

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2019WCI010
DA Number	DA-950/2018
LGA	Liverpool City Council
Proposed Development	Demolition of existing structures and construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, anglicare support services and kiosk.
Street Address	9-15 Northumberland Street Liverpool LOTS 9, 10 & 11 DP 38602, LOT A DP 164111
Applicant	ANGLICAN COMMUNITY SERVICES
Owner	ANGLICAN COMMUNITY SERVICES
Date of DA Lodgement	21 December 2018
Number of Submissions	One (1) submission
Recommendation	Approval, subject to conditions of consent
Regional Significant Development (Schedule 7 of the State and Regional Development SEPP)	The development has a CIV of \$55,426,354
List of all relevant s4.15(1)(a) matters	<p>1. <i>List all of the relevant environmental planning instruments: Section 4.15 (1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development; • State Environmental Planning Policy (Affordable Rental Housing) 2009; • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. <p>2. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i></p> <p>No proposed instrument relates to the site or proposed development.</p>

	<p>3. List any relevant development control plan: Section 4.15(1)(a)(iii)</p> <ul style="list-style-type: none"> Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> Part 1 – General Controls for all Development. Part 4 – Development in the Liverpool City Centre. <p>4. List any relevant planning agreement that has been entered into under section 7.14, or any draft planning agreement that a developer has offered to enter into under section 7.14: Section 4.15(1)(a)(iv)</p> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development. <p>5. List any relevant regulations: Section 4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> Recommended conditions of consent Architectural plans Landscape plans Survey plan Design Excellence Panel Comments Statement of Environmental Effects with clause 4.6 variation Site Isolation Documentation Geotechnical report Noise Impact Assessment Arborist Report Hydraulic Services Report Fire Services Report Electrical Services Report Mechanical Services Report Operational Plan of Management Civil drawings
Report prepared by	Development Assessment Section – Liverpool Council
Report date	17 June 2019

Summary of s4.15C matters Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes

Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$30 million, pursuant to Schedule 7 – Regionally Significant Development of the State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The application proposes the demolition of existing buildings and the construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, Anglicare support services and kiosk.

1.3 The site

The development site is comprised of 4 lots being Lots 9, 10 & 11 DP 38602, Lot A DP 164111 and is identified as 9-15 Northumberland Street, Liverpool. Property numbers 11-15 Northumberland Street currently feature single storey detached dwellings that are proposed to be demolished as part of the subject DA. No.9 Northumberland Street contains an Anglicare Family support office which is also proposed to be demolished.

1.4 The issues

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

- Liverpool Local Environmental Plan (LLEP) 2008, Clause 7.4 – Building Separation in Liverpool City Centre, requires 9m building separation for parts of buildings between 12m and 25m above finished ground level. The proposal provides a zero side setback along the northern side property boundary for part of the building in order to marry up to an existing blank wall built to the same boundary on an adjoining site. Accordingly, the proposed development does not comply with this clause and seeks a variation of 100% to the development standard. The applicant has provided a written statement made in accordance with clause 4.6 of the LLEP 2008 in order to justify this non-compliance. As per the assessment below the variation to the development standard is considered acceptable in this case.

- Inconsistencies with the Apartment Design Guide (ADG) relating to building separation. Through a series of amendments to the design of the building made by the applicant since lodgement of the DA the proposal is considered to have adequately addressed these inconsistencies and therefore is considered acceptable with regards to the ADG.
- Potential isolation of 10 Bathurst Street, Liverpool as a result of the development of the subject site. As per the assessment below, the applicant is considered to have adequately demonstrated that 10 Bathurst Street will not be isolated by the proposed development.

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

1.5 Exhibition of the proposal

In accordance with the LDCP 2008, the application was advertised for a period of 14 days from 13 February 2019 to 28 February 2019. One (1) submission has been received relating to the subject DA. These issues are considered to be addressed.

1.6 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The development site is comprised of 4 lots being Lots 9, 10 & 11 DP 38602 and Lot A DP 164111, and is identified as 9-15 Northumberland Street, Liverpool. The combined lots are regular in shape with a frontage to Northumberland Street of 60.5m, a site depth of 45.7m, and an area of 2,751.5m².

Property numbers 11-15 Northumberland Street currently comprise of single storey detached dwellings that are proposed to be demolished as part of the subject DA. No.9 Northumberland Street contains an Anglicare Family support office which is also proposed to be demolished.

The site generally falls in a south to north direction. The highest point across the site is located in the south-western corner, the lowest point across the site is located in Lot 11 at the rear of the site.

An aerial photograph of the subject site is provided below.



Figure 1: Aerial Photograph with property numbers

2.1 The locality

The immediate locality consists of a range of development comprising of low and high density residential development. This is demonstrated in Figure 2 below.



Figure 2: Immediate Locality

Immediately to the north, west and south of the subject site are residential flat buildings ranging from 6 storeys to 10 storeys high. Immediately to the east of the subject site is Liverpool Pioneers Memorial Park.

Figure 3 below demonstrates the context surrounding the site.



Figure 3: Context

The site is located within the Liverpool City Centre, approximately 1km North-West of Liverpool Train Station, and is 200m north of Westfield Shopping Centre and the Macquarie Street Shopping Mall. The site is located within an existing residential area, the immediate adjoining sites are zoned for High Density Residential and are undergoing high density urban transformation. The site is approximately 300m north-east of Liverpool Public and Private Hospitals and approximately 100m north and west of the subject site is the Hume Highway.

2.2 Site affectations

The subject site has number of constraints, which are listed below:

Heritage

The development site is not listed as a heritage item under Schedule 5 of the LLEP 2008, however, it is located within the vicinity of the following heritage items:

- A heritage item being item Number 89 known as the Plan of Town of Liverpool (Hoddle Grid 1827); and

- Number 90 known as Liverpool Memorial Pioneers Park (Formerly St Luke's Cemetery and Liverpool Cemetery).

Item No.90 is located east of the subject site at the intersections of Northumberland Street, Macquarie Street and Lachlan Street. This is demonstrated in Figure 4 below.

Council's Heritage Officer has reviewed the proposed development with regards to its impact upon the adjoining heritage items and has raised no objection to its potential impacts. Accordingly, the development is considered acceptable with regards to heritage matters.

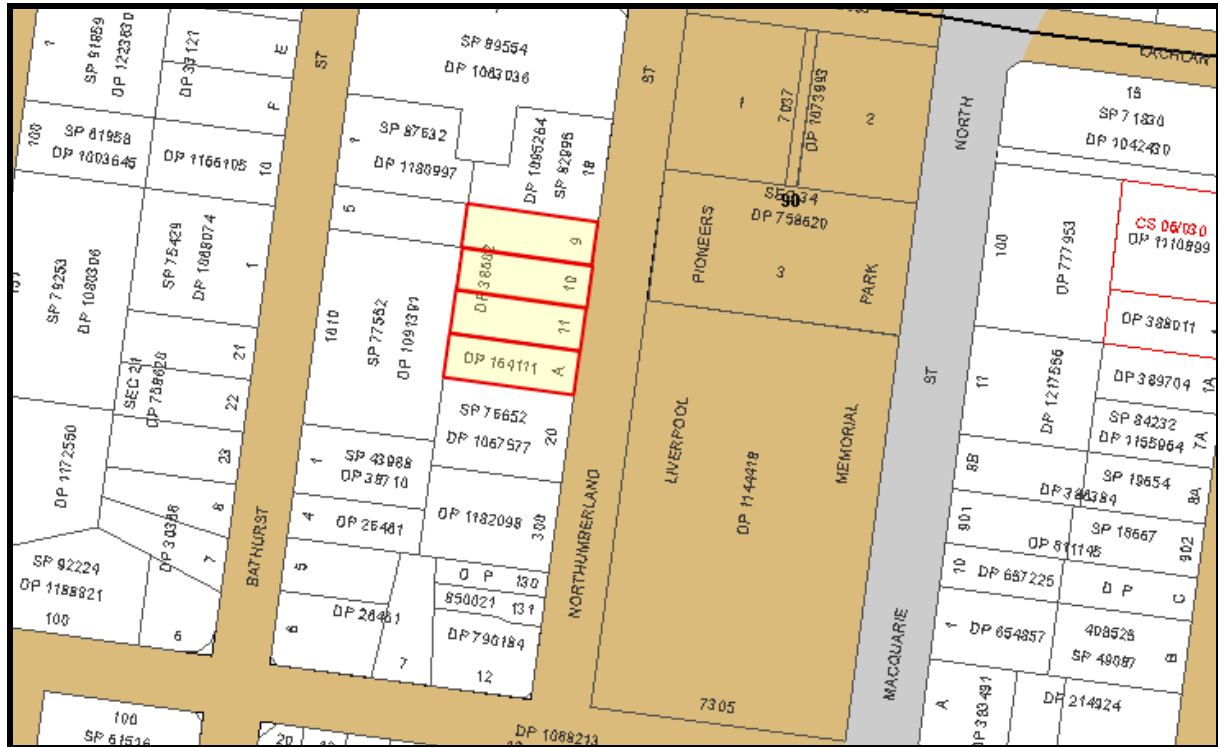


Figure 4: Heritage Affectation

Flooding

The proposed development site is located within Brickmakers Creek catchment. The site is not affected by flooding under 1% Annual Exceedance Probability (AEP) event, however, it is affected by the Probable Maximum Flood (PMF) event. The proposal was reviewed by Council's flooding engineers and considered satisfactory subject to the imposition of a water quality management condition.

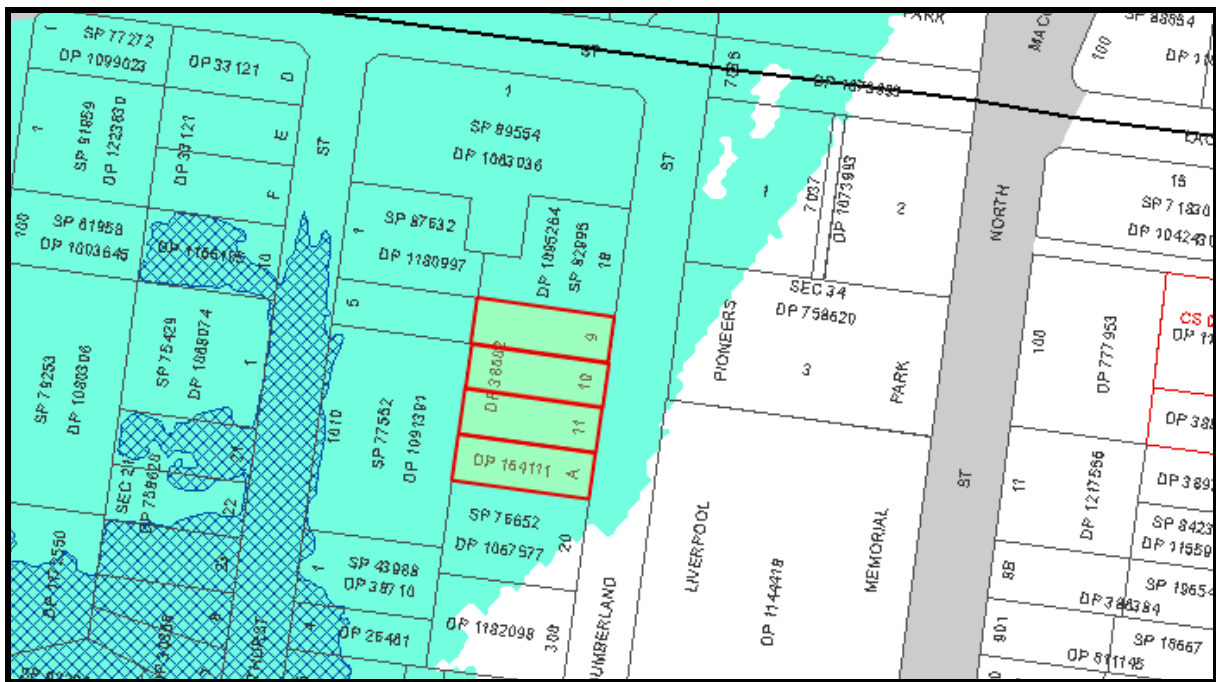


Figure 5: Flooding Affection

2.3 Site history

Development application (962/2016) was lodged on 14 October 2016 and approved by the Sydney Western City Planning Panel on 16 April 2018.

The proposed development sought *demolition of existing structures and construction of a 12 storey residential flat building above two levels of basement car park comprising 106 residential apartments and 126 car spaces. The residential component of the development comprised a total of 106 units, including:*

- 40 x one bedroom units;
- 55 x two bedroom units; and
- 11 x three bedroom units

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

The original DA was lodged seeking consent for the construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, Anglicare support services and kiosk.



Figure 6: Superseded building design, originally submitted with the DA

Following on from a preliminary assessment of the application, concerns were raised with the applicant regarding the following:

- 1) ADG non-compliant building separation;
- 2) Sub-optimal Communal Open Space arrangement; and
- 3) Potential site isolation of 10 Bathurst Street.

In response to the concerns raised above the applicant provided amended plans that rectified all concerns with the exception of the non-compliant building separation. The applicant has provided reasonable justification to support the non-compliant building separation in this case. Building separation is discussed in section 6.1 (a) of this report.

3.2 Pre-DA meeting with Design Excellence Panel

The proposal was presented to Council's Design Excellence Panel (DEP) on 15 November 2018 prior to the formal lodgement of the DA. The applicant presented their proposal for a 12-storey integrated housing development consisting of residential apartments, boarding house accommodation for social and affordable rental housing, a child care centre and a kiosk.

The DEP did not raise major concerns with the proposal, however, made certain design recommendations including: compliance with solar and ventilation requirements, compliance with sustainability (inclusion of Photovoltaic panels), improving bulk and scale of the building, redesign of the proposed kiosk and providing standard floor to ceiling heights and improving the streetscape interface.

The applicant amended the building design to address the DEP comments, as follows:

- The amended development proposal was designed to fully comply with the ADG solar access and ventilation requirements and is not envisaged to adversely impact adjoining sites in terms of overshadowing;
- The amended development proposal has been designed to mass the majority of the building form located along the northern boundary to the front of the site. A portion of the building has been moved closer to the street resulting in activation of the streetscape and improved amenity of the area;
- The amended development proposal provides DEP recommended floor to ceiling heights of 3100mm, with increased floor to floor height of 3450mm between levels 4 & 5 to allow for transfer structure.

This amended design was resubmitted to the DEP on 11 April 2018 for their consideration as part of the assessment of the application. The amended design proposed construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, anglicare support services and kiosk. The DEP provided the following comments in relation to this proposal:

- *The panel recommends using photovoltaic technology to generate power for common systems such as carpark and common area lighting and basement ventilation. If panels are not provided during initial building construction, at a minimum the building should be future proofed to allow later incorporation of photovoltaic panels (e.g. space for integrating panels onto the rooftop).*

Comment: Submitted roof plan (drawing no: DA2010 Rev. G, dated 28 March 2019), illustrates photovoltaic panels included at roof level.

- *The panel recommends investigating opportunities to capture rainwater and stormwater, for re-use on site, including for the toilets.*

Comment: An amended stormwater plan (drawing no: DAC03.01 Rev 3, dated 3 May 2019) details the inclusion of a 5kL rainwater tank as part of the onsite detention system. The tank is to be connected to the external irrigation system and internal water reticulation to allow for toilet flushing.

- *The panel recommends replacing the enclosed mass planting area outside the kiosk with an outdoor space (i.e. an outdoor extension of the kiosk) that adjoins and is open to the public road reserve. This will create a more public entry to the kiosk and better engagement between the kiosk and the streetscape, and Liverpool Memorial Park (i.e. opposite the site). Removal of the fencing in front of the kiosk and outdoor dining space is essential for the interaction envisaged. Outdoor dining could extend around the corner toward the building entry to make better use of the building forecourt. Long, linear stairs between the road reserve and outdoor kiosk space would assist in opening up the front of the kiosk to the public domain.*

Comment: The proposed kiosk forecourt has been redesigned to provide direct access to Northumberland Street, accommodate outdoor alfresco seating; linear stairs provided at the Northumberland Street frontage; and reconfigure internal area to better address the street.

- The panel recommends incorporating additional communal open space on the rooftop.

Comment: Approximately 1100m² of communal open space that is equivalent to 40% of the site is provided. This is broken into areas located at the Ground Floor, Level 8 and Level 11. Therefore, communal space on the rooftop is not required.

- *Streetscape treatments (including footpath paving and street tree plantings) are to be in accordance with Council's current standard details.*

Comment: The proposed streetscape treatments provided have been reviewed by Council's Public Domain and Open Space Branch who supported the treatments pursuant to conditions of consent.

- *The Panel recommends reconfiguring the ground floor plan so that the east/west entry corridor extends through to the rear of the building and incorporates a window to the rear open space.*

Comment: Amended Ground Floor plan (drawing no: DA2002, Rev H) has been submitted which extends the east/west entry corridor through to the rear of the building and have provided a window to the rear open space.

- *The panel recommends articulating to the facade of the central (recessed) portion of the building (i.e. along the lift lobby openings).*

Comment: Amended perspective view have been submitted illustrating a large vertical line of glazing provided to the central recessed portion of the building.

It is considered that the applicant has adequately addressed the matters raised by the DEP in its meetings, dated 15 November 2018 and 11 April 2019. In that regard, the proposed development is considered to provide design excellence.

3.3 Planning Panel Briefing

A SSWPP briefing meeting was held on 13 May 2019. At the meeting the panel discussed key issues and matters to be addressed in the Council assessment report; as follows:

- *The Panel accepted that there were reasonable arguments in favour of the proposed departure from the side setback requirements under the ADG and the Council's LEP building separation controls for the CBD in relation to the northern boundary given that there are no openings on the southern façade.*

Comment: The amended design maintains non-compliant building separation to the north, however, have reduced overshadowing to the existing apartments south to the site. Notwithstanding this, justification for the non-compliant building separation has been provided by the applicant and are considered to be acceptable in this circumstance. This is discussed further within section 6.1 (a) of this report.

- *The Panel noted advice that the less significant intrusion into the front setback arose from design changes encouraged by Council's design excellence panel, and were considered to be acceptable.*

Comment: Correct. The Design Excellence Panel has requested the intrusion into the front setback area so as to open up the front of the kiosk to the public domain.

- *The Panel would be looking for the usual processes to be undergone in relation to the isolated site to the west, and would expect Council to confirm its opinion that the offer made appears to be a reasonable one.*

Comment: Council raised concern for the potential of number 10 Bathurst Street, Liverpool to be isolated by the proposed development. The subject site is outlined in red and 10 Bathurst Street is outlined in yellow in Figure 7.



Figure 7: Potentially isolated site outlined in yellow, subject site outlined in red

In considering potential site isolation a consent authority is to be satisfied that the planning principles established by the NSW Land and Environment Court in the proceedings of *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 have been satisfactorily addressed; as follows:

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

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

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

In response to the principles above the applicant supplied Council with a package of correspondence outlining an attempt to purchase the rear adjoining site at No.10 Bathurst Street, Liverpool. See Attachment No.7. A summary of the attempted negotiations is provided as follows:

- The applicant engaged an independent valuation to be conducted for No.10 Bathurst Street, Liverpool by Herron Todd White. The date of the valuation is 18th April 2019;
- An offer was then made to the owner of No.10 Bathurst Street, Liverpool dated 1 May 2019. Attached to the offer was the independent valuation prepared by Herron Todd White;
- The applicant waited 7 days to obtain a response to their offer from the owner of 10 Bathurst Street, Liverpool;
- No response has been received by the applicant to date.

Having regard to the above, it can be determined from the evidence provided that a reasonable attempt has been made to purchase No.10 Bathurst Street in order to incorporate it into the development site.

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

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

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

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

In response to the above principle the applicant has provided Council with an indicative building envelope for No.10 Bathurst Street. An extract from the building envelope plans

submitted for the adjoining site has been reproduced below in Figure 8. The applicant's site isolation documentation can be found in Attachment 7.

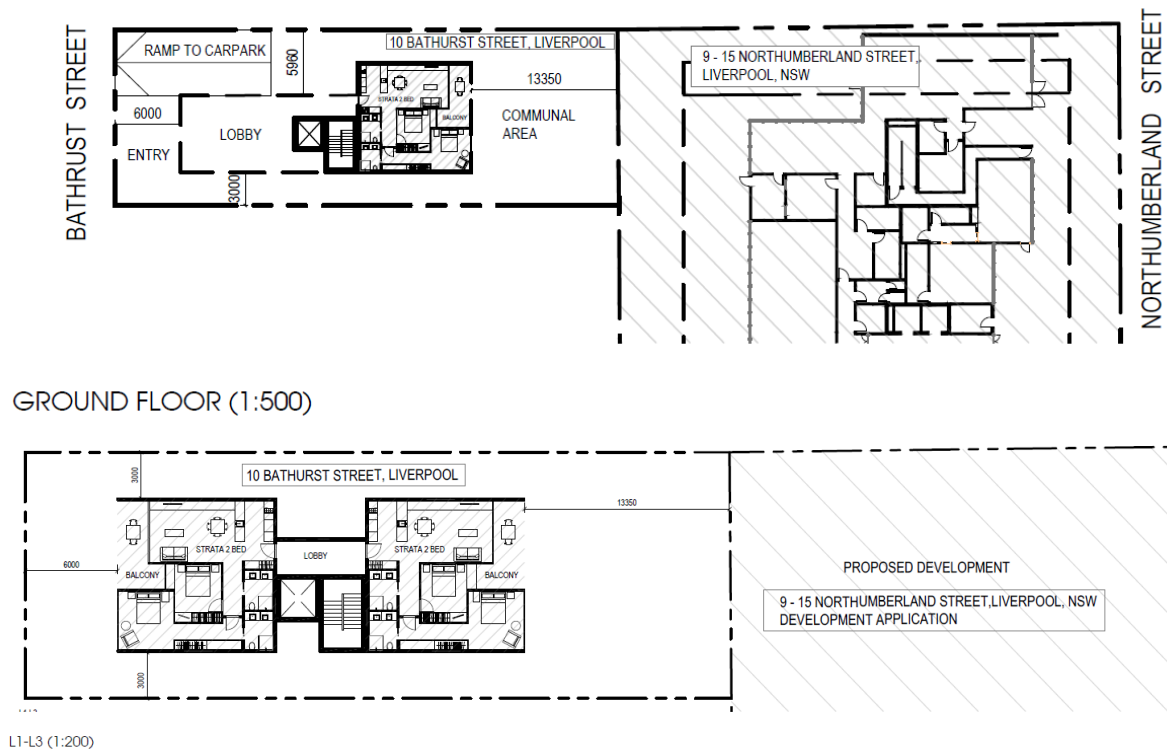


Figure 8: Potential Building Envelope of No.10 Bathurst Street

The concept plan for the 10 Bathurst Street has been designed in the context of existing residential flat building to the north and south and the proposed development to the west of the site. In the assessment of the concept, reference was made to the design criteria in the Apartment Design Guide (ADG) and relevant controls in the LLEP 2008 and LDCP 2008.

Having regard to the submitted concept the applicant provides a scheme that accommodates a dwelling on the ground floor and two dwellings on levels 1, 2 and 3. The building has been designed to allow for solar access to units both within the site and on adjoining sites. The design also provides an articulated building which provides communal open space on the ground floor and opportunities for deep soil planting on the site and rear boundaries.

Notwithstanding this, having regard to the submitted concept, it is essential to provide an indicative floor layout so as to demonstrate how the development will balance requirements for cross flow ventilation, solar access and privacy. Council is satisfied that the submitted scheme has scope to achieve a development of appropriate urban form and with an acceptable level of amenity.

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

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

4. DETAILS OF THE PROPOSAL

The application proposes the demolition of existing buildings, tree removal and the construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, Anglicare support services and kiosk.

Further details are as follows:

Building Design

- Demolition of existing structures and construction of an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, anglicare support services and kiosk.
 - 78 x boarding rooms;
 - 31 x 1 bedroom apartments (defined as 'in-fill affordable housing');
 - 24 x 2 bedroom apartments;
 - 4 x 3 bedroom apartments.

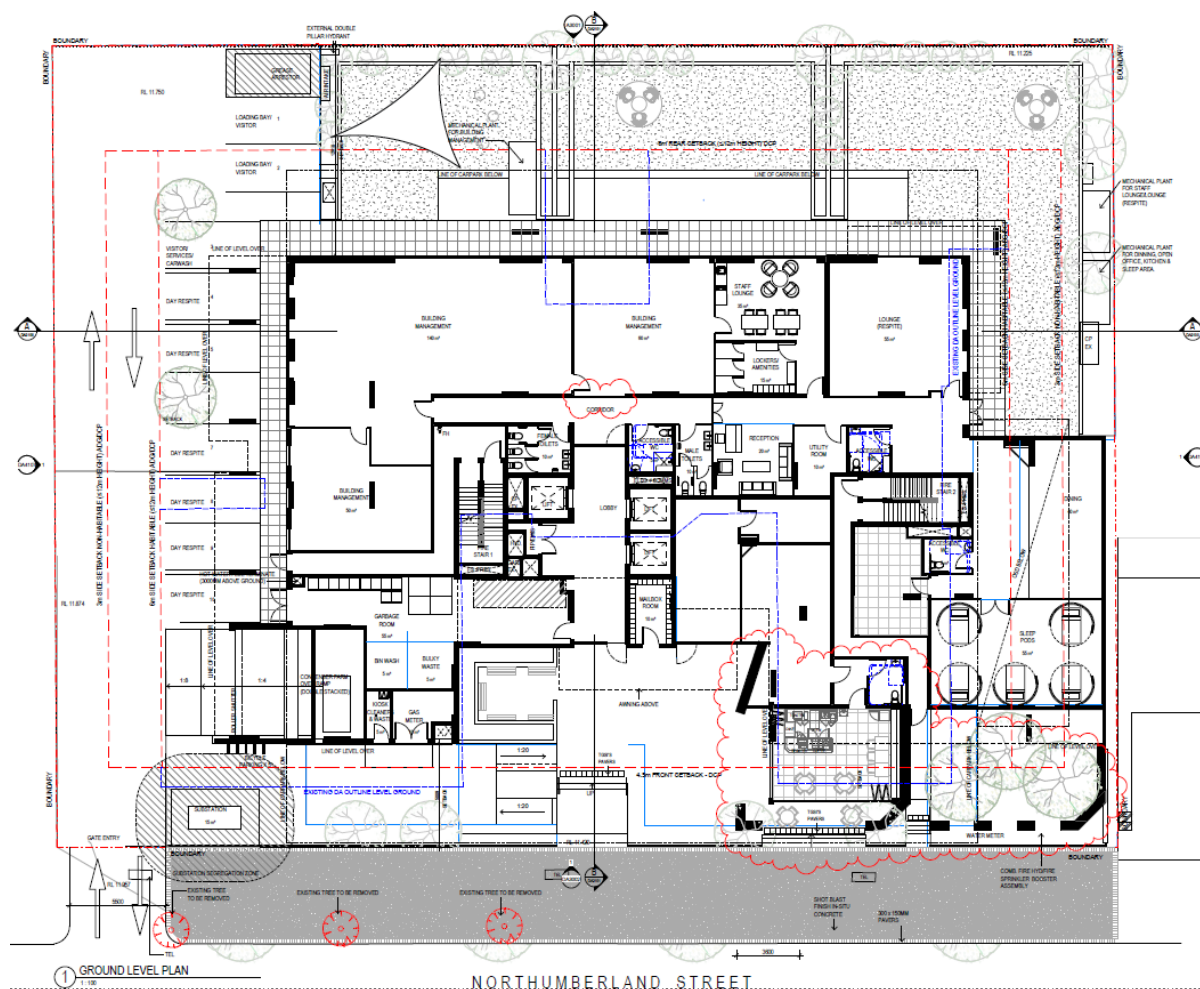


Figure 9: Ground Floor Plan of proposal

- Ground Floor to comprise of Anglicare support services, respite day care centre and a kiosk.

Communal Open Space

- The communal open space located on the ground floor includes outdoor space for the respite day centre with trees and mass planting. There is also communal open space on Level 8 and 11 of the building.

Vehicular and Pedestrian Access

- Vehicular access is provided from Northumberland Street at the south-eastern corner of the site.
- Pedestrian access is provided at multiple locations from Northumberland Street.

Parking Provisions

- The development provides for a total of 70 car parking spaces comprising of:
 - 62 spaces (including 2 spaces for services/carwash) allocated to the residential units in the two level basement;
 - 30 spaces allocated to strata.
 - 28 spaces allocated to affordable housing.
 - 8 spaces on the ground floor
 - 1 space allocated to visitors;
 - 1 space designated as a service bay/car wash bay;
 - 6 spaces designated for respite day care centre;
 - 2 spaces for loading/unloading areas.
 - 35 bicycle spaces; and
 - 18 motor cycle spaces.

Site Servicing

- Garbage storage has been provided on the ground floor to accommodate garbage, recycling and temporary storage of bulky items.
- Two service/car wash bays are provided within basement level 2 carpark.

Ancillary Works

- Demolition of existing structures and tree removal;
- Landscaping works; and
- Drainage work. The development proposes to construct a new kerb inlet pit and connect to the existing Council's drainage network located in Northumberland Street. Flow from the proposed on site detention tank will be discharged directly into the drainage network by connecting into the proposed kerb inlet pit.



Figure 10: Building Perspective from Pioneers Park looking north-west



Figure 11: Building Perspective of residential block including surrounding RFB's

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- N/A

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 4 – Development in Liverpool City Centre

Contributions Plans

- Liverpool Contributions Plan 2018 – Liverpool City Centre applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 2% of the cost of the development pursuant to Section 7.11A of the EPA & Act.

5.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in figure 12 below.

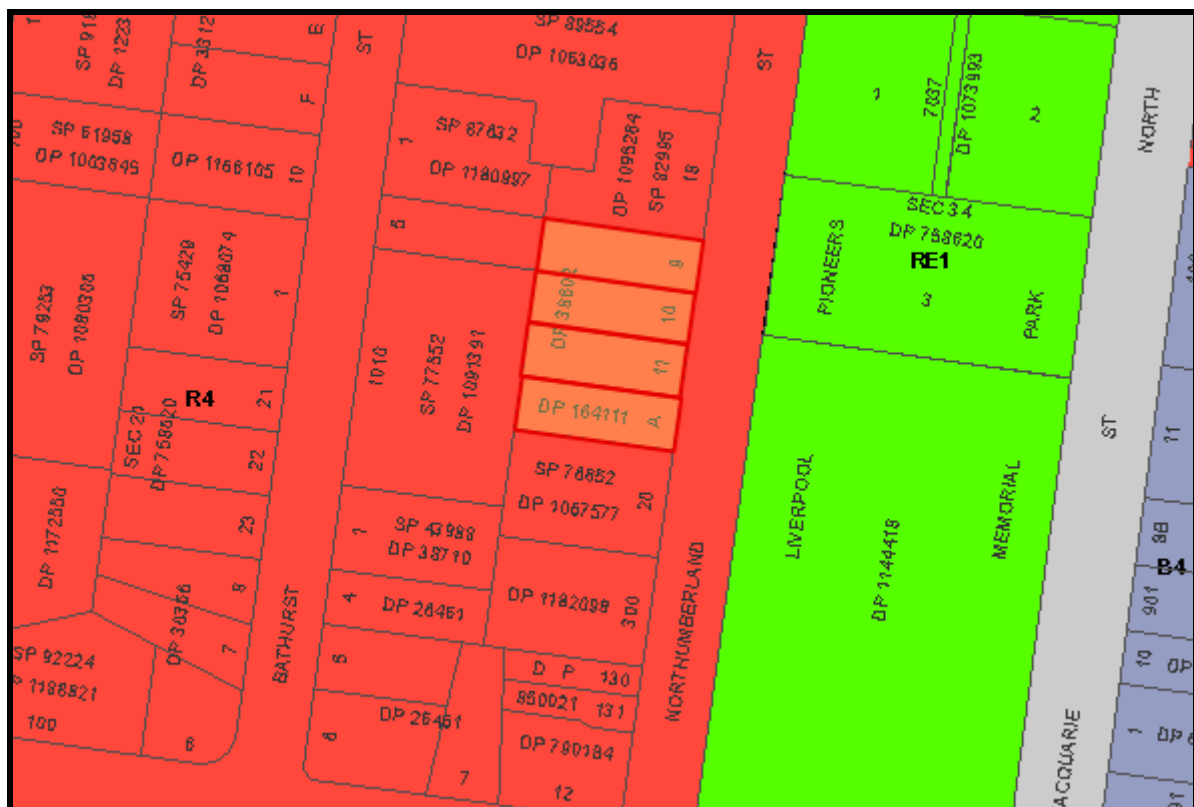


Figure 12: Zoning Map

5.3 Permissibility

The proposed development is defined as a *Residential flat building*, which is a permissible land use within the R4 High Density Residential zone.

The proposed development is defined as a *Boarding House*, which is a permissible land use within the R4 High Density Residential zone.

The proposed development is defined as a *Respite day care centre*, which is a permissible land use within the R4 High Density Residential zone.

The proposed development includes a *kiosk* which is a permissible land use within the R4 High Density Residential zone.

6. ASSESSMENT

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

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

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

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

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

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings	The proposal is for an integrated housing development consisting of a residential flat development. Located on near the fringe of the city centre precinct, the proposed development is considered likely to bring increased streetscape amenity to the local community. The development incorporates an active street frontage design that is considered to contribute to the community by generating a point of visual interest that interacts and compliments the adjacent

Design Quality Principle	Comment
<p>respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>heritage parkland.</p> <p>The development site is located in a highly serviced area with access to medical services, a variety of public transport services, educational services, employment opportunities, commercial/retail services, recreation facilities and community uses. Accordingly, the proposed intensification of the site, from three dwellings, will facilitate the increased accessibility of services to future occupants of Liverpool City Centre.</p> <p>As the building has been amended by the applicant to reconfigure the courtyard associated with the kiosk, it is considered to appropriately respond to the neighbourhood and streetscape character; both existing and desired.</p> <p>The proposal is appropriate in its context, notably with its compliance in relation to FSR and height.</p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The bulk of the proposed development is consistent with the objectives and controls set out in the LEP 2008 and LDCP 2008. The building is situated within the site boundaries and is partly setback off Northumberland Street unlike some adjoining developments. This provides the opportunity to reduce building scale at street edges.</p> <p>The height of the building is less than the maximum identified in the LLEP 2008, being 11 storeys overall.</p>
Design Principle 3 – Density	

Design Quality Principle	Comment
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>This application proposes an FSR 3.6:1 for this site which is within the maximum densities set out in the LLEP 2008.</p> <p>The proposed density will benefit the public by enabling the proposed building to respond to the future character of the town centre and the yield will facilitate a high-quality design outcome at the site. In this location, a well-designed residential flat development is likely to attract greater investment to the locality.</p> <p>High densities are also considered to be sustainable within this area as they are supported by the site's proximity to employment, CBD, transport and public open space.</p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</p> <p>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</p> <ul style="list-style-type: none"> - All corner and cross through apartments are naturally ventilated. - Minimum 60% of apartments are cross-ventilated; - Minimum 70% of apartments have the required solar access in winter; - The development includes adequate amounts of deep soil zones. - Photovoltaic technology are proposed on the roof top level of the development.
Design Principle 5 – Landscape	

Design Quality Principle	Comment
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Some apartments have been provided with private open space in excess of SEPP 65 requirements. Communal open space will be provided on ground level, level 8 and 11 and some areas shall incorporate barbecue facilities, open style pergola structures and seating. The landscaped communal open space also incorporates a mix of active and passive landscape spaces.</p> <p>The proposed landscape plans has been reviewed by Council's Public domain and open space branch who has supported the planting selections and use of species.</p>
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed development involves a mix variety of in-fill affordable housing and boarding houses. More than 10% of 3 bedroom units have been provided for the strata component of the development.</p> <p>Apartments comply with storage requirements and additional storage cages are located in the basement car parking levels. These levels also have the capacity to accommodate parking for bicycles.</p> <p>Communal open spaces will provide passive and active recreational opportunities including: raised garden beds and benches for seating, grassed, paved and planted surfaces, shaded, sunny and feature-lit areas.</p>

Design Quality Principle	Comment
	<p>Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.</p> <p>Interior corridors have access to daylight and natural ventilation, with views out of the building to improve both amenity and sustainability.</p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobbies from the street.</p> <p>The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.</p> <p>Ground floor area comprising of respite day care will provide lighting to the COS areas at night with passive surveillance of the street.</p> <p>Apartments overlook communal open spaces providing passive surveillance to improve safety and the development has been designed to avoid blind corners and hidden spaces.</p> <p>Access to each building and individual apartments will be coordinated with a security key system.</p> <p>Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is minimised to maximise street activation and surveillance.</p>
Design Principle 8 – Housing Diversity and Social Interaction	

Design Quality Principle	Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed development provides housing choice through varied apartment sizes. The communal open spaces and public street interface will encourage social interaction amongst residents and the community.</p> <p>The ground floor area including the kiosk and the interface between the streetscape have been carefully designed to enhance street activation.</p> <p>The provision of one bedroom apartments in the development will provide for a more affordable entry point into the housing market.</p> <p>10% of units are designed to be adaptable to the needs of people with disabilities and to facilitate intergenerational changes and changing lifestyles.</p> <p>Dedicated residential communal open spaces are provided on various levels to support the communal life of the building. These spaces typically have direct access from the circulation core.</p>
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The street façade has been designed to give a consistent and pleasing appearance to Northumberland Street. The interplay of building materials, including a composition of grey and white colorbond cladding, fully framed glass balustrade, brickwalls and fixed horizontal blade screens assists in creating a visually varied façade without cluttering the overall building appearance.</p> <p>The amended building design creates a large open courtyard to the street elevation with the 11-storey building component massed to the rear of the site, which provides a clear vertical to horizontal relationship to the streetscape.</p> <p>These amended design response ensures</p>

Design Quality Principle	Comment
	an appropriate provision for the future desired character of the area as a high density residential development.

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

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	Complies Building depths are generally 18m.
2F Building separation	
Note: Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes separation equally between sites.	Noted.
<u>Up to four storeys (approximately 12m):</u> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	<p>Non-compliance: nil setback to northern boundary, building built to boundary from Ground level to Level 4. 3 metres required.</p> <p>Notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to building separation. This is discussed in further detail after this table.</p>
<u>Five to eight storeys (approximately 25m):</u> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms 	<p>Non-compliance: 6.6m to 8.2m separation to northern boundary between habitable rooms/ balconies from level 4 to level 7. 9 metres required.</p> <p>Non-compliance: nil setback to northern</p>

Provisions	Comment
<ul style="list-style-type: none"> 9m between non-habitable rooms 	<p>neighbour, building built to boundary from level 4 to level 7. 4.5 metres required.</p> <p>Notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to building separation. This is discussed in further detail after this table.</p>
<p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms 	<p>Non-compliance: 8.3m separation to northern boundary between habitable rooms/ balconies at level 9 to 11. 12 metres required.</p> <p>Notwithstanding above listed non-compliance, the development is considered to be acceptable with regards to building separation. This is discussed in further detail after this table.</p>
3A Site analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	<p>Complies</p> <p>A detailed site analysis plan has been provided.</p>
3B Orientation	
Building types and layouts respond to the streetscape and site while optimising solar access within the development	<p>Complies</p> <p>The building type is appropriate for the streetscape.</p>
Overshadowing of neighbouring properties is minimised during mid-winter	Overshadowing of neighbouring properties has been minimized by the amended proposal.
3D Communal and public open space	
Communal open space has a minimum area equal to 25% of the site	<p>Complies</p> <p>1100m² of communal open space that is equivalent to 40% of the site provided. This is broken into areas located at the Ground Floor, Level 8 and Level 11.</p>

Provisions			Comment
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)			Areas of communal open space are considered to achieve sufficient solar access between 9am and 3pm mid-winter.
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting			The communal open space allows for a range of activities with rest areas and outdoor seating areas associated with the kiosk.
3E Deep soil zones			
Deep soil zones are to meet the following minimum requirements:			Complies Proposal provides 475m ² of deep soil zone, which is 17% of the site area. The deep soil zones at the rear of the site has a minimum dimension of 6m.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m ²	-	7%	
650m ² to 1500m ²	3m		
Greater than 1500m ²	6m		
Greater than 1500m ² with significant tree cover	6m		
3F Visual Privacy			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			Noted Refer to 2F Building Separation
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	

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

Provisions		Comment								
4A Solar and Daylight Access										
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas		Complies. The proposed development provides 70% solar compliance. Only 13% of units receive no direct sunlight.								
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter										
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter										
4B Natural Ventilation										
All habitable rooms are naturally ventilated		Complies The proposed development has been amended to provide 67% of units with natural cross ventilation.								
The layout and design of single aspect apartments maximises natural ventilation										
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed										
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line										
4C Ceiling Heights										
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey</td><td>2.7m for main living area</td></tr></table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey	2.7m for main living area	Complies 3100mm floor to floor heights provided with 200mm slabs. This is consistent with the recommendations of the DEP.
Minimum ceiling height										
Habitable rooms	2.7m									
Non-habitable	2.4m									
For 2 storey	2.7m for main living area									

Provisions			Comment
apartments	floor		
	2.4m for second floor, where its area does not exceed 50% of the apartment area		
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope		
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use		
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms			
Ceiling heights contribute to the flexibility of building use over the life of the building			
4D Apartment Size and Layout			
Apartments are required to have the following minimum internal areas:			Complies The apartments comply with the minimum size areas.
Apartment Type	Minimum Internal Area		
Studio	35m ²		
1 bedroom	50m ²		
2 bedroom	70m ²		
3 bedroom	90m ²		
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each			
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms			Complies Habitable rooms are provided with windows of sufficient glass areas.

Provisions		Comment															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies Habitable rooms are generally limited to 2.5 x the ceiling height.															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Complies Kitchens are generally 8m from a window.															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		Complies Bedrooms are of sufficient size.															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Complies Bedrooms have a minimum dimension of 3m.															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 		Complies Sufficient widths are provided to living rooms/dining rooms.															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows: <table border="1" data-bbox="189 1149 767 1639"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>3 bedroom</td><td>12m²</td><td>2.4</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>		Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	Complies The development provides for sufficient balcony size and depths.
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3 bedroom	12m ²	2.4															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m		Not Applicable Apartments are not proposed on the ground floor.															

Provisions	Comment										
4F Common Circulation and Spaces											
The maximum number of apartments off a circulation core on a single level is eight	Complies Triple lift core provided. Maximum 8 apartments off one lift.										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Complies From the 10 th to the 11 th storey there is a maximum of 4 units per lift core.										
4G Storage											
<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment.</div>	Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	Complies Half of storage spaces provided in units. Applicant has provided storage in basement but not allocated to units. Storage to be imposed as condition.
Dwelling Type	Storage Size Volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3 bedroom	10m ³										
4H Acoustic Privacy											
Noise transfer is minimised through the siting of buildings and building layout	Complies Bathrooms and kitchens have been clustered together where possible and also located near corridors where possible, which assist in mitigating noise levels to quieter rooms such as bedrooms. Acoustic building requirements shall be included at the construction stage in order to mitigate acoustic disturbances between apartments.										
Noise impacts are mitigated within apartments through layout and acoustic treatments											
4K Apartment Mix											
A range of apartment types and sizes is provided to cater for different household types	Complies										

Provisions	Comment
now and into the future	The proposal provides for 71% boarding rooms and 29% 1 bedroom units associated with social affordable housing and 86% two bedroom units, 14% three bedroom units associated with strata.
The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
Street frontage activity is maximised where ground floor apartments are located	Complies The ground floor of the building includes a kiosk, building management associated with Anglicare, services and respite day care that includes sleeping pods and lounge areas. Residential apartments are not proposed on the ground floor at the site.
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	Complies The overall design including building façade has been supported by the DEP.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Complies The roof is not the dominant feature, a parapet wall style is used which minimises expressions of roof forms. The development is in accordance with these objectives.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access.
Landscape design contributes to the streetscape and amenity	

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

Provisions	Comment
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Complies Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	Complies Building address signage is integrated into the building design.
4U Energy Efficiency	
Development incorporates passive environmental design.	Complies The development has been submitted with a BASIX certificate. This will also form a condition of consent.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimized and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	Complies The development will be conditioned to incorporate flood mitigation measures.
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies Waste storage facilities are provided and

Figure 13 above indicates the areas of non-compliance with the minimum building separation distances from ground to the fourth level to the northern boundary. In accordance with the ADG, the minimum required separation at these levels is 6m between non-habitable rooms. The proposal provides nil setback.



Page 37

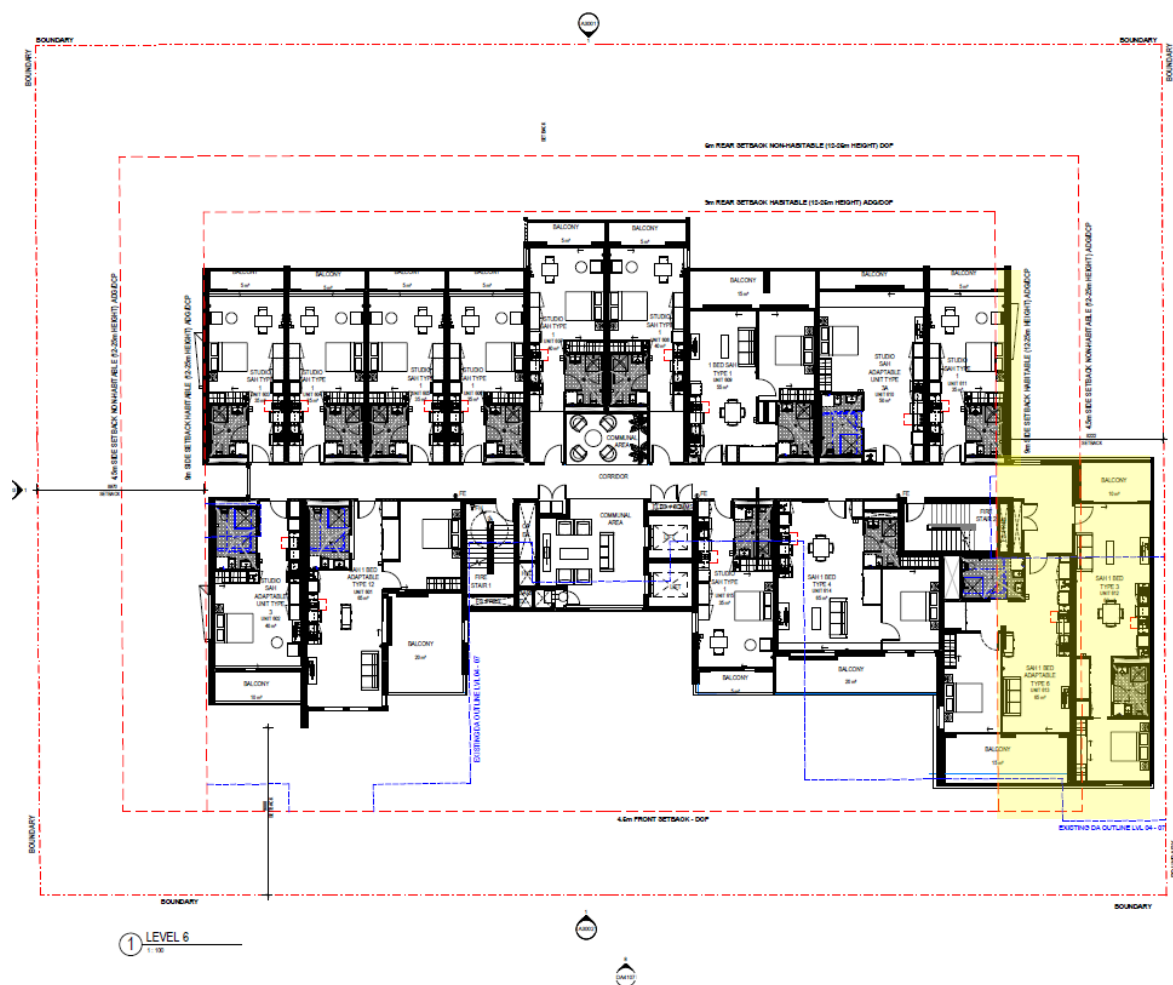


Figure 15: Areas of non-compliant building separation to northern Neighbour from sixth to seventh level.

Figure 15 above indicates the areas of non-compliance with the minimum building separation distances from the sixth level up to and including the seventh level to the northern boundary. In accordance with the ADG, the minimum required separation at these levels is 18m between habitable rooms and 9m between non-habitable rooms. The proposal provides nil setback at the front portion of the building and 8.2 metres at the rear.

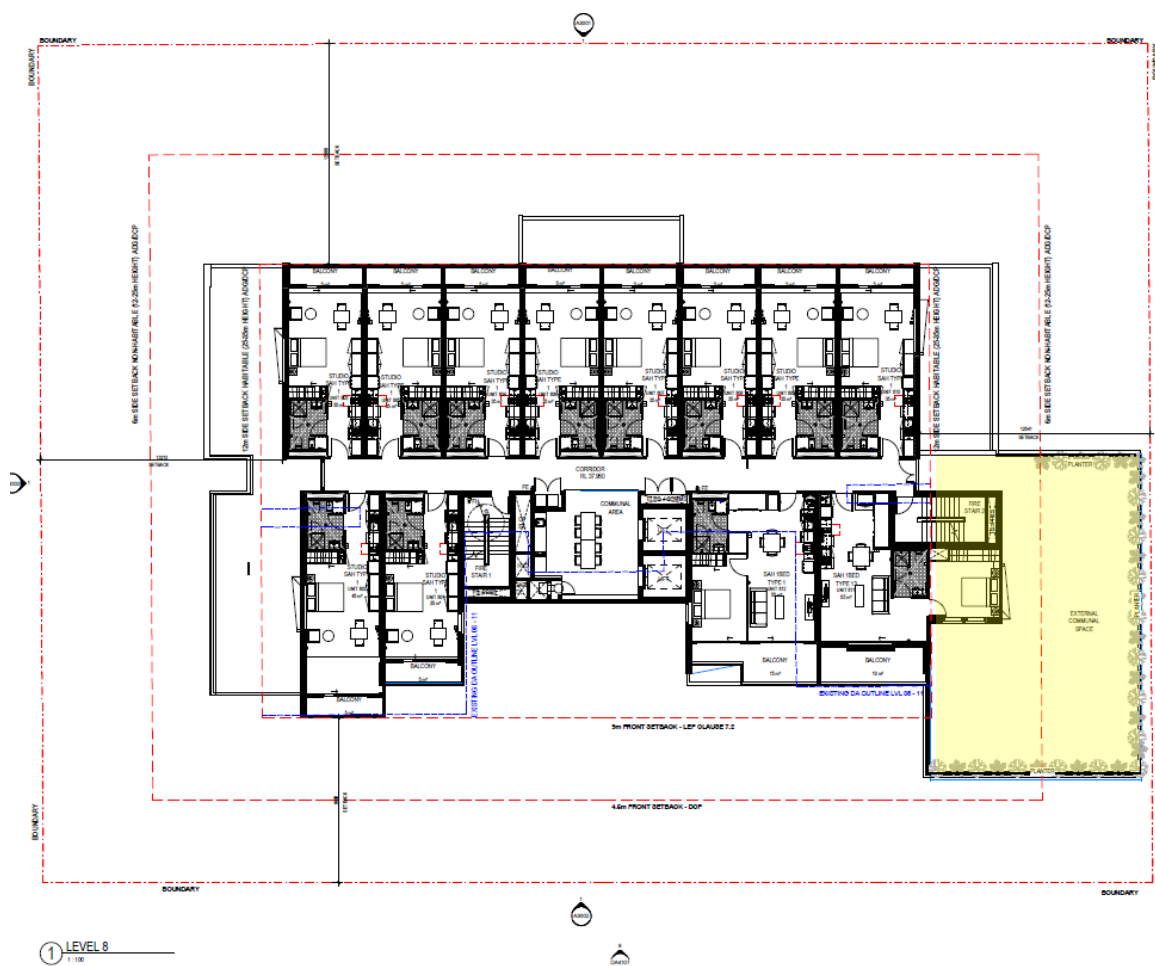


Figure 16: Areas of non-compliant building separation to northern neighbour from eight level comprising of communal open space.

Figure 16 above indicates the areas of non-compliance with the minimum building separation distances from eight floor comprising of external communal open space to the northern boundary. In accordance with the ADG, the minimum required separation at these levels is 12m between non-habitable rooms and 24 metres between habitable rooms. The proposal provides nil setback.

The applicant has provided a nil setback for the front portion of the building to the northern boundary from ground floor up to and including the eight floor as shown in Figures 13, 14 and 15. The adjoining site to the north comprises a RFB with nil setback to the same property boundary, which is less than the required shared separation distance. The northern building (DA-1081/2004) was approved before the introduction of the ADG. Accordingly, the applicant is seeking a variation to the building separation requirement by proposing nil separation. It should be noted that the proposed apartments do not include windows on the northern elevation on all levels and the communal open space on the eighth storey is at the same height as the roof of the adjoining development. Therefore, the proposed nil setback does not result in any overlooking concerns to the adjoining development.

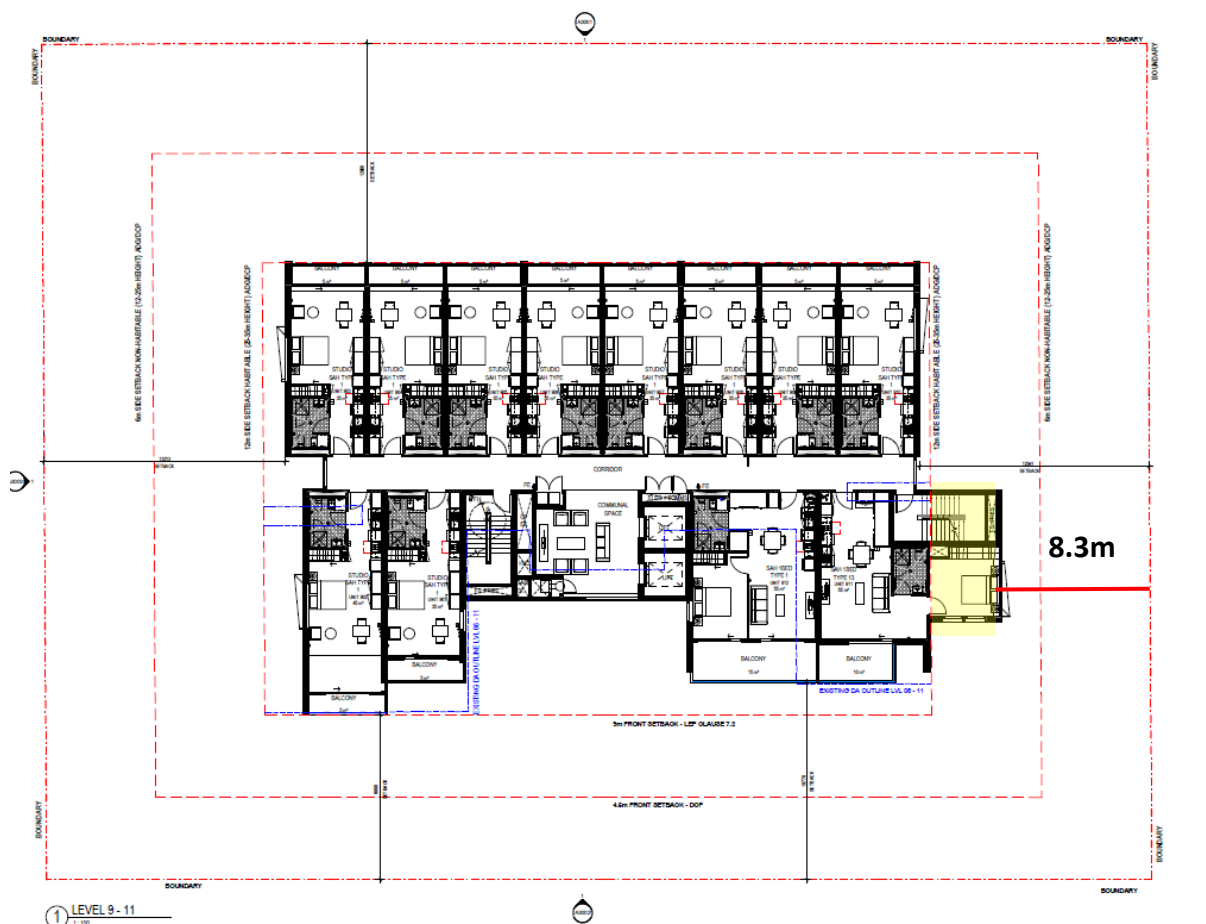


Figure 17: Areas of non-compliant building separation to northern Neighbour from ninth to eleventh level.

Figure 17 above indicates the areas of non-compliance with the minimum building separation distances from ninth up to and including the eleventh floor to the northern boundary. In accordance with the ADG, the minimum required separation at these levels is 24m between habitable rooms. The applicant has provided a setback of 8.3m to the northern property boundary. It should be noted that the RFB on the site to the north was built up to 8 storeys and the proposed building from the ninth up to and including the eleventh floor results in no direct overlooking of neighbouring apartments to the north.

Summary:

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

- In terms of privacy, the development incorporates highlight windows to habitable rooms so as to minimise any overlooking of the adjoining development to the north of the site. Development with nil setback have no windows on the northern elevation.
- Having regard to massing of the building, the development proposes varying setbacks to the northern boundary that are consistent and in excess of the ADG

separation distances so as to ensure that the actual and perceived bulk of the building is minimised when viewed from adjoining properties.

- The upper levels of the building has also been designed to be recessive with increased setbacks and further reduces the overall bulk of the development.
- Also, the proposal allows for a development that encourages high quality urban form with the inclusion of extensive communal open space and landscaped areas at ground level.
- Council's DEP have also reviewed the application and considered the application to be worthy of support.

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

(b) State Environmental Planning Policy (Affordable Rental Housing) 2009

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

Provision	Comment
Part 2 New Affordable Rental Housing	
Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
<i>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i> <i>(a) the development concerned is permitted with consent under another environmental planning instrument, and</i> <i>(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.</i>	Complies The development is permitted with consent under the LLEP 2008 and the site does not contain a heritage item.
<i>(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i> <i>'accessible area' means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i>	Complies The site is 400m from the bus stop located on the corner of George and Campbell Street. The bus stop is serviced by the 901, 902, 903, 904, 902X, and M90 bus service. The above bus service operates within the parameters specified in the SEPP (Affordable Rental Housing) 2009.
Clause 13 Floor Space ratio	
<i>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i>	Complies It is proposed that 11.6% of the gross floor area of the development will be utilised for the purpose of in-fill affordable housing.
<i>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation</i>	Comply – See discussion below A bonus of 0.6 is afforded under Division 1

<p>permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is greater than 2.5:1</p> <p>(b) Z percent of the existing maximum floor space ratio – if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Z = AH / 2.5</p>	<p>and 3 of the SEPP (Affordable Rental Housing) 2009. Accordingly, the permissible FSR on the site is 4.1:1</p> <p>The development proposes an FSR of 3.6:1.</p>
<p>Clause 14 Standards that cannot be used to refuse consent</p>	
<p>(1) Site and solar access requirements A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(b) Site Area if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	<p>Complies The development site has an area of 2751.5m².</p>
<p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p>Complies The development provides for approximately 1029.5m² of landscaped area which equates to 37%.</p>
<p>(d) Deep Soil Zones In relation to that part of the site area that is not built on, paved or otherwise sealed:</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>Complies Approximately 17% (475m²) of the site area is a deep soil zone.</p> <p>Approximately, two thirds of the deep soil zone is located within the rear portion of the site.</p>
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Complies 70% of the development receive 3 hours of solar access or more.</p>
<p>(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(a) parking</p> <p>(ii) In the case of a development application made by a social housing provider for development on land in an accessible area – at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms.</p>	<p>Complies</p> <p>The site is in an accessible area therefore, 0.4 x 31 = 12.4</p> <p>A total of 12.4 spaces are required. A total of 28 spaces are proposed.</p>
<p>(b) dwelling size if each dwelling has a gross floor area of at least:</p> <p>(i) 35m² in the case of a bedsitter or studio, or</p>	<p>Complies The apartments comply with the minimum size areas.</p>

<p>(ii) 50m² in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70m² in the case of a dwelling having 2 bedrooms, or</p> <p>(iv) 95m² in the case of a dwelling having 3 or more bedrooms.</p>	
Clause 16 Continued Application of SEPP 65	
<p><i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</i></p>	<p>Complies</p> <p>An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.</p>
Clause 16A Character of Local Area	
<p><i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>Complies</p> <p>The subject site comprises 4 lots which are currently occupied by a single storey dwelling on each lot and are surrounded by residential flat buildings. The development of the proposed residential flat building will be compatible with the character of the local area.</p> <p>The proposed development provides for an 11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, Anglicare support services and kiosk.</p> <p>As such, the proposed development generally complies with these requirements and therefore contributes to the desired future character of the area.</p>
Clause 17 Must Be Used for Affordable Housing for 10 Years	
<p><i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i></p>	
<p><i>(a) for 10 years from the date of the issue of the occupation certificate:</i></p> <p><i>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i></p> <p><i>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i></p> <p><i>(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.</i></p>	<p>Complies</p> <p>To ensure that the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing; conditions of consent have been imposed.</p>
Division 3 Boarding Houses	
Clause 27 Development to which Division applies	
<p><i>(1) This Division applies to development on land to which this Division applies, for the purposes of boarding houses</i></p>	<p>Complies</p> <p>The development is permitted with consent under the LLEP 2008.</p>
Clause 29 Standards that cannot be used to refuse consent	
<p><i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i></p> <p><i>(c) If the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an</i></p>	<p>Complies</p> <p>A bonus of 0.6 is afforded under Division 1 and 3 of the SEPP (Affordable Rental Housing) 2009. Accordingly, the permissible FSR on the site is 4.1:1</p> <p>The development proposes an FSR of 3.6:1.</p>

<p><i>interim heritage order or on the State Heritage Register – the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p>(iii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1</p>	
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>a) <i>Building Height – If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.</i></p>	<p>Complies</p> <p>The proposed building height does not exceed building heights controls under the LLEP 2008.</p>
<p>b) <i>Landscaped Area – If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</i></p>	<p>Complies</p> <p>The development provides for approximately 1029.5m² of landscaped area which equates to 37%. The application was accompanied with a landscape design report which is to be included as part of the approved plans.</p> <p>Street trees are proposed with medium to tall evergreen trees including Tulip Woods that are envisaged to provide shade for the footpath all year round and to reinforce the strong north to south street alignment.</p>
<p>c) <i>Solar Access – Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.</i></p>	<p>Complies</p> <p>Communal room located on the eleventh floor received a minimum of 3 hours of direct sunlight between 9am and 3pm in the mid-winter.</p>
<p>d) <i>Private Open Space – If at least the following private open space areas are provided (other than the front setback area):</i></p> <p>i) <i>One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers;</i></p> <p>ii) <i>If accommodation is provided on site for a boarding house manager – one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</i></p>	<p>Complies</p> <p>Private Open Space provided on level 8 that is external and approximately 180m² with minimum dimension of 3 metres provided for the use of the lodgers.</p> <p>N/A</p>
<p>e) <i>Parking – If:</i></p> <p>i) <i>In the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room.</i></p>	<p>Complies</p> <p>The proposed boarding is located in an accessible area and is provided by a social housing provider. Therefore, 15.6 spaces are required. A total of 16 car park spaces have been allocated to boarding house component of the development.</p>
<p>f) <i>Accommodation size – if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i></p> <p>i) <i>12 square metres in the case of a</i></p>	<p>Complies</p> <p>Each studio will be accommodated by one lodger only. The total area of each studio equates to minimum 35m² with living area to be minimum</p>

<p><i>boarding room intended to be used by a single lodger, or;</i></p> <p>ii) <i>16 square metres in any other case.</i></p>	22.92m ² excluding kitchens and bathrooms.
<p>(3) <i>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</i></p>	<p>Complies</p> <p>Private kitchen and bathroom provided to each studio.</p>
Clause 30 – Standards for boarding houses	
<p>(1) <i>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</i></p> <p>a) <i>If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided;</i></p>	<p>Complies</p> <p>Communal living room have been allocated to each floor that contains a boarding room.</p>
<p>b) <i>No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.</i></p>	<p>Complies</p> <p>The total area of each studio equates to minimum 35m² with living area to be a maximum of 23m² excluding kitchens and bathrooms</p>
<p>c) <i>No boarding room will be occupied by more than 2 adult lodgers.</i></p>	<p>Complies</p> <p>Each studio will be accommodated by one lodger only.</p>
<p>d) <i>Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.</i></p>	<p>Complies</p> <p>Private bathroom and kitchen facilities allocated to each boarding room.</p>
<p>e) <i>If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.</i></p>	<p>Complies</p> <p>Whilst the management of the site will be through an off-site manager, the manager will have a work location based in the Anglicare Regional Hub which is on the same site as the residence.</p>
<p>f) <i>(repealed)</i></p>	
<p>g) <i>if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i></p>	N/A
<p>h) <i>at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i></p>	<p>Complies</p> <p>78 boarding rooms proposed, therefore 15.6 motorcycle spaces required. 20 spaces for motorcycles proposed.</p>
Clause 30A Character of local area	
<p><i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>Complies</p> <p>The subject sites that includes 4 lots are occupied by a single storey dwelling on each lot and are surrounded by residential flat buildings. The development of the proposed residential flat building will be compatible with the character of the local area.</p> <p>The application proposes the construction of an</p>

	<p>11-storey integrated housing development comprising of residential apartments and boarding house accommodation for social and affordable housing, respite day care centre, anglicare support services and kiosk.</p> <p>As such, the proposed development generally complies with these requirements and therefore contributes to the desired future character of the area.</p>
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(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Clause 7 of SEPP 55 states:

- (1) *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 DA was referred to Council's Environmental Health Section for assessment regarding potential contamination at the site. Council's Environmental Health Section requested that a Preliminary Site Investigation (PSI) in contamination at the site be carried out by the applicant. A PSI prepared by Environment Investigation Australia (report no: E23091 AA_Rev0) dated 12 April 2017, was submitted by the applicant. Council's Environmental Health Section reviewed this investigation and provided the following comments:

"The PSI was undertaken in accordance with OEH 'Guidelines for Consultants reporting on Contaminated Sites'.

The primary objectives of this PSI is to provide a qualitative assessment of the environmental conditions of the site by appraising the potential for site contamination on the basis of field observations, historical land uses, anecdotal and documentary evidence.

The PSI includes scope of works comprising of the following:

- *Review of relevant topographical, geological and hydrogeological maps;*
- *Review of historical aerial photographs and NSW LPI records;*
- *Review of records from Liverpool City Council such as S149 certificates;*
- *Review of notices under contaminated land and NSW POEO Register; and*
- *Detailed site walkover inspection.*

Historical aerial photographs were obtained and reviewed (dated 1930 to 2012).

Land titles search was undertaken (dated 1841 to current).

On 22 March 2017, an on-line search of the contaminated land public record of NSW Environment Protection Authority (EPA) Notices was conducted. This search confirmed that the NSW OEH had no regulatory involvement in relation to the area of investigation, or properties in proximity to the site (≤500 m).

The assessment identified potential contaminants of concern, however the risk is unlikely to low likelihood. The report concludes that following implementation and completion of recommendations provided in section 6 of the report, the subject premises will be suitable for the proposed development.”

Given the above, SEPP 55 considerations have been addressed and the land is considered suitable for its continued use for residential purposes subject to conditions.

(d) State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 102 – Impact of road noise or vibration on non-road development of SEPP (Infrastructure) 2007, the following shall be addressed:

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.*

The site is located in proximity to the Hume Highway which is a classified road. The traffic volume maps for Infrastructure SEPP indicates that Hume Highway has a traffic volume of more than 40,000 vehicles. As the proposal is for a residential flat building the consent authority is required to consider the impacts of traffic volume on the development.

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

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

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

Conditions of consent have also been imposed to ensure compliance with the nominated noise criteria so as to ensure compliance with Clause 2 (102) of the SEPP (Infrastructure) 2007.

(e) State Environmental Planning Policy (BASIX) 2004

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

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

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

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)).

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

(g) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is for a mixed use development that consists of a *residential flat building, boarding house, kiosk and respite day care centre*.

A *residential flat building* is defined as follows:

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

A *boarding house* is defined as follows:

A *building that:*

- a) *Is wholly or partly let in lodgings, and*
- b) *Provides lodgers with a principal place of residence for 3 months or more, and*
- c) *May have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) *Had rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers*

But does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

A *respite day care centre* is defined as *a building or place that is used for the care of seniors or people with a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.*

A *kiosk* which is defined as *a premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.*

(ii) Objectives of the zone

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

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

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

- It will provide for housing needs within a high density residential environment.
- It will contain a number of different sized units and affordable housing, thereby providing a variety of housings types within a high density residential environment;

- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is located in an area identified for urban renewal and transformation, in close proximity to Liverpool Railway Station, retail and commercial facilities.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

(iii) Principal Development Standards

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

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	Complies Consent is sought for the demolition of existing buildings.
Clause 4.3 Height of Buildings	Maximum height of 45m	Complies Natural ground = 11.9 AHD Top of building = 53.45 AHD A maximum height of 41.55m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 3.5:1	Complies Site area = 2751.5m ² FSR of 3.6:1 is proposed. The FSR is compliant with the bonus FSR afforded under the SEPP (Affordable Rental Housing) 2009, which permits up to 4.1:1 on the site.
Clause 5.10 Heritage Conservation.	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	Complies Council's Heritage Officer has reviewed the proposal and has raised no objection to the development with regards the surrounding heritage items or its effect on heritage conservation.
Clause 7.2 Sun Access in Liverpool City Centre	Land within 9m of the public right of way on the western side of Northumberland Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets shall have a maximum height of 30m	Complies Building height is under 30m for the first 9m of the site from the front property boundary.
Clause 7.3 Car Parking in Liverpool City Centre	The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the	Complies The proposed development provides adequate car park spaces. The proposed number of car parking spaces also complies with provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

	development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.	
Clause 7.4 Building Separation in Liverpool City Centre	<p>Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:</p> <ul style="list-style-type: none"> - 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) - 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) - 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential. 	<p>Partial non-compliance – considered acceptable</p> <p>The proposed development provides no building separation (nil side setback) to the northern property boundary for parts of the building between 12 metres up to a height of 26m. This is not for the entire depth of the building and applies only to a portion of the building that fronts onto Northumberland Street. This is a variation of 100%</p> <p>The applicant has lodged a Clause 4.6 Variation report. See Clause 4.6 discussion below.</p> <p>All other parts of the building fully comply with building separation in Liverpool City Centre.</p>
Clause 7.14 Minimum Building Street Frontage	<p>Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres:</p> <ul style="list-style-type: none"> - any residential flat building. 	<p>Complies</p> <p>Street frontage exceeds 24m.</p>
Clause 7.8 Flood Planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian 	<p>The proposed development site is located within Brickmakers Creek catchment. The site is not affected by flooding under 1% Annual Exceedance Probability (AEP) event. However, it is affected by the Probable Maximum Flood (PMF) event.</p> <p>The proposal was reviewed by Council's flooding engineers who raised no concern with the proposal subject to conditions of consent.</p>

	<p>vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</p> <p>(f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.</p>	
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(iv) Other Relevant LLEP 2008 Clauses

In addition to the above development standards, the application has also been considered in regards to other relevant standards of the LLEP 2008. The key clauses applicable to the application are discussed in further detail below. The proposal demonstrates full compliance with the LLEP 2008 standards and is satisfactory.

- **Clause 7.1 Objectives for Development in Liverpool City Centre**

Clause 7.1 of the LLEP 2008 stipulates the objectives that must be satisfied by any redevelopment in the city centre. The proposed development is generally consistent with the relevant objectives as follows:

(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,

Comment: The development provides a residential flat building which aligns with the street.

(b) to allow sunlight to reach buildings and areas of high pedestrian activity,

Comment: The proposed development has been designed to maximise the ability for sunlight to reach buildings and the pedestrian areas.

(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,

Comment: The development is highly unlikely create pedestrian or traffic conflicts on the Hume Highway

(d) to improve the quality of public spaces in the city centre,

Comment: The development provides a high quality presentation to the public domain.

(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,

Comment: Not relevant.

(f) to enhance the natural river foreshore and places of heritage significance,

Comment: Not relevant.

(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

Comment: Not relevant.

- **Clause 7.5 Design Excellence in Liverpool City Centre**

Clause 7.5 of the LLEP 2008 prescribes that development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre. The clause sets out the matters that must be considered by Council.

The matters set out in Clause 7.5 have been carefully considered in consultation with the DEP. Consequently, the application has been through amendments to improve the design quality in line with provisions of the LLEP 2008 and the comments provided by the DEP.

In conclusion, the overall development satisfies the LLEP 2008 design excellence provisions and demonstrates satisfactory design quality.

- **Clause 4.6 Exception to development standards**

As identified in the compliance table above, the proposal is compliant with the majority of provisions prescribed by LLEP 2008 with the exception of Clause 7.4 – Building Separation in Liverpool City Centre.

Variation to Clause 7.4 Building Separation in Liverpool City Centre:

Clause 7.4 of the LLEP 2008, stipulates that:

“Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:

(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential”

The proposed development provides no building separation (nil side setback) to the northern boundary for parts of buildings between 12 metres of the proposal to a height of 26m. This is not for the entire depth of the building and for portions of the buildings which extends between 4m to 18m from the front property boundary into the site. This is shown in Figure 17.

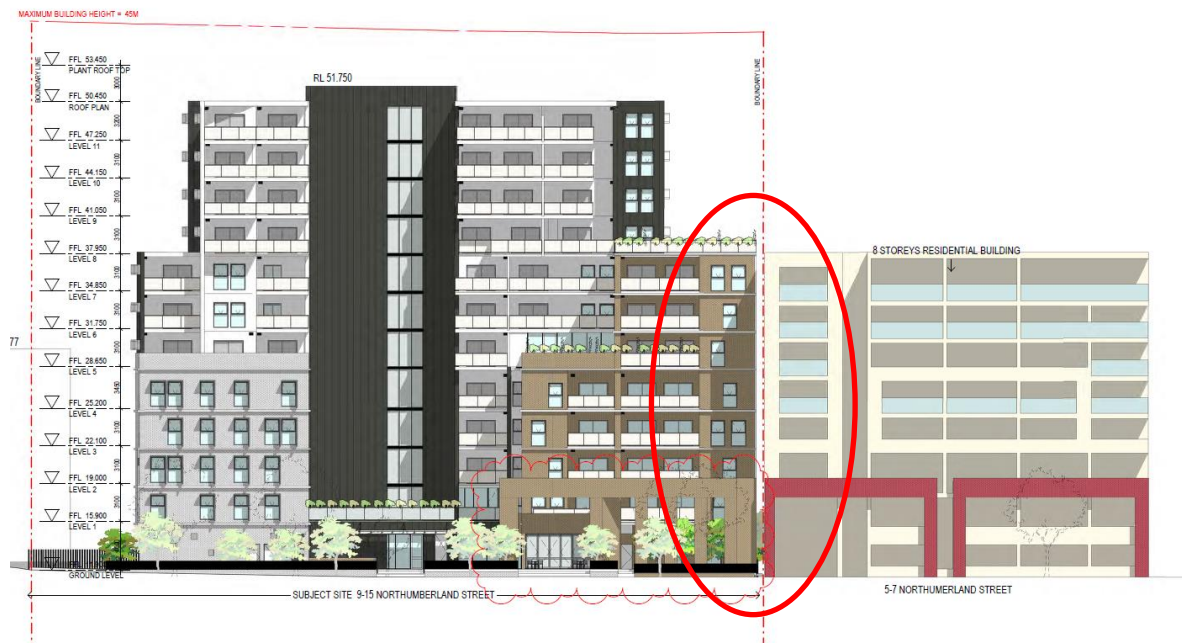


Figure 18: Elevation Plan showing Zero Side Setback to Northern Boundary circled in red

As shown in the figure above, the proposal does not comply with the minimum 9m to 12m building separation required as per Clause 7.4 of LLEP 2008 and is seeking a variation of 100% from this development standard. It should be noted that where the building is stepped away from the zero side setback proposed it is fully compliant with Clause 7.4 of LEP 2008.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report. The submitted written request to vary Clause 7.4 to accommodate the nil setback has been assessed against the provisions of Clause 4.6, the objectives of Clause 7.4 and the objectives of the R4 zone. This is discussed below:

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

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) the consent authority is satisfied that:

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

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

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

The building separation breaches are a response to:

- *The existing solid boundary wall on the adjacent site at 5-7 Northumberland Street, Liverpool;*
 - *The existing approved building envelope and reduced setbacks approved under the active approval on the site for a residential flat building (DA-962/2016) approved by Liverpool Council on 16 April 2018;*
 - *The site constraints in terms of existing built form context;*
 - *Achievement of the objectives of the Apartment Design Guide (ADG) with regard to building separation under the building separation control 2F, solar and daylight access control 4A; and*
 - *Achievement of the objectives of the Apartment Design Guide (ADG) with regard to visual privacy under the visual privacy control 3F.*
-
- *As demonstrated in the proposal, the built form has been developed in response to site constraints, surrounding context and the design development for the built form and massing across the site.*
 - *The reduced boundary setbacks will not result in any detrimental amenity impacts to surrounding development when compared to the design approved in DA-962-2016. Nor will the extent of the noncompliance result in any adverse amenity or privacy impact on the adjacent sites given that the objectives of the ADG with regard to 2F building separation are achieved through window shading, configuration of non-habitable and habitable rooms and placement of solid boundary walls in response to the adjacent 5-7 Northumberland Street.*
 - *The proposal represents a superior design outcome, compared to the approved design and provides a significant long-term social contribution through the provision of affordable rental housing.*
 - *The non-compliance will not hinder the development's ability to satisfy the objectives of the R4 High Density Residential zone.*
 - *The non-compliance will not hinder the development's ability to satisfy the vision for the Liverpool City Centre or the Western City District Plan.*
 - *The proposal is highly consistent with the Greater Sydney Region Plan a Metropolis of Three Cities which acknowledges the need to provide housing in close proximity to high frequency transport services.*

In response to the comments raised above, Council has provided the following commentary as to why the imposition of the applicable building separation control is unreasonable and unnecessary in this instance:

- Currently on the northern site boundary is a large blank wall from a neighbouring RFB. The proposed development has been designed to provide a nil-setback to the northern boundary in order to marry up to this blank wall and cover it from streetscape.
- Marrying up to the existing blank wall is considered to provide a consistent built form presentation to Northumberland Street and create a defined street edge. This is considered to be consistent with the desired character of a high density residential environment.
- The ADG provides that, *“Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas, main streets or for podiums within centres.”* The zero side setback is compatible with the existing and desired character of the high density residential zone.
- Due to the location of the zero side setback, being on the northern site boundary and in the front portion of the site, it is not considered that this component of the building would increase over shadowing within the site and to adjoining sites/buildings.
- As the proposal seeks to connect to an existing blank wall on the adjoining northern site, there is not considered to be any increased potential for visual privacy impacts to occur. In accordance with 3F – Visual Privacy of the ADG, the apartments located on the zero side setback will have sufficient separation between habitable spaces both to the neighbouring site and internally.

Council’s DEP have reviewed the design on two separate occasions and supported the building being built to the northern side boundary to connect to an adjoining building. It is considered that the proposed 100% variation would result in a better outcome for the development of the Northumberland streetscape and its urban relationship to the Pioneers Park as a contiguous street edge would be created.

Were the development to comply with Clause 7.4, it is considered that a disjointed urban form would be created with no benefit to solar access, privacy and streetscape presentation.

2) Consistency with objectives of the development standard Clause 7.4 Building Separation in the Liverpool City Centre

The objectives of Clause 7.4 and assessment are as follows:

- (1) *The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*

The proposed development is considered to be consistent with the objective of Clause 7.4 of the LLEP 2008 in that:

- The portion of the building where the variation occurs is not considered to cause any adverse solar impacts, internally or externally.

- The portion of the building where the variation occurs is not considered to cause any privacy impacts, internally or externally, beyond a compliant development.
- The proposed variation will resolve an existing negative impact to the streetscape, by covering up large blank wall presenting to Northumberland Street. Furthermore, it is considered that it will create a street edge and uniformity in the built form addressing the heritage park.

For the reasons above, the proposed development is considered to be consistent with the objectives of Clause 7.4 of LLEP 2008.

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

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

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

The proposed development, inclusive of the variation to Clause 7.4, is considered to maintain consistency with the R4 zone objectives. The development provides for the housing needs of the community within a high density residential environment. The proposal allows for a high concentration of housing with good access to transport, services and facilities within the Liverpool City Centre. The proposal prevents the fragmentation of land by consolidating 4 individual sites to allow for a suitably designed and high quality residential development.

4) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying the building separation development standard applicable to the subject site given above discussion. Despite the non-compliance the proposal provides for a suitably designed building with appropriate presentation to the street and the public domain. The proposal, inclusive of the variation to Clause 7.4, provides for appropriate internal amenity for future residents and does not detract from the amenity of the adjoining residents.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 7.4 “*Building Separation in Liverpool City Centre*” has satisfied the provisions of Clause 4.6 and is supported in this case.

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

No draft Environmental Planning Instruments applies to the site.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*, and Part 4 *Development in Liverpool City Centre*.

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

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies There are several non-significant trees located on site that will be removed as part of the proposal. The application was reviewed by Council's Public Domain and Open Space section who raised no concern with the proposal.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The landscape plan has been reviewed by Council's Public domain and open space section, who has raised no issues with the design. The Landscape Plan proposes a variety of planting along the street frontages, communal open space and podiums.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required	Not Applicable The development site is not within close proximity to a water course.

Development Control	Provision	Comment
	to seek controlled activity approval from the NSW Office of Water.	
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The development site is affected by flooding. This aspect has been reviewed by Council's Floodplain Engineers, who have raised no issues subject to conditions.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies A Preliminary Site investigation concluded that the site is considered suitable for the development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable Council's Heritage Officer has advised that the site does not have indications based on the last uses that it maintains a likelihood of archaeological finds or relics.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies Conditions will be imposed to ensure that the proposal does not detract from surrounding heritage items.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies In accordance with the LDCP 2008, the application was advertised on 13 February 2019 to 28

Development Control	Provision	Comment
		February 2019. One (1) submission has been received relating to the subject DA.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Complies The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: <ul style="list-style-type: none"> - 1 space per two studio apartments - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three or more bedroom units - 1 space per 10 units or part thereof, for visitors - 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building) 	Complies As discussed above in table under SEPP (Affordable Rental Housing) 2009, appropriate parking facilities are provided for the residential component.
	All other development <ul style="list-style-type: none"> - 1 space per 100sqm of floor area - Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. 	Complies <ul style="list-style-type: none"> - 300m² GFA of Anglicare Management; - 286m² GFA of Day Respite Centre; - 30m² GFA of kiosk. <p>A total of 6 car parking spaces are required. A total of 7 car parking spaces proposed associated with all other developments provided</p> <p>Two (2) spaces for loading and unloading proposed on the ground floor.</p>
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces	Complies A total of 70 parking spaces (excluding the car carwash/service bays) are provided which requires 3.5 motorcycle spaces. A total of 19 motorcycle spaces have been provided.
	Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.	Complies A total 1.44 spaces of the 70 parking spaces shall be accessible spaces. A total of 2 accessible spaces have been provided.
	1 bicycle space per 10 units for boarding houses and 1 bicycle space per 10 units for residential flat buildings.	Complies A total of 13.7 bicycle spaces are required. A total of 35 bicycle spaces are provided including

Development Control	Provision	Comment
		half which are accessible to visitors.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not Applicable The DA does not propose the subdivision of land.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction. On-going Waste Management: The development includes a waste storage area on Ground Level for waste collection and storage. The building has been designed to include waste chutes from the services cores on each level to the waste storage room on Basement Level 2. Bins will be wheeled to the front for collection and will be collected from Northumberland Street.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A comprehensive social impact comment shall be submitted for residential flat buildings greater than 20 units.	A social impact comment was submitted as part of the proposal. This was assessed by Council's Community Planners, who supported the subject DA with regards to social matters.

LDCP 2008 Part 4: Liverpool City Centre

Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	<p>Street building alignment and street setbacks applicable to the site is a 4-4.5m landscaped setback to Northumberland Street in this part of the city centre.</p> <p>Balconies may project up to 1.2m in high density residential zones.</p>	<p>Partial Non-compliance (Considered acceptable).</p> <p>The proposal is setback between 1m and 4.5m to Northumberland Street. The encroachment of the building envelope resulting in non-compliance of the front setback arose from design changes encouraged by Council's design excellence panel and were considered to be acceptable.</p> <p>Balcony encroachment is a maximum of 1.2m.</p>

Development Control	Provision	Comment
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies Projections into the building setbacks are provided for the awnings.
Street Frontage Height	A street frontage height (SFH) of 15m-25m is required for Northumberland Street in this part of the city centre.	Partial Non-compliance (Considered acceptable). The street frontage height is approximately 26.05m and therefore exceeds the control by 1.05 metres. It shall be noted that balustrades contribute to the height exceedance and that the building form does not exceed 25m.
Building Depth and Bulk	Maximum floor plate size of 500m ² (GFA) and building depth of 18m (excluding balconies) is required above street frontage height (i.e Level 8)	Complies The maximum floor plate size on each level do not exceed 500m ² and building depth of both floor plates do not exceed 18m in depth.
Side Setback	Residential uses up to 12m (i.e Ground floor, Level 1, Level 2 and Level 3) require a minimum side setback of: <ul style="list-style-type: none"> - 3m to non-habitable rooms. - 6m to habitable rooms. 	Partial non-compliance (Considered Acceptable) The development has a nil setback to the northern property boundary. Comment: As discussed previously, despite the setback non-compliances, the proposed building does not detract from the amenity of the adjoining residents. Appropriate solar access and acoustic privacy is provided through the building design. The proposal is also consistent with the majority of RFB's surrounding the development site which have non-compliant side setbacks and the provisions of the ADG.
	Residential uses between 12-25m (i.e. Level 4, Level 5, Level 6 and Level 7) require: <ul style="list-style-type: none"> - 4.5m to non-habitable rooms. - 9m to habitable rooms 	Partial non-compliance (Considered Acceptable) The development has a nil setback to the northern property boundary. Comment: As discussed previously, despite the setback non-compliances, the proposed building does not detract from the amenity of the adjoining residents. Appropriate solar access and acoustic privacy is provided through the building design. The proposal is also consistent with the majority of RFB's surrounding the development site which have non-compliant side setbacks and the provisions of the ADG.
	Residential uses between 25-45m (i.e. Level 8 and above) require: <ul style="list-style-type: none"> - 6m to non-habitable rooms. - 12m to habitable rooms 	Complies <ul style="list-style-type: none"> • Northern Boundary Side Setback of 12m is provided. • Western boundary side setback of 12m

Development Control	Provision	Comment
		provided.
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Complies Proposed site cover is 37%.
	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Complies Approximately 17% (475m ²) of the site area is a deep soil zone. Approximately, two thirds of the deep soil zone is located within the rear portion of the site and have a minimum dimension of 6m.
	Deep soil zones are to accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.	Complies The deep soil zones will include trees that will reach a mature height of ≥ 6m.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies An amended stormwater plan (drawing no: DAC03.01 Rev 3, dated 3 May 2019) details the inclusion of a 5kL rainwater tank as part of the onsite detention system. The tank is to be connected to the external irrigation system and internal water reticulation to allow for toilet flushing.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies Suitable landscape species have been chosen. The landscape plan has been reviewed by Council's Public Domain and Open Space section who has raised no issues.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Complies Existing street trees in front of the site are to be retained
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been reviewed by Council's public domain and open space officer, who has raised no issues in regards to this aspect, subject to conditions.
	Design for optimum conditions for plant growth by: - providing soil depth, soil volume and soil area	

Development Control	Provision	Comment
	<p>appropriate to the size of the plants to be established,</p> <ul style="list-style-type: none"> - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. <p>Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality. <p>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none"> - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume. 	
Amenity		
Front Fences	Controls relating to front fences	<p>Not Applicable</p> <p>Front fences are not proposed.</p>

Development Control	Provision	Comment
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles).	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Front entrances are provided to the street frontage.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and is easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDGP2008.	Complies Only one vehicle entry point is proposed from Northumberland Street.
	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Complies The proposed development will involve one vehicle entry point, for all vehicles and service vehicles.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	N/A The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	N/A The adjoining sites are already developed.
	Vehicle access ramps parallel to	N/A

Development Control	Provision	Comment
	the street frontage will not be permitted.	The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades are articulated through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and screens.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials shall not be used and conditions to be imposed.
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D perspective has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
	Traffic And Access	
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry point is orientated to the street and will be visible. The main entry is located after a large courtyard and communal area addressing the streetscape.

Development Control	Provision	Comment
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies There are no ground floor units proposed
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: <ul style="list-style-type: none"> - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 	Complies A driveway is provided located on the north-eastern side of the development with access from Northumberland Street. The location of the driveway will not be in conflict with any services located within the road reserve. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be able to enter and exit the site in a forward direction.

Development Control	Provision	Comment
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS, as per the comments from Council Traffic Engineers.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS, as per the comments from Council Traffic Engineers.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS, as per the comments from Council Traffic Engineers.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies Development has been designed to minimise noise impacts from vehicle access and basement car parking.
On Site Parking	<p>Car Parking Requirements</p> <ul style="list-style-type: none"> - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle <p>Motorcycle Car Parking Spaces</p> <ul style="list-style-type: none"> - 1 motorcycle space per 20 car spaces <p>Accessible Car Parking Spaces</p> <ul style="list-style-type: none"> - 2% of the total demand generated by a development. <p>Bicycle Parking</p> <ul style="list-style-type: none"> - 1 bicycle space per 200m² of LFA. 	<p>Complies</p> <p>24 (2 unit bedroom) x 1 car parking space = 24 spaces required</p> <p>4 (3 unit bedrooms) x 1.5 car parking spaces = 6 spaces required.</p> <p>The proposed development includes 30 car parking spaces in 2 levels of basement parking.</p>

Development Control	Provision	Comment
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	N/A
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	N/A Car parking above ground level is not provided.
	Onsite parking must meet the relevant Australian Standards	Complies Subject to conditions.
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Reflectivity	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Complies The interplay of building materials, including a composition of grey and white colorbond cladding, fully framed glass balustrade, brickwalls and fixed horizontal blade screens assists in creating a visually varied façade without cluttering the overall building appearance. It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies It is recommended that a condition is imposed to ensure compliance with this provision.
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required	N/A A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: - 10m/second in retail	Complies It is unlikely the proposed development will impact upon the public safety in terms of wind.

Development Control	Provision	Comment
	<p>streets,</p> <ul style="list-style-type: none"> - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets. <p>A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.</p>	<p>The applicant has submitted an environmental wind study (ref no: 610.18585-R01), prepared by SLR Consulting, dated May 2019. The wind assessment concluded that <i>the proposed development will comply with the adopted wind acceptability criteria at all pedestrian and public access locations within and around the development.</i></p>
	<p>Site design for tall buildings (towers) should:</p> <ul style="list-style-type: none"> - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, - consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and - ensure useability of open terraces and balconies. 	<p>Complies</p> <p>The proposed development has been designed in a wedding cake like design. The tallest building is located in the centre of the building envelope with the bulk and scale towards the lower floors of the development. The building is likely to be the only building within at least 30m of the site that will be above 35m and will be the largest structure on the block at this stage.</p> <p>In this regard the development is considered to comply with site design for tall building.</p>
Noise	<p>An acoustic report is required for all noise affected locations, as identified in figure 25.</p> <p>Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site.</p> <p>An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway</p>	<p>N/A</p> <p>An acoustic assessment was prepared for the proposed development. Conditions of consent shall be imposed to ensure acoustic treatment are proposed to mitigate road traffic noise and noise from adjacent dwellings.</p>
Waste	<p>Provisions must be provided for the following waste generation:</p> <ul style="list-style-type: none"> - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a 	<p>Complies</p> <p>On-going Waste Management:</p> <p>Bins will be wheeled to the front for collection and will be collected weekly from Northumberland Street and by a private</p>

Development Control	Provision	Comment
	communal waste bin of sufficient capacity to accept waste from landscape areas.	contractor.
	In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: <ul style="list-style-type: none"> - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas 	Complies The following comments are made: <ul style="list-style-type: none"> - The waste storage area will not be visible from the street. - It is also easily accessible for dwelling occupants. - The storage area will be managed by the body corporate - Water facilities can be conditioned. - The waste storage area does not immediately adjoin private open space, windows or clothes drying areas.
	The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	Complies The waste bins will be wheeled to the designated collection point for collection by a private contractor.
Controls for Residential Development		
Housing Choice Mix	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and 	Complies: The proposal provides for 71% for studio apartments and 29% 1 bedroom units associated with social affordable housing. 86% two bedroom units and 14% three bedroom units are provided for strata component of the development.
	For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	N/A

Development Control	Provision	Comment
	For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.	N/A The development will not be built by the Department of Housing.
	For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	Complies 13 adaptable units are proposed.
	Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	Complies Adaptable units are provided throughout various levels of the buildings. However, this is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies An access report prepared by iaccess consultants (job no: IAC-953) dated 27 November 2018 was submitted as part of the application.

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

No planning agreement relates to the site or proposed development.

6.6 Section 4.15 (1)(a)(iv) – The Regulations

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

6.7 Section 4.15 (1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

6.8 Section 4.15 (1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

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

The proposed scheme with two semi-detached blocks separated by a central communal open space area and common vertical circulation is considered to be an appropriate design, which is responsive to the location and the orientation of the site, and importantly adjacent parkland. The development satisfactorily addresses Northumberland Street with built form that would interact with this space. The proposal has been designed with adequate regard to the western, northern and southern adjoining sites and has been significantly redesigned since lodgement to reduce impacts to these properties where reasonable.

Natural Environment

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

The proposed development was referred to Council's public domain and open space officer who has raised no objections or issues with the proposal, subject to conditions of consent.

(b) Social Impacts and Economic Impacts

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

The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the on-going building maintenance. The development will result in increased housing availability within walking distance of an existing regional economic centre.

6.9 Section 4.15 (1)(c) – The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of LLEP 2008 and LDCP 2008 as outlined in this report. The identified variations have been considered and are supported as they do not

result in any adverse impacts to the locality. Overall the development is considered to satisfy the relevant controls for site selection.

6.10 Section 4.15 (1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

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

Department	Comments
Building	The application is capable of complying with the BCA, subject to conditions.
Engineering	Engineering have reviewed the concept stormwater drainage plan, and have given their support of the application subject to conditions.
Heritage Advisor	The proposed development will not have an adverse on the surrounding heritage items No.89 and 90.
Flooding	The proposal was reviewed by Council's flooding engineers and considered satisfactory subject to conditions of consent.
Landscaping	Council's public domain and open space officer has reviewed the proposed landscaping plan, tree removal and the proposed retention of trees, with no issues raised, subject to conditions.
Traffic and Transport	The traffic and Transport support the application, subject to conditions.
Environmental Health	The proposal was reviewed by Council's Environmental Health Section and considered satisfactory subject to conditions of consent.
Community Planning	No objections are raised with regards to the proposed development.

(b) External Referrals

The following comments have been received from External Departments:

Department	Comments
Endeavour Energy	Support application, subject to conditions
Bankstown Airport Aerodrome	Application supported
NSW Health – Air Ambulance	Application supported
Careflight	Application supported

(c) Community Consultation

In accordance with the LDCP 2008, the application was advertised for fourteen (14) days between 13 February 2019 and 28 February 2019. One (1) submission has been received relating to the subject DA.

Issues	Comment
Privacy and overshadowing	
1) Solar access to living room, bedroom and balcony;	The ADG states that for buildings on adjoining sites i.e. 12-18 Bathurst Street, a separation distance of 6 metres between non-habitable rooms and 12 metres between habitable rooms/balconies is required. The proposed development meets this
2) Privacy of living room, bedroom and balcony as viewed from proposed development balconies	

	<p>requirement.</p> <p>As such, the separation between windows and balconies that is provided in the proposed development ensures visual privacy is achieved with reference to the ADG.</p> <p>Shadow diagrams were provided with DA-950/2018 and illustrate a reduction in shadow impact to 12 – 18 Bathurst Street, Liverpool.</p>
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6.11 Section 4.15 (1)(e) – The Public Interest

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

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

7 SECTION 7.11 CONTRIBUTIONS

Section 7.12 of the Act is applicable to development in the Liverpool City Centre. The applicable contribution amount for the subject proposal is **\$1,108,527**

8 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

It is for these reasons that the proposed development is considered to be satisfactory and DA-950/2018 is recommended for approval, subject to conditions.

9 ATTACHMENTS

1. Recommended conditions of consent
2. Architectural plans
3. Landscape plans
4. Survey plan
5. Design Excellence Panel Comments
6. Statement of Environmental Effects with clause 4.6 variation
7. Site Isolation Documentation
8. Geotechnical report
9. Noise Impact Assessment
10. Arborist Report
11. Hydraulic Services Report
12. Fire Services Report
13. Electrical Services Report
14. Mechanical Services Report
15. Operational Plan of Management
16. Civil drawings