
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed														
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line														
4C Ceiling Heights														
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	<b>Complies</b> 3050mm floor to floor heights are provided. This will allow 2700mm floor ceiling heights to be achieved.
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use													
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.														

Provisions	Comment										
Ceiling heights contribute to the flexibility of building use over the life of the building											
<b>4D Apartment Size and Layout</b>											
<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th><th>Minimum Internal Area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m<sup>2</sup></td></tr> <tr> <td>1 bedroom</td><td>50m<sup>2</sup></td></tr> <tr> <td>2 bedroom</td><td>70m<sup>2</sup></td></tr> <tr> <td>3 bedroom</td><td>90m<sup>2</sup></td></tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p>	Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p><b>Complies on merit</b></p> <ul style="list-style-type: none"> <li>• All studio units greater than 35m<sup>2</sup></li> <li>• All 1-bedroom units are equal to or greater than 50m<sup>2</sup></li> <li>• All 2-bedroom units are greater than 70m<sup>2</sup> however the units with two bathrooms are less than 75m<sup>2</sup></li> <li>• All 3-bedroom units are greater than 90m<sup>2</sup> and greater than 95m<sup>2</sup> with 2 bathrooms, with the exception of one.</li> </ul> <p>6 units proposed are marginally less than the required size. Five of the 2-bedroom units which have two bathrooms are 74.48m<sup>2</sup>, which is 0.52m<sup>2</sup> less than the requirement. One of the 3-bedroom units with two bathrooms is 93.92m<sup>2</sup>, which is 1.08m<sup>2</sup> less than the requirement.</p> <p>All the affected 2-bedroom units have good sized balconies in excess of requirements, and the affected 3-bedroom unit have a large ground floor terrace. In addition the internal layouts of the units are well designed, the units have good solar access and are cross-ventilated. Given this, and as the non-compliance is minimal, and only generated by the addition of a bathroom, this is considered acceptable in this instance.</p>
Apartment Type	Minimum Internal Area										
Studio	35m <sup>2</sup>										
1 bedroom	50m <sup>2</sup>										
2 bedroom	70m <sup>2</sup>										
3 bedroom	90m <sup>2</sup>										
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	<p><b>Complies</b></p> <p>Habitable rooms are provided with windows of sufficient glass areas.</p>										
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	<p><b>Complies</b></p> <p>Habitable room depths are all less than 2.5 x the ceiling height.</p>										
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	<p><b>Complies</b></p> <p>Kitchens are generally 6-7m from a window.</p>										
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	<p><b>Complies</b></p> <p>Bedrooms are of sufficient size.</p>										

Provisions			Comment															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)			<b>Complies</b> Bedrooms have a minimum dimension of 3m.															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>- 3.6m for studio and 1 bedroom apartments</li><li>- 4m for 2 and 3 bedroom apartments</li></ul>			<b>Complies</b> Sufficient widths are provided to living rooms/dining rooms.															
4E Private Open Space and Balconies																		
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m<sup>2</sup></td><td>2.4</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>			Dwelling Type	Minimum Area	Minimum Depth	Studio	4m <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3 bedroom	12m <sup>2</sup>	2.4	<b>Complies</b> The development provides for sufficient balcony areas and with adequate depths.
Dwelling Type	Minimum Area	Minimum Depth																
Studio	4m <sup>2</sup>	-																
1 bedroom	8m <sup>2</sup>	2m																
2 bedroom	10m <sup>2</sup>	2m																
3 bedroom	12m <sup>2</sup>	2.4																
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m			<b>Complies on merit</b> The units at ground floor level have courtyard amenity space in excess of 15m <sup>2</sup> , however, some fail to provide the minimum width of 3m. The non-compliance is only marginal however, and the affected units are smaller, and are still provided with good-sized and usable amenity space.															
4F Common Circulation and Spaces																		
The maximum number of apartments off a circulation core on a single level is eight.			<b>Complies</b> Maximum 6 apartments per core.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			<b>Not applicable</b> The building is 6-storeys in height															
4G Storage																		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom</td><td>8m<sup>3</sup></td></tr><tr><td>3 bedroom</td><td>10m<sup>3</sup></td></tr></table>			Dwelling Type	Storage Size Volume	Studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3 bedroom	10m <sup>3</sup>	<b>Complies</b> In excess of half of the required storage space is provided within units. The applicant has also provided storage in basement, but this is not allocated to individual units at this stage.					
Dwelling Type	Storage Size Volume																	
Studio	4m <sup>3</sup>																	
1 bedroom	6m <sup>3</sup>																	
2 bedroom	8m <sup>3</sup>																	
3 bedroom	10m <sup>3</sup>																	

Provisions	Comment
At least 50% of the required storage is to be located within the apartment.	
4H Acoustic Privacy	
Noise transfer is minimised through the siting of buildings and building layout	<b>Complies</b> Bathrooms and kitchens have been clustered together where possible and also located near corridors where possible, which assist in mitigating noise transmission to quieter rooms such as bedrooms. Acoustic building requirements shall be included at the construction stage in order to mitigate acoustic disturbances between apartments.
Noise impacts are mitigated within apartments through layout and acoustic treatments	
4K Apartment Mix	
A range of apartment types and sizes is provided to cater for different household types now and into the future	<b>Complies</b> The proposal provides a suitable mix of units spread across the different floors of the building.
The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
Street frontage activity is maximised where ground floor apartments are located	<b>Complies</b> The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active environment to the street.
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	<b>Complies</b> The overall design including building façade has been supported by the DEP as per the amendment discussed in Section 3.2 of this report.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	<b>Complies</b> The roof is not the dominant feature, a parapet wall style is used which minimises expressions of roof forms.  The development proposes a roof garden, so is in accordance with these objectives.  The development provides provision for photovoltaic panels on the roof, so is in accordance with these objectives.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	<b>Complies</b> An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The
Landscape design contributes to the streetscape and amenity	

Provisions	Comment
	landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.
<b>4P Planting on Structures</b>	
Appropriate soil profiles are provided	<b>Complies</b> The DA has been reviewed by Council's Tree Officer who has raised no objections to the landscape design.  Large planting is proposed within the communal open space area to the rear, which can be easily maintained.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
<b>4Q Universal Design</b>	
Universal design features are included in apartment design to promote flexible housing for all community members	<b>Complies</b> All above ground apartments are accessed by a lift and include wide corridors which is suitable for wheel chair access. A ramp is provided at the entry of the building, also allowing wheel chair access to Ground Floor apartments.  10% of units are adaptable.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
<b>4R Adaptive Reuse</b>	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	<b>Not Applicable</b> The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
<b>4S Mixed Use</b>	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<b>Not Applicable</b> There is no mix of uses.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
<b>4T Awnings and Signage</b>	
Awnings are well located and complement and integrate with the building design	<b>Complies</b> Covered entrances are provided to the residential entries that are integrated into the design of the building.



Provisions	Comment
Signage responds to the context and desired streetscape character	<b>Complies</b> Building address signage would be integrated into the building design.
<b>4U Energy Efficiency</b>	
Development incorporates passive environmental design.	<b>Complies</b> The development has been submitted with a BASIX certificate. This will also form a condition of consent.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
<b>4V Water Management and Conservation</b>	
Potable water use is minimised	<b>Complies</b> Potable water use is minimized and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	<b>Not applicable</b> The site is not on flood prone land.
<b>4W Waste Management</b>	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	<b>Complies</b> Waste storage facilities are provided and will be maintained by the caretaker.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
<b>4X Building Maintenance</b>	
Building design detail provides protection from weathering	<b>Complies</b> The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Aerial images from 1991 found on Council's GIS system illustrates the presence of the existing dwellings, which suggests the site has principally been used for residential purposes for at least the past 29 years.

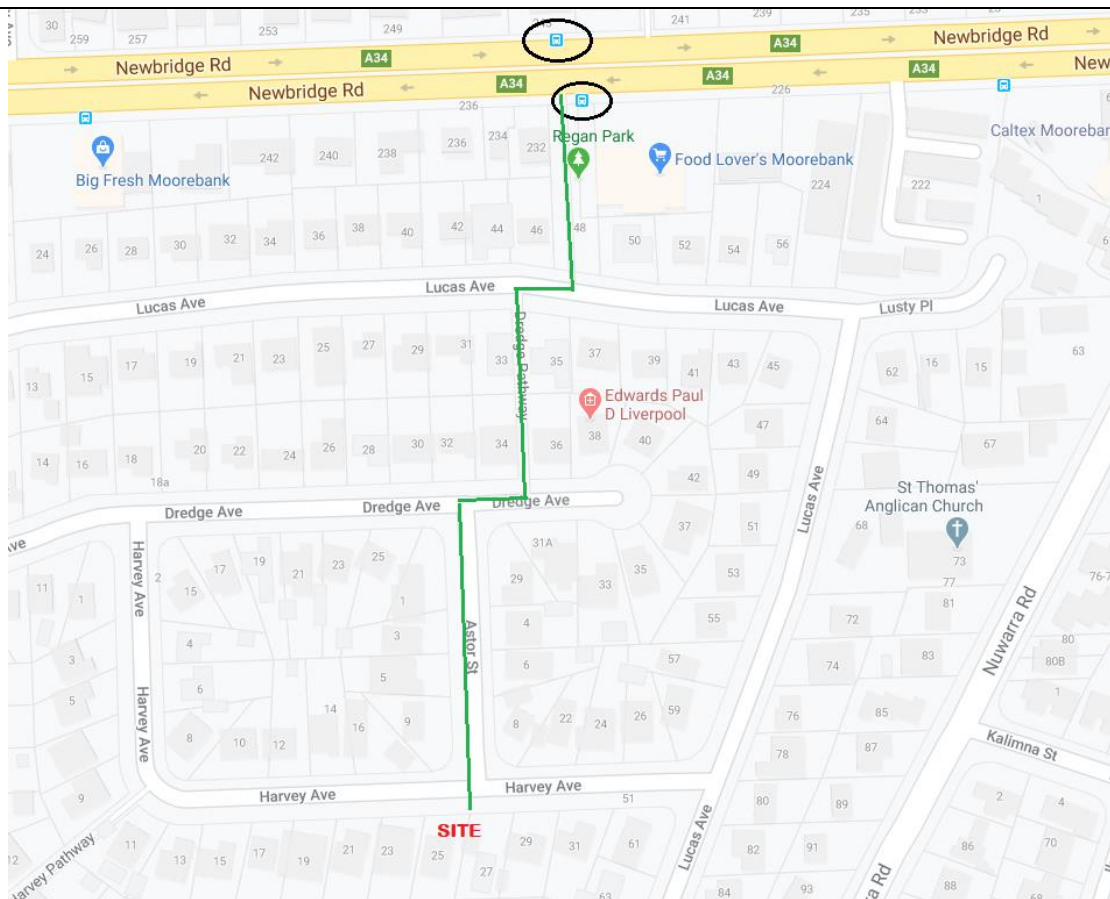
Council's internal record and customer request system (pathway) includes no records of any dumping or contamination complaints or activities associated with the subject site.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

### **(c) State Environmental Planning Policy (Affordable Rental Housing) 2009**

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

<b>Provision</b>	<b>Comment</b>
<b>Part 2 New Affordable Rental Housing – Division 1 In-Fill Affordable Housing</b>	
<b>Clause 10 Development to which Division Applies</b>	
(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: <ul style="list-style-type: none"> <li>(a) the development concerned is permitted with consent under another environmental planning instrument, and</li> <li>(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</li> </ul>	<b>Complies</b> The development is permitted with consent under LLEP 2008 and the site does not contain a heritage item.
(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.  ‘ <i>accessible area</i> ’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	<b>Complies</b> The site is 400m from a number of bus stops with services that operate within the parameters specified in the SEPP (see below), the key stop being on Newbridge Road 350m away. This stop is serviced by the M90 bus (amongst others), with the M90 having a frequency of at least 1 bus an hour from 0600-2100 weekdays and 0800-1800 weekends.



**Figure 7:** Plan showing site in relation to bus stops

#### Clause 13 Floor Space ratio

(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.

(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) if the existing maximum floor space ratio is 2.5:1 or less:

- (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or
- (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

$Y = AH \div 100 - AH$  is the percentage of the gross floor area of the development that is used for affordable housing

#### Complies

It is proposed that 45% of the gross floor area of the development will be utilised for the purpose of in-fill affordable housing.

#### Complies – See discussion below

The site has a maximum FSR under the LLEP of 1.2:1. A bonus of 0.45 is afforded under Division 1 of the SEPP (Affordable Rental Housing) 2009. Accordingly, the permissible FSR on the site is 1.65:1

The development proposes an FSR of 1.65:1.

<b>Clause 14 Standards that cannot be used to refuse consent</b>	
<p><i>(1) Site and solar access requirements</i>  <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p>(b) Site Area  if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	<p><b>Complies</b>  The development site has an area of 2,745.2m<sup>2</sup>.</p>
<p>(c) landscaped area: if:  (i) in the case of a development application made by a social housing provider—a minimum 35m<sup>2</sup> of landscaped area per dwelling is provided, or  (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p><b>Complies</b>  The development provides for approximately 1045.99m<sup>2</sup> of landscaped area which equates to 38% of the site.</p>
<p>(d) Deep Soil Zones  In relation to that part of the site area that is not built on, paved or otherwise sealed:  (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and  (ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and  (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p><b>Complies</b>  Approximately 17% (483.85m<sup>2</sup>) of the site area is a deep soil zone.   In excess of two thirds of the deep soil zone is located within the rear portion of the site.</p>
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p><b>Complies</b>  41 of the 58 units (71%) will receive a minimum of 3 hours of direct sunlight.</p>
<p><i>(2) General</i>  <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p>(a) parking  (ii) in any other case – at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms.</p>	<p><b>Complies</b>  0.5 x 2 - studio units = 1  0.5 x 14 - 1-bed units = 7  1 x 35 - 2-bed units = 35  1.5 x 7 - 3-bed units = 10.5   A total of 54 spaces are required for the proposal.   A total of 60 spaces are proposed.</p>
<p>(b) dwelling size  if each dwelling has a gross floor area of at least:  (i) 35m<sup>2</sup> in the case of a bedsitter or studio, or  (ii) 50m<sup>2</sup> in the case of a dwelling having 1 bedroom, or  (iii) 70m<sup>2</sup> in the case of a dwelling having 2 bedrooms, or  (iv) 95m<sup>2</sup> in the case of a dwelling having 3 or more bedrooms.</p>	<p><b>Complies on merit</b>  The majority of apartments comply with these minimum size requirements, with the exception of one of the 3-bed units, however, this complies with the size requirements of the ADG and are therefore considered acceptable.</p>

<b>Clause 16 Continued Application of SEPP 65</b>	
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.	<b>Complies</b> An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.
<b>Clause 16A Character of Local Area</b>	
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.	<b>Complies</b> The subject site comprises 4 single store dwellings, and is surrounded by a mixture of uses, mostly lower in height than the proposal.  Whilst the surrounding development is generally of a lower height than the 6-storeys proposed, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 18m. Numerous similar (and taller) developments are built or being built in this area which is an indication of the desired future character of the area.  As such, the proposed development generally complies with these requirements and therefore is considered to be in accordance with the desired future character of the area.
<b>Clause 17 Must Be Used for Affordable Housing for 10 Years</b>	
<i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i>	
(a) for 10 years from the date of the issue of the occupation certificate: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and  (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.	<b>Complies</b> To ensure that the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing; conditions of consent have been imposed.

**(d) State Environmental Planning Policy (BASIX) 2004**

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

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

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

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

<b>Clause 8 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would adversely effect the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and is considered appropriate for the site.



Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	Site not affected by acid sulphate soils
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site does not contain flood affected land.
(4) Industrial discharges	Not applicable. The site has been used for residential purposes.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy, and the site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes a stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

#### **(f) Liverpool Local Environmental Plan 2008**

##### **(i) Permissibility**

The proposed development is for a *residential flat building*, which is defined as follows:

*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*

The proposed development satisfies the definition of a residential flat building as it is a building which contains 3 or more dwellings.

As such, the proposal for a residential flat building is considered a permitted development, with consent in the R4 zone.

##### **(ii) Objectives of the zone**

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

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

- To minimise the fragmentation of land that would prevent the achievement of high-density residential development.

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 58 dwellings (a mix of units, affordable housing, and a number of adaptable units) and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, retail and commercial facilities.

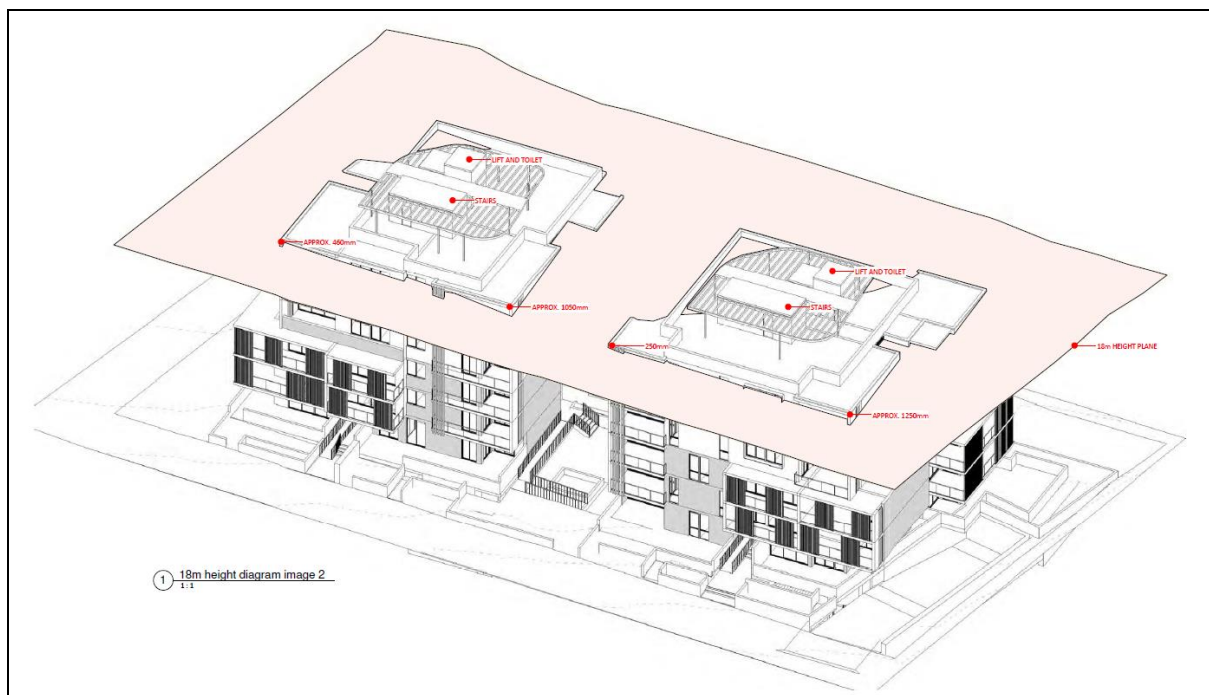
### (iii) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. Assessment of the application against the relevant standards is provided below.

Clause	Provision	Comment
<b>Clause 2.7 Demolition Requires Development Consent</b>	The demolition of a building or work may be carried out only with development consent.	<b>Complies</b> Demolition will be carried out as part of this development.
<b>Clause 4.3 Height of Buildings</b>	Maximum height of 18m	<b>Does not comply</b> A maximum height of 22.25m is proposed. Clause 4.6 Variation Sought, and discussed below
<b>Clause 4.4 Floor Space Ratio</b>	Maximum FSR of 1.2:1 (plus bonus FSR of 0.45:1 under ARH SEPP for total of 1.65:1)	<b>Complies</b> FSR of 1.65:1 is proposed
<b>Clause 4.6 Exceptions to development standards</b>	Clause 4.6 variation sought for exceeding the maximum height, which is discussed below.	
<b>Clause 7.14 Minimum Building Street Frontage</b>	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: - any residential flat building.	<b>Complies</b> Street frontage exceeds 25m.

### (iv) Clause 4.6 Variation to exceed maximum height

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 18m for the site. The majority of the proposed development complies with the exception of the lift and stair access to the rooftop communal open space, the pergolas to the communal open space, and some small elements of the top of the building form, with the greatest exceedance of the 18m limit being 4.25 metres. The detail of the non-compliance is shown in the below figure.



**Figure 8:** Diagram showing height non-compliance

Consequently, the applicant has provided an assessment under Clause 4.6 to vary the maximum height allowed on this proposal.

The submitted written request to vary Clause 4.3 – height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the clause being varied; and the objectives of the R4 zone, and this is discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

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

- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

1) Circumstances of the development

The development seeks consent for the construction of a 6-storey residential flat building comprising 58 residential units (including 26 affordable housing units), two levels of basement parking and associated landscaping works.

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

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

- *We submit that the proposed variation is attributable to the increased density available on the site in light of the bonus afforded to the site under the ARH SEPP. In view of the context of the site, it was not considered feasible to further encroach upon the setbacks of the adjoining developments and consequently the proposed height has exceeded the maximum standard.*
- *It is worthy to note, that the greatest variation to the height control is seen only over the lift overruns, toilet and pergolas of both buildings, with only minor variations (0.25m – 0.35m) sought in respect to the habitable areas of Level 5. It is proposed that these areas are largely limited to the communal open spaces that are provided on the rooftops of both buildings which gives future residents and visitors additional areas of communal spaces to recreate and to socialise.*
- *The Design Excellence Panel advice (PL-148/2017) on 24 April 2018 have also acknowledged that the exceedance in height is considered acceptable:  
"It is noted that the proposal exceeds the allowable building height for the site. This is considered acceptable by the Panel on the basis that the exceedance is attributed to the rooftop Communal Open Space that include amenity facilities (toilet and shade structures)."*
- *Where the greatest variation is sought in relation to habitable floor area at level 5, we note that this is to the northern side of each building facing Harvey Avenue and would not cause an overshadowing impact on the adjoining neighbours. In fact, this breach at the habitable floor area would not be easily read when one is standing in front of the development and visually reading the built form.*
- *In addition, the proposed development has been well articulated to the street frontage and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.*

- *The proposed development has been carefully designed to project a highly articulated appearance to each of the facades. In response to the first Design Excellence Panel advice, the development has been provided with a gap through the middle of the building envelope to create a central break to the development. This allows for visual relief to the overall development due to the length of the site to Harvey Avenue. The central break is provided with a forecourt area that has been tastefully landscaped with the inclusion of feature tree which creates an entry statement to users travelling along Harvey Avenue, while the site's overall landscaping with a vertical layering of plantings will achieve an overall softening of the built form.*
- *The overall building has been carefully designed to allow for breaks in each elevation and articulation in the overall design. The use of balconies to the front, sides and rear of the building provides for visual relief and differentiation to the façade by creating recesses/overhangs and to break up the building mass. The proposal utilises building materials and finishes to create a distinct horizontal lines to the development, by proposing facing brick to the base and lighter concrete to the upper levels. Clean vertical elements to the facade such as aluminium louvres and panels create a minimalistic expression that blends in well with the modern design of the development.*

In response to the comments raised above, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

Although the building exceeds the height limit by up to 4.25m, the greatest breach spans a relatively short area of the proposed building, and relates to an element of the design (lift overrun, toilet and pergola) that has been centred over each building, as such, these elements of the buildings will not be readily visible from the street, or the front of the property. Furthermore, the pergola is an open and lightweight structure limiting the bulk of these structures. The elements of the primary building form that breach the limit are minimal, and are located to the front of the development, at the corners of the building forms (1.05m and 1.25m breaches) and are mainly caused by the sloping nature of the site. This is not considered to detract from the design and appearance of the building and would not impact on the amenity of neighbouring sites or the wider area.

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

The objectives of Clause 4.3 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.*

As discussed above, although the building exceeds the height limit by up to 4.25m, the proposed variation is attributable to the increased density available on the site in light of the bonus afforded to the site under the ARH SEPP. It is agreed that in the context of the site, it was not considered feasible to further encroach upon the setbacks of the adjoining developments and consequently the proposed height has exceeded the maximum standard. It is noted that a number of affordable housing units are proposed within this development as a result of this bonus FSR.

As mentioned above, in relation to objective (b), the overall building has been carefully designed to allow for breaks in each elevation and articulation in the overall design. The use of balconies to the front, sides and rear of the building provides for visual relief and differentiation to the façade by creating recesses/overhangs and to break up the building mass. The proposal utilises building materials and finishes to create a distinct horizontal lines to the development, by proposing facing brick to the base and lighter concrete to the upper levels. Clean vertical elements to the facade such as aluminium louvres and panels create a minimalistic expression that blends in well with the modern design of the development.

The proposed development has also been designed to maximise solar access with 71% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 81% of units across the development will be naturally cross ventilated in keeping with objective (c).

In terms of objective (d), Council's building height control establishes a suitable transition from the subject site to its surroundings. The land in between Harvey Avenue and McKay Avenue has a height of 18m. Increased heights (21m) are envisioned to the area south of the subject site, being the B2 Local Centre zone, with currently consists of the school, the Moorebank Library, the Moorebank Hotel and the Moorebank Shopping Centre. The area to the north-west of the site transitions to a lower height while maintaining the R4 High Density Residential zoning (12m) while the area to the north-east of the site, to the east of Astor Street has a maximum height of 8.5m, reflecting the R3 Medium Density Residential zoning. As such, the proposal provides a transitional height from the R3 zoning to the north, through to the B2 zone to the south, and the areas of non-compliance do not detract from this transitional height.

On the basis of the above, it is considered that the proposal is consistent with the objectives of Clause 4.3 of LLEP 2008.

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

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

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the development provides housing to meet the needs of the community, provides a variety of housing types with a mix of units with access to transport, and amalgamates four titles, minimising land fragmentation. It will support the well-being of the community while maintaining the amenity of the surrounding area.

#### 5) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site having regard to the comments above.

## 6) Recommendation

In this regard, the variation to the maximum height of the building is in line with the provisions of Clause 4.6 including the objectives of the standard and of the R4 zone, and is acceptable in this instance.

### 6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

### 6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The application has been assessed against the controls of the LDCP 2008, particularly Part 1: *General Controls for all Development*; and Part 3.7: *Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)*.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

#### LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
<b>Section 2 - Tree Preservation</b>	Controls relating to the preservation of trees	<b>Complies</b> There are several non-significant trees located on site that will be removed as part of the proposal. The application was reviewed by Council's Landscape Officer who raised no concern with the proposal.
<b>Section 3 - Landscaping and Incorporation of Existing Trees</b>	Controls relating to landscaping and the incorporation of existing trees.	<b>Complies</b> The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues with the design.  The Landscape Plan proposes a variety of planting along the street frontages, and throughout the communal open space.
<b>Section 4 - Bushland and Fauna Habitat Preservation</b>	Controls relating to bushland and fauna habitat preservation	<b>Not applicable</b> The development site is not identified as containing any native flora and fauna.
<b>Section 5 - Bush Fire Risk</b>	Controls relating to development on bushfire prone land.	<b>Not applicable</b> The development site is not identified as being bushfire prone land.
<b>Section 6 - Water Cycle Management</b>	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.

Development Control	Provision	Comment
<b>Section 7 - Development Near a Watercourse</b>	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	<b>Not applicable</b> The development site is not within close proximity to a water course.
<b>Section 8 - Erosion and Sediment Control</b>	Erosion and sediment control plan to be submitted.	<b>Complies</b> Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
<b>Section 9 - Flooding Risk</b>	Provisions relating to development on flood prone land.	<b>Not applicable</b> The development site is not affected by flooding.
<b>Section 10 - Contaminated Land Risk</b>	Provisions relating to development on contaminated land.	<b>Complies</b> As discussed earlier within this report, the site is considered suitable for the development.
<b>Section 11 - Salinity Risk</b>	Provisions relating to development on saline land.	<b>Not applicable</b> The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
<b>Section 12 - Acid Sulphate Soils</b>	Provisions relating to development on acid sulphate soils	<b>Not applicable</b> The site is not affected by acid sulphate soils.
<b>Section 13 - Weeds</b>	Provisions relating to sites containing noxious weeds.	<b>Not applicable</b> The site is not identified as containing noxious weeds.
<b>Section 14 - Demolition of Existing Development</b>	Provisions relating to demolition works	<b>Complies</b> Demolition will be carried out as part of this development and will be conditioned appropriately.
<b>Section 15 - On Site Sewage Disposal</b>	Provisions relating to OSMS.	<b>Not applicable</b> OSMS is not proposed.
<b>Section 16 - Aboriginal Archaeology</b>	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	<b>Not applicable</b> Based on the location and the last uses of the site it is unlikely that there is a likelihood of archaeological finds or relics.
<b>Section 17 - Heritage and Archaeological Sites</b>	Provisions relating to heritage sites.	<b>Not applicable</b> Based on the location and the last uses of the site it is unlikely that there is a likelihood of archaeological finds or relics.
<b>Section 18 - Notification of Applications</b>	Provisions relating to the notification of applications.	<b>Complies</b> The application was notified for 14 days in accordance with this policy.



Development Control	Provision	Comment
<b>Section 19 - Used Clothing Bins</b>	Provisions relating to used clothing bins.	<b>Not Applicable</b> The DA does not propose used clothing bins.
<b>Section 20 - Car Parking and Access</b>	Residential Development Car Parking Requirements:  <ul style="list-style-type: none"> <li>- 1 space per small / 1-bedroom apartment</li> <li>- 1.5 spaces per medium / 2-bedroom dwelling</li> <li>- 2 spaces per large / 3-bedroom dwelling</li> <li>- 1 space per 4 units or part thereof, for visitors</li> </ul>	<b>Considered acceptable</b> The following parking is required: <ul style="list-style-type: none"> <li>- 16 x Studio and 1-bed units require 16 spaces</li> <li>- 35 x 2-bed units require 52.5 spaces</li> <li>- 7 x 3-bed units require 14 spaces</li> <li>- 14.5 visitor spaces required</li> </ul> A total of 97 spaces required.  60 parking spaces are provided for residential units and visitors  The proposal falls short of the DCP parking requirements by 37 spaces. However, the parking is in accordance with the requirements of the ARH SEPP, which takes precedence in this instance.  6 accessible car parking spaces have been provided for the 6 adaptable units.
	1 bicycle space per 2 units for residents	<b>Complies (with condition)</b> A total of 35 bicycle spaces are required.
	1 bicycle space for visitors per 10 units	A total of 15 bicycle spaces are provided. Conditions will be added ensuring the DCP bicycle parking requirements are met.
<b>Section 21 - Subdivision of Land and Buildings</b>	Provisions relating to the subdivision of land.	<b>Not applicable</b> The DA does not propose the subdivision of land.
<b>Section 22 and Section 23 - Water Conservation and Energy Conservation</b>	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	<b>Complies</b> Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
<b>Section 24 - Landfill</b>	Minimisation of cutting and filling, not in conjunction with a DA.	<b>Not applicable</b> Cut and fill included with DA.
<b>Section 25 - Waste Disposal and Re-use Facilities</b>	Provisions relating to waste management during construction and on-going waste.	<b>Complies</b> During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.  On-going Waste Management: The development includes waste storage areas on Basement Level 1 for waste collection and storage. The building has been designed to include waste chutes from

Development Control	Provision	Comment
		the services cores on each level to the waste storage room on Basement Level 1.  Bins will be wheeled to the front for collection and will be collected from Harvey Avenue.
<b>Section 26 - Outdoor Advertising and Signage</b>	Provisions relating to signage.	<b>Not Applicable</b> The DA does not propose any signage.
<b>Section 27 - Social Impact Assessment</b>	A comprehensive social impact comment shall be submitted for residential flat buildings greater than 20 units.	<b>Complies</b> A social impact comment was submitted as part of the proposal, and no issues are raised with regards to social matters.

### **LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)**

Development Control	Provision	Comment
<b>1. Preliminary</b>	Objectives are to provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area, and to provide for a variety of housing choice within residential areas with Liverpool.	<b>Complies</b> As discussed above, the development provides for a quality design and provides a variety of housing choice.
<b>2. Frontage and Site Area</b>	The minimum lot width is 24m	<b>Complies</b> Site width exceeds 28m.
<b>3. Site Planning</b>	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	<b>Complies</b> The proposal is designed in line with the site's topography.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	<b>Complies</b> The building is sited centrally which allows efficient use of space. BASIX and sustainability requirements are met by the proposal.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	<b>Complies</b> Safe access is provided to the building and parking
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	<b>Complies</b> Whilst the surrounding development is generally of a lower height than the 6-storeys proposed, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 18m.

Development Control	Provision	Comment
		As such, the proposed development generally complies with these requirements and therefore is considered to be in accordance with the desired future character of the area.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	<b>Complies</b> The proposal has been assessed by Council's Engineers, who raise no objection, subject to the imposition of conditions.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	<b>Complies</b> The proposal meets the requirements of SEPP65.
<b>4. Setbacks</b>	Front setback: 5.5m	<b>Complies</b> Building set back 6m
	Verandahs, eaves, etc, may encroach on the setback by 1m	<b>Complies on merit</b> Front balconies set back 4.5m, with the exception of 2 balconies, which are set back 4.3m, 0.2cm less than required. This is not considered significant in the overall scale of the building and as they are at the lower levels (level 1 and 2) they would not result in any privacy impacts.
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	<b>Complies</b> The building complies with these requirements
<b>5. Landscaped Area and Private Open Space</b>	A minimum of 25% of the site area shall be landscaped area.	<b>Complies</b> The development provides for approximately 1046m <sup>2</sup> of landscaped area which equates to 38%.
	A minimum of 50% of the front setback area shall be landscaped area.	<b>Complies</b> In excess of 50% of the front setback is landscaped.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site.	<b>Complies</b> The basement car parking has been pulled in from the edges of the site to allow for landscaping within the front and side setbacks of the development.

Development Control	Provision	Comment
	<ul style="list-style-type: none"> <li>- The use of front and side setbacks.</li> <li>- Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.</li> </ul>	
	Promote landscape health by supporting for a rich variety of vegetation type and size.	<b>Complies</b> The proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	<b>Complies</b> Paving across the landscaped areas is minimised.
	<p>Provide communal open space, which is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities by:</p> <ul style="list-style-type: none"> <li>- Locating it in relation to buildings to optimise solar access to dwellings.</li> <li>- Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.</li> <li>- Designing its size and dimensions to allow for the range of uses it will contain.</li> <li>- Minimising overshadowing.</li> <li>- Carefully locating ventilation duct outlets from basement car parking.</li> </ul>	<p><b>Complies</b> Communal open space will incorporate barbecue facilities and seating. The landscaped communal open space also incorporates a mix of active and passive landscape spaces.</p> <p>It is orientated to receive afternoon sun and is of a size to allow for a range of uses.</p>
	Locate open space to increase the potential for residential amenity.	<b>Complies</b> The communal open space is to the rear, to the front between the buildings and on the roof, helping to provide good residential amenity.

Development Control	Provision	Comment
	Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use	<b>Complies</b> Private open space is provided to each unit in accordance with the ADG, including courtyards at ground floor, and balconies on the upper floors.
	Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	<b>Complies</b> Internal drying areas are proposed.
<b>6. Building Design, Streetscape and Layout</b>	Building Height: 18m	<b>Does not comply</b> Section 4.6 Variation sought (as discussed under LLEP section above)
<b>Building Appearance and Streetscape</b>	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	<b>Complies</b> The proposal meets the requirements of SEPP 65 and the ADG.
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	<b>Complies</b> Articulation and interest are provided to all elevations.
	The pedestrian entrance to the building shall be emphasised.	<b>Complies</b> Entry points to the building are emphasised by the projecting elements above the entrance points.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	<b>Complies</b> Side walls are all articulated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is	<b>Complies</b> The vehicle entrance is to the western boundary of the site.

Development Control	Provision	Comment
	not readily visible from the street	
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	<b>Complies</b> The entrance to the basement is of the same design and materials as the main building.
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	<b>Complies</b> The basement entry is minimal and does not dominate the front elevation.
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	<b>Not applicable.</b> No podium proposed.
	A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	<b>Complies with conditions.</b>
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	<b>Complies</b> The building has been designed with attention to detail, and has been reviewed by the DEP, who support the design and features of the building
	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building.	

Development Control	Provision	Comment
	<ul style="list-style-type: none"> <li>- Expressing key datum lines in the context using cornices, a change in materials or building set back.</li> <li>- Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions.</li> <li>- Expressing the variation in floor-to-floor height, particularly at the lower levels.</li> <li>- Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.</li> <li>- Selecting balcony types which respond to the street context, building orientation and residential amenity.</li> <li>- Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles.</li> <li>- Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials</li> </ul> <p>Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.</p> <p>Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.</p> <p>Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.</p> <p>Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design</p>	

Development Control	Provision	Comment
<b>Roof Design</b>	<p>Relate roof design to the desired built form. This may include:</p> <ul style="list-style-type: none"> <li>- Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.</li> <li>- Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas.</li> <li>- Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.</li> <li>- Using special roof features, which relate to the desired character of an area, to express important corners.</li> </ul>	<p><b>Complies</b></p> <p>The roof is flat in form, providing communal open space, however it includes the provision for the installation of photovoltaic panels.</p>
	Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	
	Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	



Development Control	Provision	Comment
<b>Building Entry</b>	<p>Improve the presentation of the development to the street by:</p> <ul style="list-style-type: none"> <li>- Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.</li> <li>- Designing the entry as a clearly identifiable element of the building in the street.</li> <li>- Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.</li> </ul>	<p><b>Complies</b> Entrances are noticeable and the access way is prominent to Harvey Avenue.</p>
	Provide as direct a physical and visual connection as possible between the street and the entry	
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	
	Ensure equal access for all	<p><b>Complies</b> A ramp provides access to the buildings, where lifts provide access within the building.</p>
	<p>Provide safe and secure access by:</p> <ul style="list-style-type: none"> <li>- Avoiding ambiguous and publicly accessible small spaces in entry areas.</li> <li>- Providing a clear line of sight between one circulation space and the next.</li> <li>- Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.</li> </ul>	<p><b>Complies</b> Safe and secure access is provided to the buildings, with clear entry points to the development for pedestrians and vehicles.</p>
	<p>Generally provide separate entries from the street for:</p> <ul style="list-style-type: none"> <li>- Pedestrians and cars.</li> <li>- Different uses, for example, for residential and commercial users in a mixed-use development.</li> <li>- Ground floor dwellings, where applicable.</li> </ul>	<p><b>Complies</b> The proposal provides separate vehicle and pedestrian access points.</p>

Development Control	Provision	Comment
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	<b>Complies</b> Letterboxes will be located internally.
<b>Balconies</b>	Balconies may project up to 1m from the façade of a building.	<b>Complies</b> The balconies project 1m from the front facade of the building.
	Balustrades must be compatible with the façade of the building.	<b>Complies</b> Glass balustrades are used, which are suitable given the design of the building.
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	<b>Complies</b> Balconies of a depth to allow solar access.
	Design balustrades to allow views and casual surveillance of the street.	<b>Complies</b> Balconies provide views and surveillance to the street.
	Balustrades on balconies at lower levels shall be of solid construction. Solid or semi solid louvres are permitted.	<b>Complies on merit</b> Sliding shutters will allow for privacy to balconies where required.
	Noise attenuation measures on balconies facing a Classified Road should be considered.	<b>Not applicable</b> Site does not front a classified road.
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	<b>Complies</b> The majority of balconies are all on the external facades of the building, there are some internal balconies, however, these have privacy screens to prevent any privacy concerns.
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of	<b>Complies</b> Balconies are off main living spaces and are of good sizes and dimensions to be fit for purpose.

Development Control	Provision	Comment
	balconies in any development.	
	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	<b>Not applicable.</b>
	Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: <ul style="list-style-type: none"> <li>- Locating balconies facing predominantly north, east or west to provide solar access.</li> <li>- Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind.</li> <li>- Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions</li> <li>- along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.</li> </ul>	<b>Complies</b> Balconies designed in accordance with climate and context requirements.
	Provide primary balconies for all dwellings with a minimum depth of 2m.	<b>Complies</b> All main balconies have minimum width of 2m.
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	<b>Complies</b> All balconies allow for adequate solar access.
	Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: <ul style="list-style-type: none"> <li>- Detailing balustrades using a proportion of solid to</li> </ul>	<b>Complies</b> Balconies provide views and surveillance to the street.

Development Control	Provision	Comment
	transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. - Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units	
	Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	<b>Complies</b> Shutters provided to balconies.
<b>Daylight Access</b>	Plan the site so that new residential flat development is oriented to optimise northern aspect.	<b>Complies</b> The buildings maximise the northern orientation.
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	<b>Complies</b> The communal open space receives adequate daylight, with the opportunity for shading.
	Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	<b>Complies</b> Main rooms and windows receive daylight in accordance with the ADG requirements.
	Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	<b>Not applicable.</b>

Development Control	Provision	Comment
	Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. Avoid south facing dwellings.	<b>Complies on merit</b> The number of units receiving direct daylight and sunlight is accordance with the ADG requirements.
	Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	<b>Complies</b> Shutters provided to balconies.
	Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	<b>Complies</b> Ceilings are in line with the minimum requirements of the ADG.
	On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	<b>Complies</b> Shutters provided to balconies.
	On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.	<b>Complies</b> Shutters provided to balconies.
<b>Internal Design</b>	All staircases should be internal.	<b>Complies</b> Stairways are internal.
	Minimise the length of common walls between dwellings.	<b>Complies</b> Common walls are minimised through the development.
	Basement car parking shall be located beneath the building footprint.	<b>Complies on merit</b> Basement car parking is located below the building where possible.
	Where possible natural ventilation shall be provided to basement car parking.	<b>Complies</b> The basement will have the ability to be ventilated naturally.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	<b>Complies</b> The building has been designed in accordance with the ADG building separation requirements.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors	<b>Complies</b> Noise generating rooms are clustered where possible.

Development Control	Provision	Comment
	and stairwells.	
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	<b>Not applicable.</b>
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	<b>Complies with conditions.</b>
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas.	<b>Complies</b> Habitable rooms overlook open space where possible.
<b>Ground Floor Dwellings</b>	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	<b>Complies</b> The landscaping to the front of the site will provide an attractive frontage to the street.
	Create more pedestrian activity along the street and articulate the street edge by: <ul style="list-style-type: none"> <li>- Balancing privacy requirements and pedestrian accessibility.</li> <li>- Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.</li> <li>- Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings.</li> <li>- Increasing street surveillance with doors and windows facing onto the street.</li> </ul>	<b>Complies</b> The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active environment to the street.

Development Control	Provision	Comment
	<p>Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard.</p>	<p><b>Complies</b> The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active environment to the street.</p>
<b>Security</b>	<p>Entrances to buildings should be orientated towards the front of the site and facing the street. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.</p>	<p><b>Complies</b> The entrance to the building is orientated to the street, with no rear accesses proposed.</p>
	<p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>	<p><b>Complies</b> No blank walls are proposed.</p>
	<p>Minimise the number of entry points to buildings.</p>	<p><b>Complies</b> Only two entry points are proposed for the residential elements, one for each core.</p>

Development Control	Provision	Comment
	Reinforce the development boundary to strengthen the distinction between public and private space by: <ul style="list-style-type: none"> <li>- Employing a level change at the site and/or building threshold (subject to accessibility requirements).</li> <li>- Signage.</li> <li>- Entry awnings.</li> <li>- Fences, walls and gates.</li> <li>- Change of material in paving between the street and the development</li> </ul>	<b>Complies</b> The building steps up from the street to provide a distinction from the street/footpath.
	Optimise the visibility, functionality and safety of building entrances by: <ul style="list-style-type: none"> <li>- Orienting entrances towards the public street.</li> <li>- Providing clear lines of sight between entrances, foyers and the street.</li> <li>- Providing direct entry to ground level dwellings from the street rather than through a common foyer.</li> <li>- Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.</li> </ul>	<b>Complies</b> Entrances are noticeable and the access ways are prominent to Harvey Avenue.
	Improve the opportunities for casual surveillance by: <ul style="list-style-type: none"> <li>- Orienting living areas with views over public or communal open spaces, where possible.</li> <li>- Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street.</li> <li>- Using corner windows, which provide oblique views of the street.</li> <li>- Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.</li> </ul>	<b>Complies</b> The upper floor balconies will provide for casual surveillance.
	Minimise opportunities for concealment by: <ul style="list-style-type: none"> <li>- Avoiding blind or dark alcoves near lifts and stairwells, at the entrance</li> </ul>	<b>Complies</b> The access points are well laid out and are to be well lit, and do not provide opportunities for concealment.



Development Control	Provision	Comment
	<p>and within indoor car parks, along corridors and walkways.</p> <ul style="list-style-type: none"> <li>- Providing well-lit routes throughout the development.</li> <li>- Providing appropriate levels of illumination for all common areas.</li> <li>- Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.</li> </ul>	
	<p>Control access to the development by:</p> <ul style="list-style-type: none"> <li>- Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings.</li> <li>- Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas.</li> <li>- Providing direct access from car parks to dwelling lobbies for residents.</li> </ul>	<p><b>Complies</b></p> <p>The only access point to the residential element is from the main entrance. Car parking is limited to residents and staff, with access from the car park directly to the dwellings available.</p>
<b>Natural Ventilation</b>	<p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings.</li> <li>- Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings.</li> </ul>	<p><b>Complies</b></p> <p>Cross ventilation and natural ventilation is in accordance with the ADG requirements.</p>
	<p>Provide narrow building depths to support cross ventilation.</p>	<p><b>Complies</b></p> <p>Dwellings depths are in line with the ADG requirements.</p>
	<p>Avoid single-aspect dwellings with a southerly aspect.</p>	<p><b>Complies on merit</b></p> <p>Although some such dwellings are proposed, the number is limited and in accordance with ADG requirements.</p>

Development Control	Provision	Comment
<b>Building Layout</b>	The layout of dwellings within a residential flat building should minimise the extent of common walls.	<b>Complies</b> Common walls are minimised through the development.
<b>Storage Areas</b>	A secure storage space is to be provided for each dwelling with a minimum volume 8 m <sup>3</sup> (minimum dimension 1m <sup>2</sup> ). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	<b>Complies</b> Storage is provided in accordance with ADG requirements.
<b>7. Landscaping and Fencing</b>	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.	<b>Complies</b> Canopy trees are proposed in the front and rear setbacks.
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees	<b>Complies</b> The planting plan is made up of predominantly native species.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	<b>Complies</b> A mixture of plant types and sizes is proposed.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	<b>Complies</b> Minimal landscaping is proposed in the vicinity of the driveway.
	Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties.	<b>Complies</b> Planting is proposed along the side and rear boundaries.

Development Control	Provision	Comment
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	<b>Not applicable.</b>
	The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	<b>Not applicable</b> There is no existing significant vegetation.
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	<b>Complies</b> Canopy trees will provide shade
	Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.	<b>Not applicable.</b>
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	<b>Complies</b> Trees over 3m from building.

Development Control	Provision	Comment
	<p>Contribute to streetscape character and the amenity of the public domain by:</p> <ul style="list-style-type: none"> <li>- Relating landscape design to the desired proportions and character of the streetscape.</li> <li>- Using planting and landscape elements appropriate to the scale of the development.</li> <li>- Mediating between and visually softening the bulk of large development for the person on the street.</li> </ul> <p>Planting design solutions include:</p> <ul style="list-style-type: none"> <li>- Trees for shading low-angle sun on the eastern and western sides of a dwelling.</li> <li>- Trees that do not cast a shadow over solar collectors at any time of the year.</li> <li>- Deciduous trees for shading of windows and open space areas in summer.</li> </ul> <p>methods.</p> <ul style="list-style-type: none"> <li>- Providing appropriate drainage.</li> <li>- Design planters to support the appropriate soil depth and plant selection by:</li> <li>- Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth.</li> <li>- Providing square or rectangular planting areas rather than long narrow linear areas.</li> </ul>	<p><b>Complies</b></p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>

Development Control	Provision	Comment
	<p>Design landscape which contributes to the site's particular and positive characteristics, for example by:</p> <ul style="list-style-type: none"> <li>- Enhancing habitat and ecology.</li> <li>- Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate.</li> <li>- Retaining and incorporating changes of level, visual markers, views and any significant site elements</li> </ul> <p>Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> <li>- Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.</li> <li>- Providing appropriate soil conditions and irrigation</li> </ul>	<p><b>Complies</b></p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>
<b>Fencing</b>	<p>The maximum height of a front fence is 1.2m.</p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m</p>	<p><b>Not applicable</b></p> <p>No front fence proposed.</p>
	<p>Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p>	<p><b>Complies with condition</b></p>
	<p>For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.</p>	<p><b>Not applicable</b></p> <p>No secondary frontage.</p>
	<p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p><b>Complies with condition</b></p>
<b>8. Car parking and access</b>	<p>Visitor car parking shall be clearly identified and may not be stacked car parking.</p> <p>Visitor car parking shall be located between any roller shutter door and the front boundary.</p>	<p><b>Complies</b></p> <p>Visitor car parking not required by ARH SEPP.</p>

Development Control	Provision	Comment
	Pedestrian and driveways shall be separated.	<b>Complies</b> Separate access points are provided.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	<b>Complies</b> Vehicle access along the western boundary of the site.
	<p>Give preference to underground parking, whenever possible by:</p> <ul style="list-style-type: none"> <li>- Retaining and optimising the consolidated areas of deep soil zones.</li> <li>- Facilitating natural ventilation to basement and sub-basement car parking areas, where possible.</li> <li>- Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design.</li> <li>- Providing safe and secure access for building users, including direct access to residential dwellings, where possible.</li> <li>- Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.</li> </ul>	<b>Complies</b> Basement parking proposed.
	Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> <li>- Avoid exposed parking on the street frontage.</li> <li>- Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure</li> </ul>	<b>Not applicable.</b> No above ground parking proposed.

Development Control	Provision	Comment
	they are integrated into the overall facade scale, proportions and detail.	
	Promote equity by: <ul style="list-style-type: none"> <li>- Ensuring the main building entrance is accessible for all from the street and from car parking areas.</li> <li>- Integrating ramps into the overall building and landscape design.</li> <li>- Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.</li> </ul>	<b>Complies</b> Ramp provides to access building.
	Maximise the number of accessible and adaptable dwellings in a building by: <ul style="list-style-type: none"> <li>- Providing more than one accessible entrance where a development contains clusters of buildings.</li> <li>- Separating and clearly distinguish between pedestrian accessways and vehicle accessways.</li> <li>- Locating vehicle entries away from main pedestrian entries and on secondary frontages.</li> </ul>	<b>Complies</b> Adaptable units proposed.
<b>9. Amenity and Environmental Impact</b>	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: <ul style="list-style-type: none"> <li>- One living, rumpus room or the like; and</li> <li>- 50% of the private open space.</li> </ul>	<b>Complies on merit</b> It is noted that there would be significant overshadowing of the private open space of to the property to the south as a result of this development. However, the property to the south is also zoned R4 and could be expected to take advantage of the 'up-zoning' of the area and be redeveloped in a similar fashion to this proposal, with 32-34 Mackay Street having an approved DA for a similar sized residential flat building.  The applicant has submitted an indicative scheme for the other rear site showing that it can be similarly redeveloped while meeting the solar access requirements of the ADG. Given the context of the site and the type of development envisaged by the R4 zoning, the impact on that site is considered to be acceptable in this instance.

Development Control	Provision	Comment
	<p>Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p> <p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>	<p><b>Complies</b></p> <p>The building complies with the ADG separation requirements.</p>
	<p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p>	<p><b>Complies</b></p> <p>Hedge/tree planting is proposed along the boundaries.</p>
	<p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:</p> <ul style="list-style-type: none"> <li>- Balconies to screen other balconies and any ground level private open space.</li> <li>- Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.</li> <li>- Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.</li> </ul> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air by:</p> <ul style="list-style-type: none"> <li>- Offsetting windows of dwellings in new development and adjacent development windows.</li> <li>- Recessed balconies and/or vertical fins between adjacent balconies.</li> <li>- Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies.</li> </ul>	<p><b>Complies</b></p> <p>The building generally complies with the ADG separation requirements.</p>



Development Control	Provision	Comment
	<ul style="list-style-type: none"> <li>- Fencing.</li> <li>- Vegetation as a screen between spaces.</li> <li>- Incorporating planter boxes into walls or balustrades to increase the visual separation between areas.</li> <li>- Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space.</li> </ul>	
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	<b>Complies with conditions</b>
	Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	<b>Not applicable.</b>
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	<b>Complies with conditions</b>
	<p>Arrange dwellings within a development to minimise noise transition between dwellings by:</p> <ul style="list-style-type: none"> <li>- Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms</li> <li>- Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas</li> <li>- Minimising the amount of common walls with other</li> </ul>	<b>Complies with conditions</b>

Development Control	Provision	Comment
	dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	
<b>10. Site Services</b>	Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	<b>Complies</b> Letterboxes proposed inside the building.
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	<b>Complies with condition.</b>
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	<b>Complies</b> A waste management plan will be secured via condition.
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	<b>Complies</b> Waste facilities are located in the basement.
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	<b>Complies with condition.</b>
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	<b>Complies with condition.</b>

Development Control	Provision	Comment
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	<b>Not applicable.</b>

#### **6.4 Section 4.15(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed development.

#### **6.5 Section 4.15(1)(a)(iv) – The Regulations**

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

#### **6.6 Section 4.15(1)(b) – The Likely Impacts of the Development**

##### **(a) Natural and Built Environment**

##### ***Built Environment***

It is considered that the proposed development will have minimal impact on the built environment given that it is located within the R4 Zone which is zoned for high density residential development. Therefore, it is considered to be consistent with the current and future character of the locality, especially as the building has been redesigned to comply, in the most part, with the ADG.

The proposed scheme is considered to be an appropriate design, which is responsive to the location and the orientation of the site. The development satisfactorily addresses Harvey Avenue with built form that would interact with this space. The proposal has been designed with adequate regard to the western, northern and southern adjoining sites and has been redesigned since lodgement to reduce impacts to these properties where reasonable.

##### ***Natural Environment***

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment.

##### **(b) Social Impacts and Economic Impacts**

The development is likely to result in a positive social impact within the locality. The provision of communal open space in varied locations throughout the site will promote social interaction among building occupants. The development provides bicycle parking which will encourage users to engage in outdoor activities and increased movement.

The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the on-going building maintenance. The development will result in increased housing availability within a high density residential zone.

#### **6.7 Section 4.15(1)(c) – The Suitability of the Site for the Development**

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of LLEP 2008 and LDCP 2008 as outlined in this report. The identified variations have been considered and are supported as they do not result in any adverse impacts to the locality. Overall the development is considered to satisfy the relevant controls for site selection.

#### **6.8 Section 4.15(1)(d) – Any submissions made in relation to the Development**

##### **(a) Internal Referrals**

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

<b>Department</b>	<b>Comments</b>
<b>Building</b>	No objections, subject to conditions.
<b>Engineering</b>	No objections, subject to conditions.
<b>Environmental Health</b>	No objections, subject to conditions.
<b>Landscaping</b>	No objections, subject to conditions.
<b>Traffic and Transport</b>	No objections, subject to conditions.
<b>Waste Management</b>	Revised documentation acceptable, no objections subject to conditions.

##### **(b) External Referrals**

The application was referred to Endeavour energy, who have no objection to the application, and provide their requirements for the proposed development.

##### **(c) Community Consultation**

In accordance with the LDCP 2008, the application was notified for a 14-day period, from 9 October 2018 to 25 October 2018. 10 submissions and two petitions (one with 339 signatures and one with 69 signatures) were received in relation to the proposed development during the public consultation process. The issues raised in the submissions, and a response to each, are summarised as follows:

- ***Excessive Height***

As discussed in the above report, the Clause 4.6 variation sought for the additional height of the building is considered to be acceptable, and the additional height is limited to the centre of the site and the front of the building, which will ensure there are no negative impacts on the wider area or neighbouring properties.

- ***Waste disposal and excessive numbers of bins***

The applicant has submitted a waste management plan that has been reviewed by Council's Waste Management Team, who have found the proposed plan acceptable and in line with Council's standards. This will not result in a large number of bins on the street come collection day as they will be large capacity bins managed by a private operator.

- ***Excessive FSR***

The FSR proposed is 1.65:1, which is in accordance with the FSR limit for the site, which is 1.2:1 for the site, plus a bonus of 0.45:1 for the affordable housing provision.

- ***Loss of privacy***

The building is in line with the separation distance outlined in the ADG, with the exception of some small portions of balconies, which will be conditioned to require privacy screens. This will ensure the privacy of neighbouring properties will be maintained.

- ***Overshadowing***

It is noted that there would be significant overshadowing of the private open space of the property to the south as a result of this development. However, the properties to the south are also zoned R4 and could be expected to take advantage of the 'up-zoning' of the area and be redeveloped in a similar fashion to this proposal, with a DA already having been approved on two of the four adjacent lots. Given the context of the site and the type of development envisaged by the R4 zoning, the impact on that site is considered to be acceptable in this instance.

- ***Affect on property values***

This is not a relevant planning consideration.

- ***Increase in population in the area***

The site lies within an R4 Zone and is a form of development that is permissible within the zone and in line with the objectives of the zone. As such, any increase in resident numbers would be in line with that expected by the zoning of the land.

- ***Increased traffic, traffic safety and parking***

The parking proposed is in accordance with the requirements of the ARH SEPP, and the site is within an accessible area with regard to public transport. As such, any increase in traffic is likely to be commensurate with the zoning of the area. In addition, the application has been reviewed by Council's Traffic Department, who have no objections to the proposal.

- ***Bulk and scale inappropriate and incompatible with surrounding area***

The building has been designed in accordance with the zone requirements, and the provisions of the ADG, with the exception of small height and separation elements. While it is noted that there are few similar buildings in the area at present, surrounding properties are also zoned R4 and could be expected to take advantage of the 'up-zoning' of the area and be redeveloped in a similar fashion to this proposal.

- ***Lack of construction traffic management plan***

A construction traffic management plan will be secured via condition to ensure there are minimal impacts on the surrounding area.

- ***Development not in the public interest***

The proposed development is consistent with the zoning of the land and would represent a high quality development for Moorebank. The development provides additional housing opportunities, including a good proportion of affordable housing, within close proximity to employment opportunities and public transport.

- **Noise**

The proposed development is not likely to cause any additional noise effects from that expected within a residential zone. Construction hours will be controlled via condition.

- **Construction impacts**

Construction practices will be managed as part of the Building Control Act approvals for the development.

- **Infrastructure impacts**

The site lies within an R4 Zone and is a form of development that is permissible within the zone and in line with the objectives of the zone. As such, any increase in infrastructure pressure would be in line with that expected by the zoning of the land. In addition, Section 7.11 contributions are payable on this application, which will go towards infrastructure improvements in the area.

- **Issues with the zoning of the land**

The zoning of the site has been in place since 2008, and the strategic issues raised in relation to the zoning cannot be readily considered as part of this application.

## **6.9 Section 4.15(1)(e) – The Public Interest**

The proposed development is consistent with the zoning of the land and would represent a high quality development for Liverpool. The development provides additional housing opportunities, including a large proportion of affordable housing, within close proximity to employment opportunities and public transport.

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

## **7. SECTION 7.11 CONTRIBUTIONS**

Section 7.11 of the Act is applicable to the development. The applicable contribution amount for the subject proposal is **\$171,984**.

## **8. CONCLUSION**

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is also consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

It is for these reasons that the proposed development is considered to be satisfactory and DA-627/2018 is recommended for approval, subject to conditions.

## **9. ATTACHMENTS**

1. Recommended conditions of consent
2. Architectural plans
3. Landscape plans
4. Stormwater plans
5. Height analysis
6. Survey Plan
7. Statement of Environmental Effects, and Addendum to SEE
8. Design Verification Statement
9. Traffic Management Report
10. Traffic Impact Assessment
11. Waste Management Plan
12. Acoustic Report
13. Access Compliance Report
14. BCA Report
15. BASIX Commitment Report and Certificate
16. NatHERS Certificates
17. Design Excellence Panel Comments