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STATEMENT OF ENVIRONMENTAL EFFECTS

NO. 19 & 21 HARVEY AVENUE, MOOREBANK
Lot 30 & 29 DP 236405



DEMOLITION OF STRUCTURES AND CONSTRUCTION OF A SIX (6) STOREY
RESIDENTIAL FLAT BUILDING INCLUDING, TWO LEVELS OF BASEMENT CAR
PARKING, LANDSCAPING AND ASSOCIATED SITE WORKS

SEPTEMBER 2017

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APPENDIX

1. SOCIAL IMPACT COMMENT

1. INTRODUCTION

This Report has been prepared as a Statement of Environmental Effects (SoEE) for the proposed demolition of existing structures and construction of a six (6) storey residential flat building consisting of 28 units, two levels of basement parking for 39 vehicles, landscaping and associated site works on the land at No. 19 & 21 Harvey Avenue, Moorebank (Lots 29 & 30 DP: 236405) (subject site).

Prior to the lodgement of the application the applicant attended a Pre-Development Application meeting on 26 April 2017 (Reference PL-40/2017). A copy of the Pre-Development Application Advice is attached to the Development Application. The recommendations of the advice have been incorporated into the design of the development and preparation of supporting reports.

The subject site is located within the Liverpool Local Government Area. The *Liverpool Local Environmental Plan 2008* (LLEP 2008) applies to the subject site. Under LLEP 2008 the subject site is zoned R4 High Density Residential. Under the Land Use Table to the R4 zone development for the purpose of 'residential flat buildings' is permissible with consent. The proposed development is generally consistent with the Plans development standards. The proposed height of the building exceeds the maximum height shown for the land on the Height of Buildings Map relating to the subject site under Clause 4.3 of LLEP 2008. A Clause 4.6 written request that justifies the contravention of the development standard is provided in accordance with Clause 4.6 of the Plan.

The Applicant proposes to provide a total of 50% of the dwellings as affordable units pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH). An assessment of the proposed development against the relevant provisions of SEPP ARH is provided in **Section 4.6** of this Report.

The proposed development has been assessed against the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). The proposed development has been assessed against the relevant provisions of the Policy in **Section 4.10** of this Report.

The proposed development is within the deemed SEPP *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River*. The proposed development has been assessed against the relevant provisions of the Policy in **Section 4.5** of this Report.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) applies to the proposed development. The proposed development has been designed in accordance with the Design Quality Principles in Part 2 of SEPP 65. A full assessment of the proposed development against SEPP 65 and the Apartment Design Guide (ADG) is lodged in support of the proposed development

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development. The development application is supported by a BASIX Report prepared in accordance with the Policy in **Section 4.8** of this Report.

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) applies to the proposed development. The development application has been assessed against the relevant provisions of SEPP 55 in **Section 4.9** of this Report.

The proposed development has been assessed against the provisions of the Liverpool Development Control Plan 2008 (LDCP 2008). Part 1 General controls for all development and Part 3.7 – Residential Flat Buildings in the R4 zone. The proposed development is generally consistent with the relevant objectives and development controls of Liverpool DCP 2008 and where the proposed development is inconsistent with the development controls a variation has been requested and a justification provided. Refer to **Section 4.2** of this Report for further details.

The proposed development has been assessed in accordance with the relevant sections of the *Environmental Planning and Assessment Act 1979* and the relevant clauses of the *Environmental Planning and Assessment Regulation 2000*.

Having regard to the contents of this Report and the accompanying architectural plans and reports the application is recommended for approval subject to conditions.

2. SITE DETAILS

2.1 Site Location

The subject site is located on the southern side of Harvey Avenue, 40 metres west of the intersection with Astor Street in the suburb of Moorebank in the local government area of Liverpool. The site is located 100m north-east of the Moorebank shopping centre and 100m north of Nuwarra Public School. Located 300m to the north is the State Classified Road identified as Newbridge Road.

The location of the land is shown in **Figure 1** and **Figure 2** in the neighbourhood and local context.

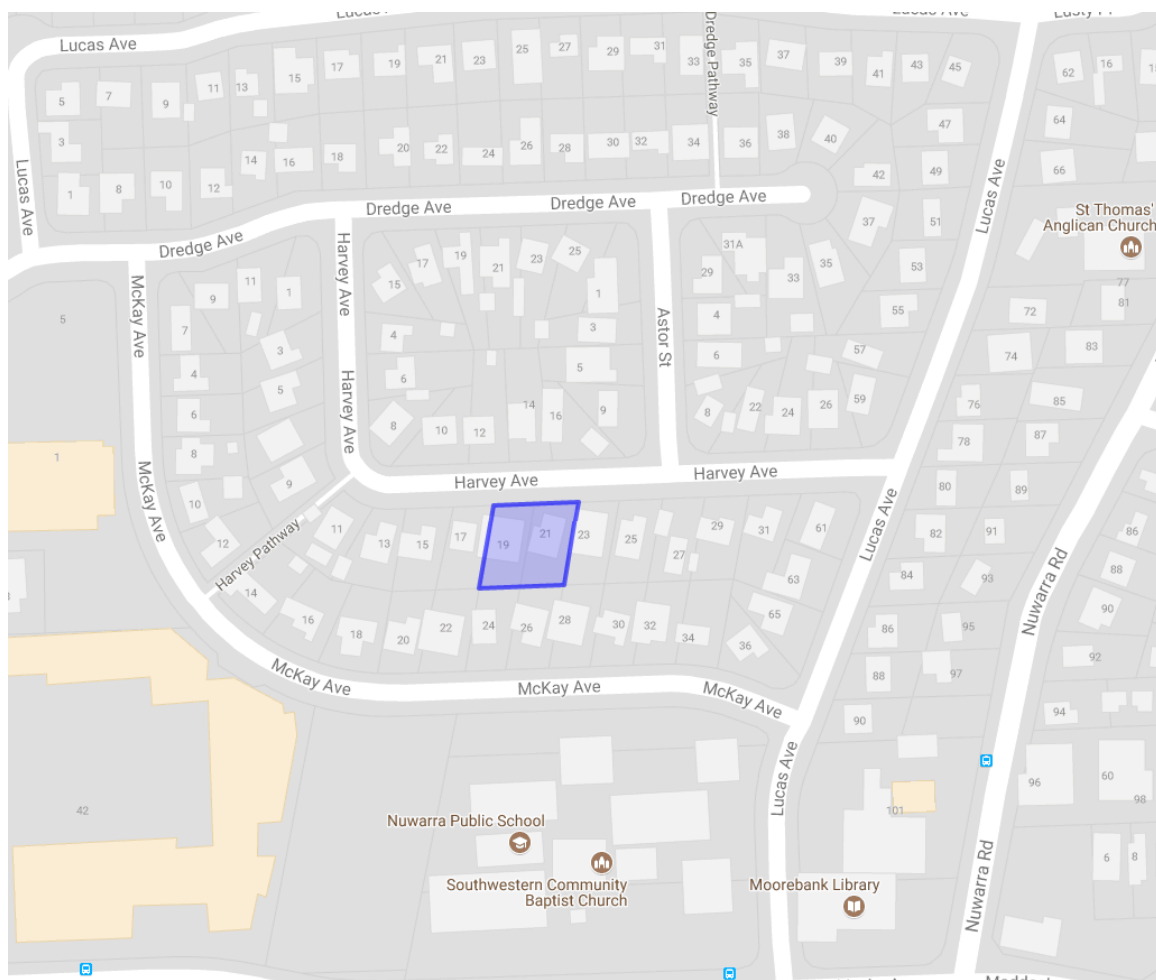


FIGURE 1 – SUBJECT SITE IN THE NEIGHBOURHOOD CONTEXT. SOURCE: NEARMAPS.

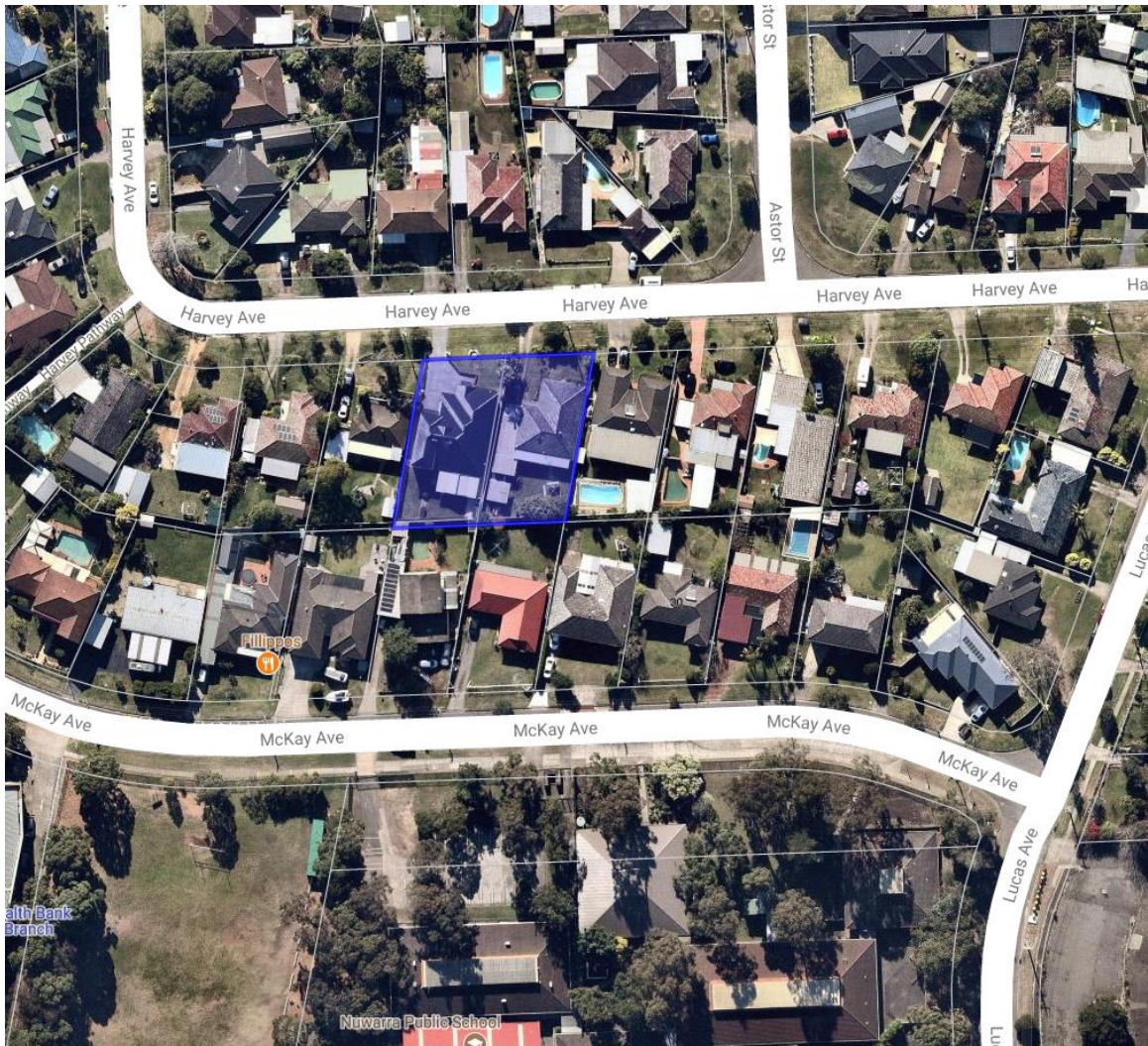


FIGURE 2 - AERIAL PHOTOGRAPH OF THE SUBJECT SITE. SOURCE: NEARMAPS.

2.2 Site Description

The subject site consists of two regular shaped allotments registered under separate titles. The site is legally identified as Lots 29 & 30 DP: 236405 and is known as No.19 & 21 Harvey Avenue, Moorebank. The site has a combined frontage of 37.53m and a depth of 37.53m. The site has a total area of 1,372.60m².

2.3 Existing Development

Both lots have been developed for residential purposes. Existing of the land at No. 19 Harvey Avenue is a split level rendered residence with associated outbuildings and improvements. No. 21 has a single storey brick and tile roof residence with an attached garage and associated outbuildings.



PLATE 1. SUBJECT SITE - EXISTING DWELLING NO. 19 HARVEY AVENUE, MOOREBANK



PLATE 2. SUBJECT SITE - EXISTING DWELLING NO. 21 HARVEY AVENUE, MOOREBANK

2.4 Surrounding Development

Subject site is located in the Liverpool Local Government Area – 30km south-west of Sydney CBD. The subject site is located 2.5km west of the Liverpool City Centre in the suburb of Moorebank.

Moorebank is a developed residential area, with substantial industrial land usage to the west and Moorebank Shopping Centre to the south. The suburb is bounded by the suburb of Chipping Norton and Newbridge Road in the north, the South Western Motorway and the suburb of Wattle Grove and the Holsworthy Military Reserve and the railway line in the south, and the Georges River in the west.

The subject site is adjoined to the west, south and east by detached dwelling houses. To the north the site is bound by Harvey Avenue and to the north there is further residential development consisting of predominately detached single and two storey dwelling houses and their associated uses.

The adjoining development is depicted in Plates 3 and 4 below.



PLATE 3 – NO. 23 HARVEY AVE, MOOREBANK, ADJOINING SUBJECT SITE.



PLATE 4 – NO. 17 HARVEY AVE, MOOREBANK ADJOINING SUBJECT SITE.

2.5 Topography, Drainage and Vegetation

The subject site slopes slightly from the south-east to the north-west of the site with all ground water capable of effectively draining to the on-street drainage network. The subject site is not burdened by any easement to drain water. The proposed stormwater drainage will be connected to the existing on-street stormwater drainage system.

The subject sites have been ornately landscaped. The sites do not contain any remnant native vegetation. The vegetation has not been identified environmentally significant land under clause 7.6 of LLEP 2008.

A single street tree is located within the road verge at No. 21 Harvey Avenue.

2.6 Zoning

The subject site is zone R4 High Density Residential under the provisions of the *Liverpool Local Environmental Plan 2008* ('LLEP 2008'). Refer to **Figure 6** below, an extract from the LLEP 2008 Land zoning Map.

A full assessment of the proposed development against the provisions of the LLEP 2008 is provided in **Section 4.1** of this Report.



FIGURE 6 - EXTRACT FROM THE LLEP 2008 LAND ZONING MAP. SUBJECT SITE IDENTIFIED.

2.7 Development Control Plans

The Liverpool Development Control Plan 2008 (LDCP 2008) applies to the subject site. The following parts of the LDCP 2008 apply to the proposed development:

- Part 1 - General controls for all development; and
- Part 3.7 – Residential Flat Buildings in the R4 zone.

A full assessment of the proposed development against the relevant objectives and development controls of the LDCP 2008 is provided in **Section 4.2** of this Report.

2.8 Heritage

The subject site does not contain any items of heritage, nor is the site identified as being located with a heritage conservation area.

2.9 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River

The *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River* applies to all land in the Liverpool Local Government Area. The proposed development has taken into consideration the general planning considerations. A full assessment of the proposed development against the deemed SEPP is provided in **Section 4.5** of this Report.

2.10 State Environmental Planning Policy (Infrastructure) 2007

The subject development has been assessed against the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). The site does not have access to a classified road or to road that connects to classified road (access within 90m of connection, measured along alignment of connecting road).

2.11 State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP NO. 65)

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) applies to the proposed development. Lodged in support of the proposed development is an Urban Design Statement. The statement provides a full assessment of the proposed development against Schedule 1 Design Quality Principles and the ADG.

2.12 State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) applies to the whole of the State. The development application is supported by a Phase 1 Contamination Report. A full assessment of the proposed development against SEPP 55 is provided in **Section 4.9** of the Report.

2.13 State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) apply to the proposed development. The Applicant proposes to provide a total of 50% of the dwellings as affordable units. An assessment of the proposed development against the relevant provisions of SEPP ARH is provided in **Section 4.6** of this Report.

3. PROPOSED DEVELOPMENT

The Applicant seeks development consent for the demolition of existing structures and construction of a six (6) storey residential flat building consisting of 28 units, two levels of basement parking for 39 vehicles, landscaping and associated site works on the land at No. 19 & 21 Harvey Avenue, Moorebank (Lots 29 & 30 DP: 236405).

The apartments are accessed via a central resident lobby which provides access to the two levels of basement car parking, lift and central stair well. Access to the resident lobby and stairwell is achieved via Harvey Avenue and the basement car parking area.

Each apartment is provided with a private open space area in the form of a terrace for ground floor apartments and a balcony for all apartments on level 1 - 5. Communal open space has been provided along the eastern boundary and rear of the building with a total area of 368.00m². The communal open space area may be accessed from ground level via the eastern access point or via the stair well located at the south-eastern corner of the site which provides a connection to the two levels of basement car parking.

Vehicular access is provided by way of a dual entry exit driveway off Harvey Avenue. The pedestrian and vehicular access points are clearly defined and it is not anticipated that the design will result in user conflicts.

The two levels of basement car parking provides car parking for 39 vehicles, including three (3) accessible car parking spaces, four (4) visitor car parking spaces, unit storage areas, waste storage room and a service/loading area.

Deep soil landscaping is provide to part of the front setback, the length of the eastern boundary and apportion of the south-western corner of the site. A total of 292m² is provided as deep soil landscaped area and a total landscaped area of 572.50m².

3.1 Building/Unit Data

The development consists of 28 residential apartments located from ground floor to the fifth floor and two (2) levels of basement car parking consisting of car parking for 39 vehicles, including three (3) accessible car parking spaces, four (4) visitor car parking spaces.

The development data for the proposed units is identified on the development data tables, prepared by Algorry Zappia & Associates Pty Ltd.

Bedroom mixes for the proposed units are as follows

Bedrooms	Number	Percentage
1 bedroom	8	28.6%
2 bedroom	16	57.1%
3 bedroom	4	14.3%
Total	28	100%

3.2 Development Data

Site Area	1,372.6m ²
Harvey Avenue Frontage	37.53m
Lot Depth	37.53m
Gross Floor Area	2,275m ²
Maximum FSR	1.2:1
Bonus FSR (SEPP ARH)	0.5:1
Permissible	1.7:1
Proposed FSR	1.66:1
Maximum Height	18m
Landscaping Area	572.50m ²
Deep Soil Landscaping	292m ²
Common Open Space	368m ²
Car Parking Provided	
Residential spaces	35 spaces
Visitor Space	4 space
Total Number of car spaces	39

3.3 Built Form and Design

The proposed design and siting seeks to respond to the constraints of the site and allow for sufficient ground floor communal open space, solar access and residential amenity for residents of the proposed development and adjoining properties.

It is considered that the proposed design provides an appropriate built form which is considerate to the fact that the development will be one of the first residential flat buildings in the locality and therefore the proposed development has been supported by a Future Character Design Statement, prepared by Algorry Zappia & Associates. The Future Character Design Statement was prepared at the request of Council following a Pre-DA.

Building Layout

The arrangement and configuration of the internal spaces and uses has the potential to have a positive impact on their amenity, function and accessibility. The layout of the building seeks to: address the prevailing winds and solar access, address Harvey Avenue and provide efficient and safe access and security.

A good standard of natural lighting and ventilation is provided to internal building spaces, with each unit receiving >60% ventilation which is consistent with the ADG requirement for units to achieve 60% cross ventilation. With all apartments having access to natural light and circulation, the use of light wells and air circulation techniques are not required.

Sufficient storage space is proposed within the apartments and in the storage compartments in the basement car park (provided for longer term storage).

Design Detail

The detailing and finishes provide for the effective long term maintenance of the building. The colours and finishes are consistent with the existing design and finishes in the broader locality and is considered to be responsive to the future character of the locality as supported by the Future Character Design Statement.

The proposed development will make a positive contribution to Harvey Avenue, the broader high and medium density residential zones and the Moorebank Local Centre to the south-west. The design of the building is the result of careful site analysis and review of the desired future built form and design layout of residential flat buildings in the locality.

The amalgamation of the two lots will provide a more appropriate use of land and allows for a more considerate design that makes efficient use of the development site. The provision of two levels of basement car parking is the most effective means of providing onsite car parking on the site and reduces unsightly undercroft or at grade car parking which would otherwise limit the density of development on the site and space for communal open space and landscaping.

Open Space and Landscape Design

Access to open space is a significant element of higher density residential developments. The proposed development seeks to meet the requirements for open space through the provision of adequate private open spaces for each unit, including; balconies and communal open space shared between the units – located on ground floor. The communal open space area is functional and clearly delineated from the ground floor apartment's private open space courtyards.

Balconies have been designed to serve as private open space, and therefore have been designed to be of an adequate size to accommodate outdoor settings, with good connections with each apartment's living spaces. The private open space areas will provide for passive recreation and entertainment uses and allow for views and privacy to be maintained.

3.4 Materials and External Finishing

The proposed development is supported by a materials finishes and colour schedule prepared by Algorry Zappia and Associates.

3.5 Site Access and Parking

The site is accessed via a dual access driveway off Harvey Avenue.

The site is well located, near to public transport facilities which are in easy walking distance for residents. Each dwelling is provided with parking in the basement car park in accordance with SEPP ARH (for all dwelling constructed in accordance with the Policy) or LDCP 2008 (for all dwelling constructed in accordance the Council's Plan). The basement car parking provides all residents with safe and secure car parking. The car park design provides for safe entry and exit, lighting and pedestrian access.

A central elevator and stairwell provides access to the basement car park and resident lobby.

Overall the layout and dimensions of the car park and driveway areas satisfy AS/NZS 2890.2004 Off-Street Car Parking.

3.6 Traffic

The proposed development is supported by a Traffic and Parking Impact Statement (Traffic Report) prepared by TSA. The Traffic Report:

- Assessed the adequacy of the proposed off-street parking provision based on Liverpool City Council's parking standards and those of the Roads and Maritime Services;
- Assessed the suitability of the proposed vehicular access arrangements having regard to the traffic conditions surrounding the site and the number of off-street parking spaces;
- Reviewed the architectural plans with respect to on-site vehicular manoeuvrability;
- Examined the existing transport conditions in vicinity of the site, including the existing traffic network, traffic volumes and the available public transport network; and
- Determined the likely traffic generation from the proposed development and assesses the ability of the surrounding road network to safely and efficiently accommodate this additional traffic.

Based on this assessment, the following can now be concluded:

- The proposed access, internal circulation and manoeuvring arrangements are capable of providing for safe and efficient vehicular movements during peak times;
- The proposed parking provision suitably conforms to the intentions of the Affordable Housing SEPP 2009 and DCP 2008 with respect to residential flat developments;
- The immediately adjoining road network currently operates with a good level of service during peak periods;
- The proposed development is expected to generate 13 additional peak hour vehicle trips to and from the site, over and above that currently generated by existing site improvements; and
- The subject development is therefore not projected to have any unreasonable impacts on the level of safety and efficiency afforded by the surrounding road network as well as environmental amenity within the surrounding precinct.

It is not considered that there will be any traffic related issues that should prevent Council's approval of the subject DA.

3.7 Building Entry and Access

A central entry off Harvey Avenue and internal access from the basement car park is provided. The entry points to the building and basement car park are clearly delineated, well lit and have been designed in consideration of the Safer by Design principles of CPTED.

3.8 Landscaping and Common Open Space

The Landscape Plan, prepared by Distinctive, details the type and maturity of the proposed planting which have been selected in order to provide: a pleasant, vegetated environment for users of the site; a positive contribution to the common open spaces; a visual buffer between the development and adjoining development and a positive contribution to existing tree canopies and wildlife habitats (where possible).

The development is proposed to provide a total deep soil landscaped area of 292.1m² and an overall landscaped area of 572.5m² (41%).

Common open space is to be provided as identified on Development Data Tables prepared by Algorry Zappia and Associates.

3.9 Private Open Space

Each dwelling will have access to outdoor open space in the form of ground level enclosed private terraces/balconies. Open space has been designed to serve as an extension of the dwelling for outdoor living purposes.

Private open space areas are indicated on the plans prepared by Algorry Zappia and Associates.

3.10 Utility Services

All utility services are available to the site, which includes water, sewer, electricity and telephone. Appropriate arrangements will be made with service authorities for the augmentation of services for the site.

3.11 Hydraulics

A drainage plan prepared by Algorry Zappia and Associates is lodged in support of the proposed development and outlines all stormwater, basement drainage and pumping and OSD measures on the subject site.

3.12 Geotechnical

The proposed development is supported by a Preliminary Geotechnical Investigation (Geotech Report) prepared by Ground Technologies. The Geotech Report indicates that the subject site is underlain by Ashfield Shale of the Wianamatta Group dating back to the Middle Triassic period and generally comprise Claystone / Siltstone and fine Sandstone / Siltstone laminite. The Geotech Report makes recommendations in relation to: retaining wall design parameters; bored pier footings, basement level footings and slabs; and excavation. It is suggested that the recommendations of the Geotech Report be included in the design and site management of the development.

3.13 Acoustic Impacts

The proposed development is supported by an Acoustic Report prepared by Sebastian Giglio Acoustic Consultant. The Acoustic Report provides details on the potential acoustic issues

associated with the proposed development including: background noise levels; allowable site noise emission; potential noise impacts on the site; potential noise emission from the site: driveway access and construction noise. The Acoustic Report concludes that the development can be appropriately managed to ensure that all of the potential acoustic issues can be managed to comply with published guidelines.

4. STATUTORY CONTROLS

4.1 Liverpool Local Environmental Plan 2008 (LLEP 2008)

4.1.1 Zoning

The subject site is zoned R4 High Density Residential under the provisions of the LLEP 2008. The objectives of the R4 zone are provided below:

"1 Objectives of zone

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

The proposed development will provide for the housing needs of the community within a future high density residential environment. The development will provide 28 units consisting of a mix of one, two and three bedroom units, which will add to the mix of units and dwelling types in the locality. The development will have efficient access to transport, services and facilities in the locality. The development will not result in land fragmentation.

4.1.2 Definition

The proposed development is most appropriately defined as 'residential flat building' under the Dictionary to the LLEP 2008. 'Residential flat building is defined as follows:

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

4.1.3 Permissibility

Development for the purpose of a 'residential flat building' is permissible with consent in the R4 High Density Residential zone.

4.1.4 Relevant Clauses of LLEP 2008

Clause 4.3 Height of buildings

Clause 4.3(2) of the LLEP 2008 states that “the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”. The relevant Height of Building Map for the subject site indicates that the maximum building height is 18m.

The proposed development will be constructed to a height of 18.3m (6 storeys), A lift overrun of 500mm further exceeds the 18m Height limitation. Plans titled Max Height Breaching prepared by Algorry Zappia and Associates detail the minor exceedance of the 18m maximum building height. Therefore the proposed development does not comply with the building height standards of the LLEP 2008. Refer to Figure 8 - extract from the LLEP 2008 Height of Building Map.

Therefore, the proposed height of the building exceeds the maximum height shown for the land on the Height of Buildings Map relating to the subject site under Clause 4.3 of LLEP 2008. A Clause 4.6 written request that justifies the contravention of the development standard is provided in accordance with Clause 4.6 of the Plan.



FIGURE 7 – EXTRACT FROM THE LLEP 2008 HEIGHT OF BUILDING MAP SHEET.

Clause 4.4 Floor space ratio

Clause 4.4(2) of the LLEP 2008 states that *“the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.”* The relevant Floor Space Ratio Map for the subject site identifies that the maximum floor space ratio (FSR) of a building on the subject site is 1.2:1.

The development application is lodged in accordance with SEPP ARH. The Applicant proposes to provide a total of 50% of the dwellings as affordable units. Pursuant to Clause 13(2) of the Policy the proposed development benefits from an 0.5:1 increase in the maximum FSR if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher. No variation to Clause 4.4(2) is required.

Clause 5.10 Heritage conservation

The subject site is not identified in Schedule 5 of the LLEP 2008 as containing a Heritage Item or within a Heritage Conservation Area. Furthermore, the subject site is not within the vicinity of any heritage items.

Division 2 Other provisions

Clause 7.7 Acid Sulphate Soils

The subject site is not identified on relevant Acid Sulphate Soils Map as being effected by acid sulphate soils. The Department of Land and Water Conservation Acid sulphate Soils Map (Liverpool) indicates that the site is in an area of no known acid sulphate soils.

Clause 7.8 Flood Planning

The subject site is not identified on the relevant Flood Plain Area Map as being effected by flooding.

7.11 Minimum dwelling density

Pursuant to subclause 2 (2) Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map. This clause does not apply to the subject site.

Clause 7.14 Minimum building street frontage

Clause 7.14(2) states that 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 – for any building with a frontage of 24 metres.

The proposed development has direct frontage to Harvey Avenue of 37.53m.

Clause 7.17 Development in flight paths

The subject site is not located on land in the flight path of Bankstown Airport.

Clause 7.18 Development in areas subject to potential airport noise

The subject site is not identified as being with an area of potential airport noise.

Clause 7.31 Earthworks

The proposed development will involve extensive excavation and site works.

The subject site is not identified as a heritage item, considering the history of the site, it is unlikely that relics are contained on-site. In the event that a relic is unearthed the applicant or authorised person will in accordance with Section 146 of the *Heritage Act*, notify the Heritage Council.

The proposed levelling and site works are considered to be acceptable in respect of Clause 7.31, as outlined above.

7.33 Dwelling houses in Zone R3 and Zone R4—height and floor space ratio controls

No dwelling house proposed. Noted.

Schedule 1**Clause 7 Use of certain land at Moorebank in Zone R4**

The subject site is identified as a Key Site under Clause 7 of Schedule 1. The proposed development does not include an application for entertainment facilities and restaurants or cafes.

4.2 Liverpool Development Control Plan 2008

4.2.1 Part 1 General Controls for all Development

This Plan applies to all land in Liverpool Local Government Area (LGA). This part sets out the general development controls for all forms of development in the Liverpool LGA. An assessment of the proposed development against the relevant controls of this part are provided below.

4.2.1.1 Tree Preservation

This section applies to applications to remove trees with or without a development application for a development.

The subject site contains limited ornate vegetation. The tree removal is considered to be exempt from Council's Tree Preservation Order and is to be removed by a licenced contractor.

4.2.1.2 Landscaping and Incorporation of Existing Trees

This section applies to land, which will need to provide landscaping or retain existing trees as part of a development.

The proposed development is supported by a Landscape Plan prepared by Distinctive prepared in accordance with this section.

4.2.1.3 Water Cycle Management

This section applies to all developments, which involve additional buildings or hard surface areas.

The proposal has been designed to reduce stormwater runoff and sources of water pollution from the subject site. The proposal is consistent with the objectives of this section. The site will be drained to the existing on-street stormwater system and to the satisfaction of Council.

A Stormwater Drainage Concept Plan, prepared by Algorry Zappia and Associates is submitted in support of the development application and outlines the water saving methods will be adopted and demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system.

The drainage structures and storage areas will be designed to be visually unobtrusive and sympathetic with the environment.

All habitable floor levels are a minimum of 300mm and garage/non habitable floor levels will be a minimum of 150mm above the maximum design storage water surface level and flow path levels.

A gross pollutant trap will be installed between the last downstream stormwater pit or pollution source and prior to discharge from the site. Details of the proposed gross pollutant trapping system, OSD, performance and compliance with Council's drainage design specifications is provided as part of the Stormwater Drainage Concept Plan prepared by Algorry Zappia and Associates.

4.2.1.4 Stormwater Runoff Quality

The post development water quality shall be reduced to meet the targets of this section when compared to pre development water quality. Refer to the Stormwater Drainage Concept Plan prepared by Algorry Zappia and Associates.

4.2.1.5 Environmental Flows

The proposed development has been designed to comply with the targets outlined in this section. The targets are as follows:

- "1. The peak runoff for the 1-year ARI post development does not exceed that of an undeveloped catchment.*
- 2. The peak runoff for the 1-year ARI post development is not less than 50% from that of an undeveloped catchment."*

4.2.1.6 Development near a watercourse

The proposed development is not located within 40m of a watercourse, creek or river. The development is not integrated under the *Water Management Act 2000*

4.2.1.7 Erosion and Sediment Control

This section applies to all development, which involves; clearing, levelling, shaping, excavation of the existing soil surface and or vegetation on any site or the placement of any material stockpiles on that site.

The development application is accompanied by an Erosion and Sediment Control Plan (ESCP) prepared by Algorry Zappia and Associates.

The ESCP has been prepared in accordance with *Managing Urban Stormwater Soils and Construction*, also known as the *Blue Book* (current edition) produced by the NSW Department of Housing. The ESCP outlines the proposed sedimentation control devices in accordance with Council's requirements.

4.2.1.7 Flooding Risk

This section applies to land identified as Flood Prone Land within LLEP 2008. The subject site is not identified as being flood prone land.

4.2.1.8 Contaminated Land Risk

The subject site is not identified as a potentially or contaminated site within the Liverpool City Centre. The subject site does not have a history of uses which are potentially contaminating. Despite this, the application is supported by a Site Contamination Report prepared by Ground Technologies.

4.2.1.9 Salinity Risk

The subject site is considered to be of a low risk to salinity impacts and no further investigation was considered necessary by Council as per the Pre –Development Application Meeting Notes (refer to Appendix 1).

4.2.1.10 Acid Sulfate Soils Risk

The subject site is not identified on Council's Acid Sulfate Soils Map as having acid sulfate soils.

4.2.1.11 Demolition of Existing Developments

This section applies to development, which involves the demolition of an existing structures on the subject site. The demolition is supported by a Waste management Plan prepared by Algorry Zappia and Associates.

4.2.1.12 Car Parking and Access

Car parking for multi dwelling housing and residential flat buildings residential and business zones shall be provided in accordance with the following:

- 1 space per one bedroom
- 1.5 spaces per two bedroom units
- 2 space per 3 bed units
- 1 visitor space per 4 units

A total of 36.5 car parking spaces are required for the 28 Units provided under LDCP 2008. The proposal is consistent with the car parking requirements under Division 1 of SEPP ARH. The car parking layout and design has been design in accordance with AS 2890.1—1986, Off-street parking, Part 1: Car parking facilities and Council's Engineering Design Specifications, with off-street car parking for 39 vehicles

4.2.1.13 Water Conservation

This section applies to all development involving the use of water.

The proposed residential component of the mixed use development is compliant with *State Environmental Planning Policy – Building Sustainability Index* (BASIX). The proposed development is supported by a BASIX Report for the residential component of the development.

4.2.1.14 Energy Conservation

This section applies to development involving the use of energy. A complying BASIX Report is submitted for the residential component of the development. The commercial component of the building will comply with the *Building Code of Australia* energy efficiency provisions.

4.2.1.15 Waste Disposal and Re-use Facilities

This section applies to all applications that propose construction and/or demolition. A Waste Management Plan (WMP) is submitted in support of the development application and outlines the management of waste during; demolition; construction and on-going waste management. The WMP also provides: an estimate of volumes of waste generated; and information about reuse, recycling and disposal options for all types of waste during each phase of the development.

4.2.1.16 Social Impact Assessment

A social impact comment is required for residential development containing more than 20 units. The proposed development contains 28 units. The proposed development is supported by a Social Impact Comment which is provided as Appendix 1 to this Report.

4.2.2 Part 3.7 - Residential Flat Buildings

Part 3.7 applies to residential flat building development on land in the Residential, R4 – High Density Residential zone under LLEP 2008. There is no exception to the application of this part of the DCP.

The table below provides an assessment of the relevant sections and development controls of this part and an indication as to the proposed developments compliance with the relevant development controls.

2. Frontage and Site Area

Development Control	Proposed Development	Compliance
The minimum lot width 24m.	The site has a combined width of 37.5m	Yes.

3. Site Planning

Development Control	Proposed Development	Compliance
1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.	The site is gently sloping from the south-east corner to the north-west corner. Except for basement car parking, earthworks are required.	Yes.
2. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	The development is provided with 368m ² of useable communal open space. The application is appropriately oriented and is supported by a BASIX Certificate demonstrating energy efficiency.	Yes.
3. Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Pedestrian and vehicle access is clearly delineated and minimizes potential conflicts.	Yes.
4. Siting of buildings should be sympathetic to surrounding development, taking specific account of the	The development is considered to be sympathetic to the future surrounding development, in terms of the scale, bulk, setbacks, materials and visual amenity. The application is supported by a Future Character	Yes.

Development Control	Proposed Development	Compliance
streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Design Statement prepared by Algorry Zappia and Associates.	
5. 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.	The post development water quality shall be reduced to meet the targets of this section when compared to pre development water quality. Refer to the Stormwater Drainage Concept Plan prepared by Algorry Zappia and Associates.	Yes.
6. The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development. Note: A Site Analysis Plan is required for each development application.	Lodged in support of the proposed development is an Urban Design Statement. The statement provides a full assessment of the proposed development against Part 2 Design Quality Principles and the ADG.	Yes.

4. Setbacks

Development Control	Proposed Development	Compliance
Front Setback = 5.5m	A 5.5m setback to all terraces and balconies is maintained to the front setback.	Yes.
Side Setback (1 st 10m) = 3m	6m side setback.	Yes
Side Setback (>10m) = 8m	9m Side setback.	Yes
Rear Setback (1 st 10m) = 8m	6m rear setback.	No. Variation requested.

Development Control	Proposed Development	Compliance
Rear Setback (>10m) = 8m	9m rear setback	Yes.
2. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.	There are no existing or proposed residential flat building proposed on the adjoining lots at the time of preparing this Report.	Noted.

5. Landscaped Area and Private Open Space

Development Control	Proposed Development	Compliance
<p>LANDSCAPED AREA (DEEP SOIL AREA)</p> <p>1. A minimum of 25% of the site area shall be landscaped area.</p> <p>2. A minimum of 50% of the front setback area shall be landscaped area.</p> <p>3. Optimise the provision of consolidated landscaped area within a site by:</p> <ul style="list-style-type: none"> - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. 	<p>572.5m² (41.7%) of the site area is to be landscaped.</p> <p>>50% of the front setback is landscaped.</p> <p>The basement does not fully cover the site and therefore this allows for deep soil landscaping to be optimised.</p> <p>The front and side setbacks comply with the minimum setback requirements and are landscaped to their full extent.</p> <p>Landscaped areas have been placed as far as practical to respond to the existing adjoining landscaped areas without precluding the future development of these lots.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Development Control	Proposed Development	Compliance
4. Promote landscape health by supporting for a rich variety of vegetation type and size.	The Landscape Plans provided by Distinctive identify the selection of plant species to be used across the site.	Yes.
5. Increase the permeability of paved areas by limiting the area of paving.	Paved areas have been limited on site.	Yes.
OPEN SPACE		
1. Provide communal open space, which is appropriate and relevant to the context and the building's setting.	The proposal provides 368m ² which is readily accessible from ground floor and provides a useable area that can be utilised by the residents.	Yes.
PRIVATE OPEN SPACE		
Private open space shall be provided to small units (<65m ²) at a rate of 10m ² with a minimum width of 2m. Medium to large units shall be provided at a rate of 12m ² with a minimum width of 2m.	All small, medium and large units comply with the numerical standards.	Yes.
DRYING AREAS		
Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	An appropriate condition shall be imposed in this regard.	Yes.

6. Building Design, Streetscape and Layout

Development Control	Proposed Development	Compliance
BUILDING HEIGHT	The proposed development will be constructed to a height of 18.3m (6 storeys), A lift overrun of 500mm further exceeds the 18m Height limitation. Plans titled Max Height Breaching prepared by Algorry Zappia and Associates detail the minor exceedance of the 18m maximum building height. Therefore the proposed development <u>does not</u> comply with the building height standards of the LLEP 2008.	No. Refer to the Clause 4.6 variation to the height of building standard
BUILDING APPEARANCE AND STREETScape	<p>The application is supported by A Future Character Design Statement and Urban Design Statement. The Statement provides a full assessment of the proposed development against Part 2 Design Quality Principles and the ADG.</p> <p>It is considered that the proposed design appropriately responds to the streetscape and future built form in the locality.</p>	<p>Yes.</p> <p>Yes.</p>
ROOF DESIGN	<p>The roof design appropriately relates relate to the size and scale of the building, the building elevations and three-dimensional building form. The roof design responds aptly to the orientation of the site and effectively minimizes the visual intrusiveness of service elements when viewed from ground level.</p> <p>No habitable space is to be provided within the roof.</p>	Yes.
BUILDING ENTRY	<p>Building entries have been designed with due consideration of the presentation of the development to the street by:</p> <ul style="list-style-type: none"> - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. 	Yes.

Development Control	Proposed Development	Compliance
	<p>- Entries are a clearly identifiable element of the building in the street. With separate entries provided to the ground floor apartments facing Harvey Avenue.</p> <p>A direct physical and visual connection between the street and the entry has been provided with clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.</p>	
BALCONIES	All balconies have been designed with due consideration to the performance criteria of the part of the DCP.	Yes.
DAYLIGHT ACCESS	<p>The design of the development is north facing. Direct daylight access to communal open space between March and September has been provided with limited shading provided in summer.</p> <p>The design seeks to optimize the number of dwellings receiving daylight access to habitable rooms and principal windows with access to daylight to habitable rooms and private open space.</p> <p>The application is supported by solar access plans demonstrating compliance with the solar access requirements of the ADG and LDCP 2008.</p>	Yes.
INTERNAL DESIGN	The proposed internal design of the building provides a pleasant environment for the occupants and residents of adjoining properties. The design of the development and internal units is consistent with the ADG and LDCP 2008.	Yes.
GROUND FLOOR DWELLINGS	The application is support by Landscape Design Plans prepared by Distinctive which highlight that the proposed design of the front gardens and terraces of the two units facing Harvey Avenue, contribute to the spatial and visual structure of the street while	Yes.

Development Control	Proposed Development	Compliance
	<p>maintaining adequate privacy for dwelling occupants.</p> <p>Appropriate fencing and landscaping has been provided to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.</p> <p>Street surveillance has been heightened with doors and windows facing onto the street.</p> <p>Planting along the terrace edge contributes to a quality streetscape.</p> <p>Ground floor dwelling facing Harvey Avenue are provided direct access from the street and on-grade private landscape areas.</p>	
SECURITY	<p>The main entrance to the building is orientated towards the front of the site and facing the street.</p> <p>Blank walls addressing the street have been avoided.</p> <p>The number of entry points to the building have been minimized with one centralized entry point.</p> <p>The design of the development is the result of considered site analysis and adoption of safer by Design Principles.</p>	Yes.
NATURAL VENTILATION	<p>The proposed development achieves >60% cross ventilation in accordance with the ADG.</p> <p>It is considered that the proposed development meets to the design controls of this part of the DCP through compliance with the ADG.</p>	Yes.
BUILDING LAYOUT	The layout of dwellings minimises the extent of common walls.	
STORAGE AREAS	A secure storage space is provided for each dwelling with a minimum volume 8m ³ (minimum dimension	Yes.

Development Control	Proposed Development	Compliance
	<p>1m²). This is to be set aside exclusively for storage as part of the basement garage.</p> <p>Storage areas within each dwelling and within the basement are to be adequately lit and secure.</p>	

7. Landscaping and Fencing

Development Control	Proposed Development	Compliance
<p>LANDSCAPING</p> <p>PLANTING ON STRUCTURES</p>	<p>The proposed development is supported by a Landscaped Design Plan prepared by Distinctive. The Landscape Plan has been designed with due consideration of the landscaping requirements of this part of the DCP. The proposed landscaping is consistent with the performance and prescriptive controls of this part.</p>	Yes.
FENCING	<p>Fencing is proposed to a maximum height of 1.5m to the front boundary with a 1m setback to the front boundary and suitable landscaping provided. 30% transparency has been achieved to the front fencing.</p> <p>The front fence is proposed to be constructed of masonry and timber or metal and is considered to be compatible with the proposed design of the development and locality.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting excluding western fence where it proposed as part of the Acoustic Report that the Applicant Install a 1.8m solid boundary fence at least 10kg/m² mass-per-unit-area between the site and the adjoining property at 17 Harvey Avenue.</p>	Yes.

8. Car Parking and Access

Development Control	Proposed Development	Compliance
CAR PARKING	All car parking has been designed in accordance with this part, Part 1: General Controls for all Development and AS/NZS 2890.2004 Off-Street Car Parking.	Yes.
PEDESTRIAN ACCESS	<p>The site is considered to optimise accessibility to the development and provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.</p> <p>The development promotes equity by:</p> <ul style="list-style-type: none"> - the main building entrance is accessible for all from the street and from car parking areas. - ramps are integrated into the overall building and landscape design. - ground floor dwellings facing Harvey Avenue are accessible from the street, where applicable, and to their associated private open space. 	Yes.

9. Amenity and Environmental Impact

Development Control	Proposed Development	Compliance
OVERSHADOWING	<p>Adjoining properties receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	Yes.

Development Control	Proposed Development	Compliance
PRIVACY	<p>The building siting, window location, balconies and fencing is considered to take account of privacy of onsite and adjoining buildings and outdoor spaces.</p> <p>Windows to habitable rooms do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p> <p>Landscaping has been used where possible to increase visual privacy between dwellings and adjoining properties.</p> <p>The ground floor dwellings are located above ground level to ensure privacy for occupants of the dwellings.</p> <p>Direct overlooking of rooms and private open spaces adjacent to dwellings has been reduced by:</p> <ul style="list-style-type: none"> - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. 	Yes.
ACOUSTIC IMPACT	<p>The proposed development is supported by an Acoustic Report prepared by Sebastian Acoustic Consultant.</p> <p>The development does not have a frontage to a classified road or impacted by aircraft noise.</p>	Yes.

10. Site Services

Development Control	Proposed Development	Compliance
Letterboxes	Letterboxes are to be provided for each dwelling on site, easily accessible from the street, securely locked	Yes.

Development Control	Proposed Development	Compliance
Waste Management	and provided in accordance with Australia Post's requirements. Details of the design of waste disposal facilities have been assessed under Part 1 of the DCP. Bin collection is to be arranged with the strata managing. The development is capable of being managed by Council or a private contractor for waste collection.	Yes
Frontage works and damage to Council infrastructure	The enlarged access driveway is required and shall be provided at no cost to Council.	Yes.
Electricity Sub Station	No new substation required.	Yes.

4.3 Request for Variation of Development Control Plan

Setback

The side and rear setbacks of residential flat buildings shall be setback in accordance with Section 4 of Part 3.7 of Table 2. Table 2 states that the rear setback for the first 10m of a residential flat building in the R4 is to be setback 8m from the rear boundary.

The proposed development is setback 6m from the rear boundary between ground floor and level three.

The variation represents a 2m variation or 25% non-compliance with the development control.

Justification for the variation

The proposal complies with the objectives of the setback development controls. The table below provides the objectives of the developments control;s as set out under Part 4 and a comment as to how the proposed development complies with the objectives of the control

Objective	Comment
a) To set buildings back from the street and adjacent properties to provide reasonable space for landscaping, open space and solar access.	The proposed development complies with the setback controls relating to the front and side setbacks. The proposed rear setback provides reasonable space for landscaping as demonstrated by compliance with the landscaping requirements under LDCP 2008

Objective	Comment
	and SEPP ARH. The development meets the requirements for private open space and solar access for the development and adjoining properties.
b) To set buildings back from each other to provide visual and acoustic privacy.	<p>The proposed development has been designed to enable appropriate visual privacy from adjoining developments. Where appropriate windows have been reduced along the side boundaries and privacy devices have been utilised to minimise the potential for overlooking to the adjoining developments. While the existing development on the adjoining lots does not represent the intended future use in the R4 High Density Residential environment it is considered that the visual and acoustic privacy are satisfactory.</p> <p>Furthermore, the proposed development is supported by and Acoustic Report prepared by Sebastian Giglio that demonstrates that all of the potential acoustic issues can be managed to comply with published guidelines.</p>
c) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.	<p>The locality will experience significant change in the built form and density of development in the locality as development in the locality seeks to take advantage of the increased density and height limitations in the locality. The proposal is considered to be appropriate for the locality when it is considered that the development will experience significant change in the built form as the locality seek to take advantage of the substantial uplift and density increase in locality under the R4 High Density Residential zoning.</p> <p>It is considered that the proposed development provides a concise and suitable residential design that represent a desirable future streetscape of a scale that appropriate with the locality.</p>

Objective	Comment
	<p>It should be noted that the development will be one of the first residential flat buildings in Harvey Avenue and therefore the scale and built form should be consistent with the desired future built form in the high density environment. To look at the existing built form and design in Harvey Avenue would not appropriately consider the desired future built form, scale, density and design of residential flat buildings in the locality.</p>
<p>d) To provide convenient and unobtrusive vehicle access and car parking without the use of long driveways.</p>	<p>Vehicular access is provided by way of a dual entry exit driveway off Harvey Avenue. The pedestrian and vehicular access points are clearly defined and it is not anticipated that the design will result in user conflicts.</p> <p>The two levels of basement car parking provides car parking for 39 vehicles, including three (3) accessible car parking spaces, four (4) visitor car parking spaces, unit storage areas, waste storage room and a service/loading area.</p> <p>The proposed development provides sufficient car parking under SEPP ARH and overall the layout and dimensions of the car park and driveway areas satisfy AS/NZS 2890.2004 Off-Street Car Parking.</p>

Conclusion

Section 79C(3A) sets out the way in which the consent authority should consider development control plans when provisions relate to a development that is the subject of a development application. Section 79C(3A) states as follows:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

Sub-section (b) is of particular relevance to the proposed development. In the event that an aspect of a proposed development does not comply with the relevant development standard, the Council “is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development”.

The proposed development is consistent with the objectives of the Liverpool DCP 2008 as they relate to controls outlined above. Although the proposed development does not comply with the prescriptive controls, the proposed development: complies with the purpose or intent of the control; will provide a positive contribution to the streetscape; and will not unreasonably impact upon the amenity or privacy of adjoining residences.

Granted that the proposed development is: consistent with the objective of the relevant controls; and the proposed development is a “reasonable alternative solution” to the prescriptive controls, Council is requested to consider variation of development controls above and assess the proposed development on its merits.

4.4 Request for Variation to Development Standard Pursuant to Clause 4.6 of LLEP 2008

1 DEVELOPMENT STANDARD WHICH THE OBJECTION RELATES

Clause 4.3 of LLEP 2008 applies to the subject site. Pursuant to clause 4.3(2) the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The relevant Height of Building Map identifies that a building may not exceed 18m in height (AHD).

2. WHAT ARE THE OBJECTIVES OF THE DEVELOPMENT STANDARD AND THE ZONE?

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.”*

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

“1 Objectives of zone

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

3. STATE THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD

Pursuant to clause 4.3 a building on the subject site may be erected to a height of 18m above natural ground level.

4. STATE THE PROPOSED NUMERIC VALUE OF THE DEVELOPMENT AND PERCENTAGE VARIATION

The building is proposed to be erected 19.3m above natural ground level (measured to the lift overrun) at the northern elevation. The variation is not consistent across the site and the variation is at its greatest when measured from the northern elevation. This presents a 1.3m or

7.2% exceedance of the maximum building height development standard as measured from the NGL to the height of the lift overrun.

5. ASSESSMENT

Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case.

Compliance with the height standard is unreasonable and unnecessary given the following circumstances of this case:

- The proposed building exceeds the maximum height of building control as indicated in Sheet A501. The non-compliance is due to the lot grading from the south to the north. On steeply sloping blocks it is common to design a building with a stepped design to respond to the specific site characteristics and reduce the need for excessive cut. Granted that the block grades from 21.95 at the south-eastern corner to 19.6 at the north-western corner the use of a stepping design was not considered to be appropriate or justified. Due to the slope of the block a portion of the northern elevation of the building with frontage to Harvey Avenue exceeds the maximum height of building development.
- The variation to the height within this small portion of the site still results in an application with a compliant FSR under SEPP ARH, which protects the density of the development;
- Full compliance with the height control would result in a poor urban design outcome granted that the development meets the ceiling height standards under the ADG. The proposed design and setbacks ensures a design that exhibits design excellence by providing an appropriate corner treatment to the development;
- Strict compliance with the height control would be unreasonable and unnecessary where it is considered that the exceedance is largely due to the lift overrun;
- The proposed development is nevertheless consistent with the objectives of the height standard and R4 High Density Residential zone as described below;
- The proposed development has overall environmental planning merit as demonstrated in the SEE.
- The contravention of the height standard does not raise any matter of State or regional planning significance; and
- There is no public benefit in maintaining the standard in the circumstances of the case as explained below.

Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds for the contravention to the height standard as follows:

- In this instance Wehbe test No. 1 applies. Wehbe Test No. 1 holds that an objection will be well founded where - the objectives of the standard are achieved notwithstanding non-compliance with the standard.
- The development meets the objectives of clause 4.3. The additional height in this instance provides a better urban design outcome. The proposed design provides a better treatment for the site by emphasising physical treatments of the building façade . The proposed development is supported by Shadow Diagrams prepared by Algorry Zappia and Associates which demonstrate that buildings and public areas continue to receive satisfactory exposure to sunlight. The development will provide an appropriate transition in built form and land use intensity in the R4 High Density Residential zone along the Harvey Avenue frontage when it is considered that the future development in the locality is likely to be up to 18m. The building is considered to be located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area as demonstrated in the SEE. Furthermore it is considered that the development as proposed will not impact on any public open space insofar as it will not result in any overshadowing or restrict views to identify natural topographical features.
- It is considered that objectives of the standard are achieved notwithstanding non-compliance with the standard. We note that the Court accepted a similar approach in *Panarea Investments v Manly Council (2015)* where a taller building which exceeded the height control via a clause 4.6 variation was held to provide a better planning outcome than a strictly compliant scheme which would have had greater impacts.

Clause 4.6(4)(a)(ii) - Is the proposed development 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

The justification above provides a justification of the proposed developments compliance with the objectives of Clause 4.3.

The objectives of Clause 4.3 are addressed below:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*

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

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

The proposed development satisfies the relevant objectives of the zone. The proposed six (6) establishes a maximum height limit in which buildings can be designed and floor space is achieved in accordance with the relevant EPI. It is considered that the bulk of the building sits below the 18m height limitation with only a minor exceedance of the eastern portion of the building and lift overrun.

The development is considered to be of a height that encourages high quality urban form. The development is supported by a Future Character Design Statement, prepared by Algorry Zappia and Associates and an Urban Design Statement prepared by Villa + Villa Registered Architects that confirms that the development is of a high quality urban form.

The proposed development is supported by shadow diagrams prepared by Algorry Zappia and Associates that indicated that the proposed development is capable of achieving satisfactory exposure to the sky and sunlight.

The proposed building height is considered to be largely consistent with the nominated maximum building height of 18m and the development provides an appropriate transition in built form and land use intensity of the surrounding land uses. The development represents one of the first development in Harvey Avenue to take advantage of the R4 zoning. It is considered that the proposed development is consistent with the future use of lots within Harvey Avenue as the locality transitions from low density detached dwellings to high density residential flat buildings.

As discussed above the proposal is considered in the public interest as it is consistent with the objectives of the development standard and the R4 High Density Residential zone.

Furthermore, there is no significant benefit in maintaining the height standard as the proposed encroachment of the building into the 18m height control is a relatively minor contravention of the height standard, which facilitates a better planning outcome with an improved urban design for the site and no significant adverse environmental or amenity impacts.

6. ANY MATTERS OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING

The contravention of the height standard does not raise any matter of State or Regional Planning significance.

7. CONCLUSION

This written request for an exception to the height standard under clause 4.6 of the LLEP 2008 for a portion of the development to encroach into the 18m height control along the Harvey Avenue frontage. It justifies the contravention to the height standard in the terms required under clause 4.6 of the LEP, and in particular demonstrates that the proposal provides a better planning and urban design outcome with no significant adverse amenity or environmental impacts, and therefore in the circumstances of the case. The variation has demonstrated that compliance with the height standard is unreasonable and unnecessary; there are sufficient environmental planning grounds for the variation; it is in the public interest in being consistent with the objectives of the height standard and zone; and there are no matters of State or Regional Planning significance and no public benefits in maintaining the height standard in this case.

It is requested that Council accept this Clause 4.6 variation in support of the Development Application in their assessment of the proposal.

4.5 Crime Prevention Through Environmental Design Assessment

CPTED refers to Crime Prevention Through Environmental Design, the theory being that when development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing such measures it is anticipated that this will assist in minimizing the incidence of crime and contribute to perceptions of increased public safety.

Planning NSW have developed guidelines under Section 79C of the Environmental Planning & Assessment Act, 1979. Councils are required to consider the matters raised in these guidelines when assessing all development applications.

There are four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

- surveillance
- access control
- territorial reinforcement
- space management

Surveillance

In order to reduce the potential for crime it is important to design the mixed use development in a form which reduces the risk of crime to the tenants and residents.

From a design perspective 'deterrence' can be achieved in a design or can be conditions of consent by providing:

- clear sightlines (private/public space);
- effective lighting; and
- landscape that does not provide places for offenders to hide and does not provide blind corners.

Access Control

The site is to be accessed undercroft car parking area and the resident lobby.

Territorial Reinforcement

High traffic areas which encourage people to frequent and use are important to establish ownership by the occupants.

The proposed pedestrian access and common open space areas will be provided with appropriate lighting and passive surveillance to ensure a safe and useable area.

Space Management

The long term management plans for the site which will be managed by the Body Corporate should be proactive and maintain a high level of maintenance, upgrade landscaping, repair to damage/broken fixtures and maintain security lighting and grates.

There are numerous methods to safe guard occupants by the inclusion of appropriate 'Safer by Design' principles which will reduce the likelihood of crimes being committed. Such inclusions are:

- Lighting of the public areas and car park
- Fencing to be strong, but design to allow for casual surveillance
- Car parking to be designed for passive surveillance, lighting, intercoms, and mirrors.
- Entrapment spots and blind corners should be avoided by using straight pathways, convex mirrors on blind corners, low level landscaping, lighting and avoiding isolated corridors.

The design before Council can be conditioned to incorporate these aspects of CPTED.

Landscaping

Council may consider placing specific conditions on the consent in relation to this aspect of the design. Such as:

- Low hedges
- High canopy trees
- No landscaping at entrances
- Landscaping below lighting
- Green screens – wall hugging vegetation.

Public Areas

These areas have been designed with consideration to the safer by design principles. It is submitted that Council may place specific conditions on the consent with respect to the design of these areas.

Entrances

All entrances should be visible from the public domain. Such that:

- Entrances are clearly visible
- Users should be able to see into the building before entering
- Inclusion of directional signs
- Minimise the number of entry points

Security

The design will incorporate different forms of security devices. These will include intercom, lighting of the car park, lockable garage and security driveway gate.

Conclusion

In the detailed assessment of the application there are aspects of the safer by design principles which may need to include as conditions of consent by Council.

Overall the design, layout, car parking, open spaces and public areas provide a high level of public safety.

4.6 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River

This plan applies to the Catchment, which is part of the region declared under the Act and known as the Greater Metropolitan Region. The Catchment consists of parts of Bankstown City, Blacktown City, Campbelltown City, Camden, Canterbury City, Fairfield City, Holroyd City, Hurstville City, Kogarah, Liverpool City, Rockdale City, Sutherland, Wollondilly and Wollongong City local government areas that are within the Georges River Catchment. The catchment map indicates the boundary of the Catchment.

The general aims and objectives of this plan include to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the National, State, Regional and Local significance of the catchment.

The development is consistent with the relevant provisions of this plan and consistent with its objectives of providing for ecologically sustainable development, ensuring the maintenance of water quality and the protection of the environment.

The Architectural Plans prepared by Algorry Zappia and Associates provide detailed sediment and erosion control plans and a comprehensive Water Management Plan.

4.7 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) applies to the subject site and State.

In accordance with clause 8 of SEPP ARH, if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Division 1 of SEPP ARH applies to the proposed development. Clause 10 of the Policy identifies the forms of development to which Division 1 applies. Clause 10 states as follows:

“10 Development to which Division applies

(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:

(a) the development concerned is permitted with consent under another environmental planning instrument, and

(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the [Heritage Act 1977](#).”

The proposed residential flat building is permitted with consent in the R4 High Density Residential under the provisions of the LLEP 2008.

Clause 13 - Floor Space Ratio

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

The maximum gross floor area is relevantly $1.2:1 + 0.5:1 = 1.7:1$.

Clause 14 Standards that cannot be used to refuse consent

- Site area – the site area exceeds 450m².
- Landscaped area – at least 30 per cent of the site area is to be landscaped. The applicant proposes an overall landscaped area of 572.5m² (41%). The total area of landscaping of structures has been sought to be reduced, with this area only accounting for 89.3m².
- Deep Soil zones –
 - (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone). The development is proposed to provide a total deep soil landscaped area of 292.1m² (21.3%).
 - (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres. Each area forming part of the deep soil zone has a minimum dimension of 3m.
 - (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area. It is not practicable to locate two thirds of the landscaped area toward the rear of the site. Furthermore. The location of the largest portion of the landscaped area to the rear of the site on the southern side of the building would not be the most appropriate location for landscaping and open space area.

- Solar Access – The living rooms and private open spaces achieve a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.
- Parking - 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. A total of 37 spaces are required for the proposed 28 unit development consisting of: 8 x 1 bedroom; 16 x 2 bedroom and 4 x 3 bedroom.

The two levels of basement car parking provides car parking for 39 vehicles, including three (3) accessible car parking spaces, four (4) visitor car parking spaces, unit storage areas, waste storage room and a service/loading area.

- Dwelling size –
 - (i) 35 square metres in the case of a bedsitter or studio. No studio or bedsitters proposed.
 - (ii) 50 square metres in the case of a dwelling having 1 bedroom. All one bedroom units are greater than 63m².
 - (iii) 70 square metres in the case of a dwelling having 2 bedrooms. All two bedroom units are greater than 88m².
 - (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms. All three bedroom units are greater than 116m².

Clause 16 Continued application of SEPP 65

Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.

16A Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The proposal is supported by a Future Character Design Statement, prepared by Algorry Zappia and Associates. The Future Character Design was prepared at the request of Council following the Pre- Development Application Advice. The Future Character Design Statement has considered the existing and future character of the locality. The Character assessment has satisfactorily demonstrated that the proposed development is capable of achieving satisfactory design outcomes in the present low density residential context and future high density residential landscape.

Clause 17 Must be used for affordable housing for 10 years

A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:

- (a) for 10 years from the date of the issue of the occupation certificate:*
 - (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*
 - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*
- (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

An appropriate restriction on the development consent is recommended to achieve this outcome.

4.8 State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development (SEPP No.65)

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development ('SEPP No. 65') applies to the proposed development. Lodged in support of the proposed development is an Urban Design Statement. The Statement provides a full assessment of the proposed development against Part 2 Design Quality Principles and the ADG.

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

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

A BASIX Report has been prepared and is lodged in support of the proposed development and shows compliance with the provisions of BASIX.

4.10 State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

SEPP 55 applies to the whole of the State. Pursuant to Clause 7 of the Policy a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The development application is supported by a Stage 1 Contamination Report Prepared by Ground Technologies. The Report concludes on page [9] that:

- Historical research shows the site has always been used for residential purposes.
- The site is in a long established residential area. A review of aerial photography suggests that the neighbouring properties are residential and not considered to have posed a risk for potential contamination to the site. No industrial facilities are in the vicinity of the subject site.
- A search of the NSW EPA Contaminated Land Management record of notices revealed that there were no notices issued to the subject site. No history of dangerous manufacturing utilizing heavy chemicals or metals was documented.
- The site is in a region of no known acid sulphate soils

The site is suitable for development for “residential” use. No remediation action plan is required. It is considered that Clause 7 has been satisfied and no further investigation is warranted.

4.11 State Environmental Planning Policy (Infrastructure) 2007

The provisions of ISEPP apply to the proposed development granted that the Applicant proposes to excavate the ground the ground within 10m of an electricity tower. In accordance with Clause 45(2) of ISEPP, the consent authority must:

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

It is noted that the Clause 101 and 102 do not apply to the proposed development. The subject site is not within 90m of a Classified Road and will not result 200 or more motor vehicles.

5. ENVIRONMENTAL ASSESSMENT

5.1 Section 79 (C) 1 – Matters for Consideration

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

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

(a) The provisions of:

(i) Any environmental planning instrument

The subject site is zone R4 High Density Residential under the provisions of the LLEP 2008. The proposed development is permissible with the consent of Council and is consistent with the zone objectives.

(ii) Any draft environmental planning instruments that is or has been placed on public exhibition and details of which have been notified to the consent authority.

There are no draft environmental planning instruments relevant to the subject site.

(ii) Any Development Control Plans

- The Liverpool Development Control Plan 2008

The objectives and development standards contained in this Development Control Plan have been addressed in **Section 4.2** of this Report.

(iii) Any matters prescribed by the regulation.

No matters at this stage.

(b) the likely impact of the development including environmental impacts on both the natural and built environment and social and economic impacts in the locality.

Visual and Scenic Impacts

The proposed development is generally consistent with the relevant provisions of the LLEP 2008 and Liverpool DCP 2008. The design and siting of the building will not have a detrimental impact on the visual and scenic character of the locality which will undergo substantially changes to its built form in the coming decades as the surrounding properties are developed for high density residential uses. The proposal will provide a positive contribution to the visual catchment. The demolition and removal of the existing building and replacement with an appropriate form of

high density residential development is considered to be a positive outcome and is supported by a Future Character Design Statement prepared by Algorry Zappia and Associates.

Context and Setting

The residential flat building is considered to be consistent with the desired future built form for residential flat buildings in the high density residential zone. The proposed development is consistent with the development controls as they relate to; built form; building materials; siting; solar access; privacy; POS; landscaping; access and car parking; building separation. The proposed development has been assessed against the 10 Design Quality Principles of SEPP 65, the ADG and is considered to be of a high design standard consistent with the desired future character of the locality.

Potential Impact on Adjoining Properties

Prior to the preparation of the design plans for the development, Algorry Zappia and Associates Pty Ltd undertook a detailed site analysis of the surrounding development, location and setbacks of buildings, land use, vegetation, solar access, privacy and occupant amenity.

The building has been designed to reduce any potential impact on the adjoining residential development. The building has been setback from the adjoining rear boundary to reduce overshadowing and issues of privacy and amenity.

Access and Traffic

The subject site is serviced by a dual access driveway off Harvey Avenue.

The site is well placed to provide residents with easy walking access to a variety of shops, medical facilities, hotel, shopping centre, restaurants and bus/taxi services.

The issues relating to the car parking requirements have been addressed in **Section 4** of the report.

It is submitted that:

- The application is supported by a Traffic Impact Assessment prepared by TSA which concludes on page 15 that we do not consider that there are any traffic related issues that should prevent Council's approval of the subject DA
- The increase in the average daily vehicle movement will be very minor and will not result in a noticeable increase on traffic levels on Harvey Avenue and Newbridge Road.
- The proposed development is supportable on traffic and car parking grounds.

Public Domain

The proposed development and the surrounding development as they relate to the public domain have been addressed in this Report. The proposed development achieves a high degree

of design quality and has regard to the surrounding development. It is submitted that this development will provide a positive contribution to the public domain.

Utilities

The site is serviced by all appropriate utilities- water, electricity, sewer and telecommunications. The responsible authorities will condition the applicant to augment and upgrade such facilities.

Heritage

The subject site is not identified in Schedule 5 of the LLEP 2008 as containing a Heritage Item or within a Heritage Conservation Area. Furthermore, the subject site is not within the vicinity of any Heritage Items.

Other Land Resources

There are no land resources, which would prevent the development of the subject site. The area of the proposed development provides for the efficient and effective development of a valuable parcel of land within Moorebank.

Water

Storm water runoff will be designed to Council's requirements. The application is supported by a Concept Stormwater Plan prepared by Algorry Zappia and Associates Pty Ltd, attached separately to the Development Application. The plans detail the method of collection storage and disbursement of stormwater to the drainage system and have been prepared in accordance with the Landcom publication: Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (Blue Book). The development will have a neutral impact on the Sydney Drinking Water Catchment.

Soil

There will be no adverse impact on soil quality or stability as a result of the earthworks and construction..

Air and Microclimatic

There are no air or microclimatic issues.

Flora and Fauna

There are no flora or fauna issues.

Waste

The proposed development will require the demolition of the existing buildings in accordance with the Waste Management Plan. There will be minimal waste as a result of the demolition and all construction waste will be appropriately sorted for recycling and landfill.

The proposed development will provide an accessible area suitable to store domestic waste receptacles to Council's satisfaction. The proposed development is supported by a Waste Management Plan prepared in accordance with Council policy.

Energy

The proposed development has been designed to achieve an acceptable level of energy efficiency.

Natural cross ventilation opportunity are available to the living areas and bedrooms.

The applicant is to complete the BASIX Report on the energy rating of each unit.

Noise and Vibration

Noise levels generated by the residential development will be in context with the desired use of the subject site, and such noise level would not exceed the existing background noise levels. The application is supported by an Acoustic Report that demonstrates that all of the potential acoustic issues can be managed to comply with published guidelines.

Natural Hazards

There is no evidence to suggest the site is subject to natural hazards.

Road Widening

The subject land is not affected by any road widening proposals.

Drainage

The Drainage Concept Plan prepared by Algorry Zappia and Associates is enclosed separately with the Development Application.

Safety, Security and Crime Prevention

The design and layout of the development has embraced the principles of Crime Prevention through Environmental Design (CPTED). The proposed development provides a design which clearly delineates between private and public space and provides a passive surveillance opportunity for residents viewing the common open space area and driveway.

Social Impact in the Locality

There are no known negative social impacts. This proposal will provide a choice in residential development for a variety of future residents. The size, location, design and function of the building will provide a positive social impact.

Economic Impact in the Locality

The proposed development will contribute to the economic development of the area and provide a choice of residential accommodation.

Cumulative Impacts

There are no cumulative impacts associated with the proposed development.

Existing Hazards

There have been no existing hazards identified on site.

(c) The suitability of the site for the development.

The proposed development represents a carefully planned and designed high density residential development. The design is responsive to the objectives and development controls contained in the Liverpool DCP 2008, the design quality principles of SEPP No. 65 and the objectives of the ADG.

The site is well located in close proximity to shops, transport and other services. These services are in easy walking distance of the site.

It is submitted that the site is suitable for this form of development.

(d) any submission made in accordance with this Act or the Regulations

Not applicable at this stage.

The Public Interest

There is no issues relating to public interest that should preclude the approval of this proposal.

The proposed development has a net public benefit as follows:

- the development is generally consistent with the objectives of the R4 High Density Residential zone and relevant clauses of the LLEP 2008;
- the development is generally consistent with the objectives and development controls of the LDCP 2008 as they relate to mixed use development. Where there is an inconsistency with the Plan a variation has been requested and justification provided.
- the provision of additional housing stock and a mix of unit sizes;
- the increase in housing densities in an area planned for high density development;
- the potential environmental impacts can be mitigated and reduced through appropriate site and development controls;
- the enhancement of the streetscape in this area resulting from the proposed development;
- the economic development and use of a valuable land resources in this area in the manner contemplated by the LLEP 2008 and the LDCP 2008; and
- the employment opportunities that will result during the construction phase of the development will have a positive economic benefit to the community.

6. CONCLUSION

This Report has been prepared as a Statement of Environmental Effects (SoEE) for the proposed demolition of existing structures and construction of a six (6) storey residential flat building consisting of 28 units, two levels of basement parking for 39 vehicles, landscaping and associated site works on the land at No. 19 & 21 Harvey Avenue, Moorebank (Lots 29 -30 DP: 236405).

The subject site is located within the Liverpool Local Government Area. The *Liverpool Local Environmental Plan 2008* ('LLEP 2008') applies to the subject site. Under the LLEP 2008 the subject site is zoned R4 High Density Residential. Under the R4 zone development for the purpose of "residential flat buildings" is permissible with consent.

The proposal is generally consistent with the relevant clauses of LEP 2008. It is noted that the proposed development does not comply with Clause 4.3 Height of Buildings. The non-compliance is supported by a clause 4.6 variation that effectively demonstrates that the variation is supportable by Council.

The proposal has been assessed against the relevant provisions of State environmental planning instruments and deemed SEPP's under **Section 4** of this Report. The proposal is consistent with all the relevant clauses of these SEPP's and deemed SEPP's.

The proposed development has been assessed against the provisions of the Liverpool Development Control Plan 2008 (LDCP 2008): Part 1 General controls for all development and Part 3.7 - Residential Flat Buildings. The application is generally consistent with the development controls. A request to vary the development control relating to setbacks has been provided.

Having regard to the contents of this Report and the accompanying architectural plans and reports; the application is recommended for approval subject to conditions.

Appendix 1

Social Impact Comment

SOCIAL IMPACT ASSESSMENT POLICY

APPENDIX A – SOCIAL IMPACT COMMENT INITIAL ASSESSMENT FORM

Instructions for completing this form

Applicants of developments where social impact assessment is required must complete this form.

The completed form should either be submitted to Council prior to the pre-DA meeting (where a pre-DA meeting has been requested) or submitted with the development application (unless it has been determined that a CSIA report is required and is submitted with the development application instead).

SOCIAL IMPACT COMMENT INITIAL ASSESSMENT FORM			
Applicant's details:		Owner's details (if different to applicant):	
Name		Name	
Andrew Hastie		Andrew Hastie & Patricia Hastie	
Postal address		Postal address	
P.O Box 754 Moorebank NSW 1875		P.O Box 754 Moorebank NSW 1875	
Email		Email	
riffin@bigpond.net.au		riffin@bigpond.net.au	
Phone	Mobile	Phone	Mobile
	0413 594 631		0412808514
Proposal details:			
Lot number & Registered plan number			
Lots 29 & 30 DP 236405			
Site address			
Nos. 19 & 21 Harvey Avenue, Moorebank			
Brief description of development proposal			
Demolition of structures and construction of a six (6) storey Residential Flat Building including, two levels of basement car parking, landscaping and associated site works.			
1. Population change			
Will the development result in significant change/s to the local area's population (either permanently and/or temporarily)?			
<i>Explanation: Changes to the size, structure and capacity of the population can have significant implications for the provision and adequacy of community facilities, services, community cohesion and/or social sustainability</i>			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, briefly describe the impacts below The proposed residential flat building (28 units) will not significantly change the population density. Estimated population increase, 50-52 persons.	

SOCIAL IMPACT ASSESSMENT POLICY

	<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>No negative impacts. There will be positive impacts with increased housing choice, urban renewal and economic benefits.</p>
2. Housing	
<p>Will the proposal increase or reduce the quantity, quality, mix, accessibility and/or affordability of housing? <i>Explanation: A mix of housing types, sizes and costs is necessary for social diversity (in terms of age, family life cycles, income, cultural background) and social inclusiveness. Retention or expansion of affordable housing is necessary for social equity and to avoid displacement of individuals and families on lower incomes</i></p>	
<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>The development will provide affordable housing and adaptable housing for social equity.</p>
	<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>The land is zoned R4 High Density Residential. At this stage residential flat buildings have not been built in the existing low density residential area. The proposed development will enhance housing choice.</p>
3. Accessibility	
<p>Will the development improve or reduce physical access to and from places, spaces and transport? <i>Explanation: 'Access for all' is an essential component of a fair and equitable society. Accessible developments encourage inclusive communities, improve affordability of goods and services, maximise access to public transport, pedestrian and cycle networks and provide convenient and continuous paths of travel (thereby promoting healthy, sustainable lifestyles). Consideration must also be given to accessibility for people with a disability. Refer to Council's Disability Strategy 2012-2017 available for download from Council's website</i></p>	
<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>The future residents will have access to public transport services. The site is accessible to local shops, services and Liverpool CBD.</p>
	<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>The future residents of the proposed development will access the existing transport services which provide accessibility for able and disabled persons.</p>

SOCIAL IMPACT ASSESSMENT POLICY

4. Community and Recreation Services / Facilities	
<p>Will the development increase, decrease or change the demand or need for community, cultural and recreation services and facilities?</p> <p><i>Explanation: Access to diverse and adequate community and recreation services and facilities is necessary for physical and mental health, well-being, personal productivity, social cohesion and social sustainability. Examples of facilities include community centres, leisure centres, recreation centres, sports fields and playgrounds</i></p>	
<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>The increase in residential density will increase the demand for community and recreational facilities. The residents will have access to Chipping Norton Reserve and Ernie Smith Reserve.</p>
	<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>Section 94 Developer Contributions required by Council will be used for the provision of recreation and community facilities in the Moorebank area.</p>
5. Cultural and Community Significance	
<p>Will the development impact on any items or places of cultural or community significance?</p> <p><i>Explanation: There may be certain places, items or qualities that are culturally valuable or significant to the community. They provide significant meanings and reference points for individuals and groups. This may include specific sites of Aboriginal significance. The acknowledgement and protection of these places, items or qualities is a key element in building strong and resilient communities. For information about Liverpool's cultural and linguistically diverse communities, refer to Council's LEAPS Multicultural Plan available for download from Council's website</i></p>	
<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p>
	<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p>

SOCIAL IMPACT ASSESSMENT POLICY

6. Community Identity and Sense of Belonging	
<p>Will the development strengthen or threaten opportunities social cohesion and integration within and between communities?</p> <p><i>Explanation: Social cohesion and integration requires places and spaces for informal and safe social interaction. Developments can increase or decrease these interaction opportunities through their provision (or otherwise) of safe and connected pathways and linkages and attractive gathering places (town centres, parks, squares / plazas, civic spaces and streets)</i></p> <p><i>Consideration should be given to incorporating principles of good urban design into the development proposal. Refer to the <i>Creating Places for People: An Urban Design Protocol for Australian Cities</i>, available for download from the Federal government's Urban Design website</i></p>	
<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p>
7. Health and Well-being	
<p>Will the development strengthen or threaten opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity</p> <p><i>Explanation: Developments can increase or decrease opportunities for healthy lifestyles through improving or reducing the liveability of places (due to things such as safety, noise, dust, aesthetics) or increasing or decreasing opportunities for:</i></p> <ul style="list-style-type: none"> • Walking, cycling, play and other physical activity • Healthy food choices • Drinking, gambling and smoking <p><i>Consideration should be given to incorporating healthy urban design principles into the development proposal. Refer to the Healthy Urban Development Checklist, available for download from the NSW Health website</i></p>	
<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>The future residents of the proposed development will be able to access recreation facilities and public open space in the local area.</p> <p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>The proposed residential development is located in close proximity to shops, parks and community facilities will encourage residents to walk to these facilities.</p>

SOCIAL IMPACT ASSESSMENT POLICY

8. Crime and Safety	
<p>Will the development increase or reduce public safety and opportunities for crime (perceived or actual crime)?</p> <p><i>Explanation: Developments can increase or decrease perceived and actual safety. For example, through generating increased traffic, providing venues that may attract unruly behaviour. This can diminish social cohesion and integration however impacts can be mitigated by appropriate design, traffic controls and management.</i></p> <p><i>Safer by Design principles should be considered in the development proposal. Refer to Council's Community Safety and Crime Prevention Strategy available for download on Council's website. The Crime Prevention Through Environmental Design (CPTED) Guidelines are available for download on the NSW Police website</i></p>	
<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>The access, entry foyer and basement car park of the proposed building have been designed in consideration of the CPTED guidelines for residents' safety.</p>
<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p> <p>There will be an increase in passive surveillance to Harvey Avenue and surrounding residential areas.</p>	
9. Local Economy and Employment Opportunities	
<p>Will the development increase or reduce the quantity and/or diversity of local employment opportunities (temporary or permanent)?</p> <p><i>Explanation: Unemployment and low income are associated with poor health and reduced social inclusiveness and resilience. Accessible and diverse local jobs (suited to the capacities of local populations) reduce the risk of unemployment (and the associated poorer health and social sustainability outcomes)</i></p>	
<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>If yes, briefly describe the impacts below</p> <p>No impact.</p>
<p>Describe your proposed mitigations of negative impacts or enhancements of positive impacts below</p>	

SOCIAL IMPACT ASSESSMENT POLICY

10. Needs of Specific Population Groups

Will the development increase or decrease inclusive opportunities (social, cultural, recreational, employment, governance) for groups in the community with special needs?

Explanation: Council has a Social Justice Policy, which promotes access to life opportunities (e.g. jobs, education, full participation in the cultural life of the community) and inclusiveness for all (including those with special needs – young people, aged population, CALD communities, Aboriginal community, people with a disability, children and women). Developments can increase inclusiveness through the provision of culturally appropriate facility design and programs, and the avoidance of communication barriers.

Refer to Council's Community Strategic Plan, Growing Liverpool 2023, Social Justice Policy, LEAPS Multicultural Plan, Youth Strategy and Disability Strategy available for download on Council's website.

Yes ☐

No ☒

If yes, briefly describe the impacts below

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below