

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-117
DA Number	DA-790/2020
LGA	Liverpool City Council
Proposed Development	Consolidation of 5 lots into 2, construction of a 6-storey affordable housing residential flat building with 43 apartments and 1 level of basement parking, associated tree removal and landscaping to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Street Address	2 Hinkler Avenue, Warwick Farm; 2 McGirr Parade, Warwick Farm; 4 McGirr Parade, Warwick Farm; 11 Mannix Parade, Warwick Farm; and 13 Mannix Parade, Warwick Farm Lot 8 DP 36641, Lot 9 DP 36641, Cnr Lot 10 DP 36641, Lot 26 DP 36641, Cnr Lot 27 DP 36641
Applicant/Owner	Mecone NSW Pty Ltd / New South Wales Land and Housing Corporation
Date of DA lodgement	23 September 2020
Number of Submissions	Two (2) individual submissions
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development))	The development is affordable housing with a CIV of over \$5m and lodged on behalf of a crown authority (Land and Housing Corporation - LAHC), pursuant to Clause 5 of Schedule 7.
List of all relevant s4.15(1)(a) matters	<p>1. <i>List all of the relevant environmental planning instruments: s4.15(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 No.55 – Remediation of Land. ○ State Environmental Planning Policy (Affordable Rental Housing) 2009. ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. ○ Liverpool Local Environmental Plan 2008. <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: s4.15(1)(a)(ii):</i></p> <ul style="list-style-type: none"> ○ No draft Environmental Planning Instruments apply to the site. <p>3. <i>List any relevant development control plans: s4.15(1)(a)(iii):</i></p> <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 - Part 1 – General Controls for all Development

	<ul style="list-style-type: none"> - Part 3.7 – Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre) <p>4. <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv):</i></p> <ul style="list-style-type: none"> ○ No planning agreement relates to the site or proposed development. <p>5. <i>List any relevant regulations: s4.15(1)(a)(iv):</i></p> <ul style="list-style-type: none"> ○ Consideration of the provisions of the Building Code of Australia (BCA) and National Construction Code (NCC).
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Recommended conditions of consent 2. Architectural plans 3. Landscape plans 4. Stormwater plans 5. Height analysis 6. Survey Plan 7. Statement of Environmental Effects, and Addendum to SEE 8. Design Verification Statement 9. Traffic Impact Assessment 10. Salinity Management Plan 11. Remediation Action Plan 12. Landscape Development Application Design Report 13. Operational Waste Management Plan 14. Demolition & Construction Waste Management Plan 15. Acoustic Report 16. Arboricultural Impact Assessment 17. BASIX Certificate 18. Access Assessment Report 19. BCA Design Assessment Report
Summary of key submissions	<p>Two (2) submissions were received that raised the following concerns:</p> <ul style="list-style-type: none"> ○ Building height ○ Inconsistent with the surrounding residential character/ambience ○ Traffic impacts in the street and general area ○ Insufficient parking within the development causing additional on-street parking, which will increase hazards to pedestrians and traffic ○ Surveillance issues associated with basement carparking ○ Safety concerns evacuating residents and access for emergency services ○ The applicant has not communicated why it prefers this style of development compared with lower density buildings ○ Devaluation of surrounding property ○ Spreading of contagious viruses ○ Duration of notification period ○ Solar access and overshadowing ○ Apartment mix ○ Lack of internal and communal open space ○ Pressure on existing utility services
Report prepared by	Patrick Curmi – Senior Development Planner

Report date	24 May 2021
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Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <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?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <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 (SWCPP) is the determining authority as the development includes affordable housing with a Capital Investment Value over \$5 million, pursuant to Clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The application seeks consent for consolidation of 5 lots into 2 lots, construction of a 6-storey affordable housing residential flat building with 43 apartments and 1 level of basement parking on proposed lot 273, associated tree removal and landscaping to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

1.3 The site

The subject site is identified as Lot 8, Lot 9 & Cnr Lot 10 DP 3664 and Lot 26 & Cnr Lot 27 DP 36641, being 2 Hinkler Avenue, 2 & 4 McGirr Parade and 11 & 13 Mannix Parade, Warwick Farm.

1.4 The issues

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

1. The proposed development would have a minimum setback of 4.5m to McGirr Parade and 4.6m to Mannix Parade. The variation to the front and secondary setback is considered to be acceptable as the development is unlikely to negatively impact the streetscape, neighbouring properties as well as the subject property. The design of residential flat building has carefully addressed the potential impacts of the lesser setbacks and has been able to achieve the objectives of the controls, despite the numerical variation.
2. There are inconsistencies with the Apartment Design Guide (ADG) relating to building separation. Building Separation (ADG) requires side setbacks of 6m for habitable rooms and balconies up to 12m (1-4 storeys). The applicant proposes minor side setback intrusions of 560mm for three balconies at levels 1-3. However, the proposal is considered to have adequately addressed these inconsistencies and therefore is considered acceptable with regards to the ADG.

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

1.5 Exhibition of the proposal

In accordance with the Liverpool Community Participation Plan 2019, the application was notified for a 14-day period, from 17 November to 2 December 2020. Two (2) submissions were received in relation to the proposed development during the public consultation process. The issues raised within the submissions are discussed within the report.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the

amendments made to the original proposal by the applicant, it is recommended that the DA be approved, subject to the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 8, Lot 9 & Cnr Lot 10 DP 3664 and Lot 26 & Cnr Lot 27 DP 36641, being 2 Hinkler Avenue, 2 & 4 McGirr Parade and 11 & 13 Mannix Parade, Warwick Farm. The combined sites are irregular in shape with a total area of 2929m². The boundaries are described as follows:

- North boundary (adjoins McGirr Parade): 69.10m;
- East boundary (adjoins Mannix Parade): 43.60m;
- South boundary (adjoins residential lots): 68.39m; and
- West boundary (adjoins Hinkler Avenue): 26.87m.

The site is currently occupied by 5 single storey detached dwellings. The site slopes approximately 2 metres from south to the north (i.e. rear to front).



Figure 1: Aerial Photograph

2.2 The locality

The subject site is located at the corner of McGirr Parade & Mannix Parade and corner of McGirr Parade & Hinkler Avenue. The site is located 329.44m north west of Warwick Farm Railway Station and approximately 90m north of the Hume Highway.

The local area is characterised predominantly of low and medium density residential development. Development to the immediate south and west consists of detached dwelling houses. However, there is also some high-density development to the immediate north and east consists of three storey residential flat buildings.

Although the general locality is predominantly characterised by lower density residential accommodation, the locality is under transition with the west zoned for medium density residential development and the north, south and east zoned for high density residential development.



Figure 2: Context

2.3 Site affectations

2.3.1 Classified Road Noise Impacts

The south east portion of the site is partially mapped as being subject to classified road noise impacts due to its proximity to the Hume Highway to the south. An acoustic assessment has been prepared by Wood & Grieve Engineers which provides recommendations on how the proposed development can be designed and managed to assist in mitigating acoustic transfer between the immediate locality and the subject site. The acoustic report was reviewed by Councils Environmental Health department who raised no objection to the acoustic report, subject to conditions.

3. BACKGROUND

3.1 Design Excellence Panel

The proposal was presented to Council's Design Excellence Panel (DEP) on 11 June 2020 at Pre-DA stage. The DEP provided the following comments in relation to this proposal:

Context

- The panel notes (i.e. as noted in the Pre-DA advice), that the applicant owns the adjacent block. The panel recommends that the applicant prepares a drawing showing what the built form will look like on the neighbouring site, to see how the two sites relate to each other, and the impacts of both developments. In particular indicate the relationship of entrances for occupants and also car access requirements to basements.*

Council Comment: The applicant has provided an indicative massing for the adjacent site as requested. The massing indicates the adjacent site capable of accommodating a residential flat building, however, has not provided design details of future car parking

entrances, which can be address when a development application is prepared for the adjoining site.

- *This will be a precedent-setting development, being the first building of its kind within a new High-Density residential zone. The panel notes that the building envelopes set within the LEP and DCP are a key factor in shaping the future neighbourhood character. The proposed scheme exceeds Council's LEP controls for maximum permissible building height and DCP controls for minimum setback distance (i.e. along McGirr Parade). The panel does not support these breaches and recommends further investigation for achieving compliance with Council's controls for the site.*

Council Comment: The maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. The applicant has provided a compliant building height reducing the development to 20.98m. The applicant has also responded to the DEP comments regarding the setback along McGirr Parade (See *Built Form + Scale*) and increased the setback along McGirr Parade by over 1 metre.

- *The panel is concerned about the overshadowing of the neighbouring property (i.e. to the south).*

Council Comment: As abovementioned, the building height has been reduced to 20.98m. Therefore, overshadowing of the neighbouring properties has been minimised during mid-winter. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.

- *The panel recommends preparing a scheme that demonstrates compliance with ADG requirements and ensures that all of the neighbouring sites will be capable of being developed.*

Council Comment: The proposal is generally compliant with the provisions of LLEP 2008 and Apartment Design Guide as outlined in this report. The identified variations have been considered and are supported as they do not result in any adverse impacts which would prevent adjoining sites from being capable of being developed.

Built Form + Scale

- *As noted in 4.1 'Context', the panel recommends compliance with Council's controls for maximum possible building height and setback distances.*

Council Comment: As abovementioned, the maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. The applicant has provided a compliant building height reducing the development to 20.98m. The applicant has also responded to the DEP comments regarding the setback along McGirr Parade (See *Built Form + Scale*) and increased the setback along McGirr Parade by over 1 metre.

- *The panel notes that the ground floor of the building is approximately 1 metre above existing ground level, (noted by the applicant as a response to stormwater/engineering levels) which is resulting in a physical and visual disconnection between the street and building, and a 1:1 landscaped batter on McGirr Street which the Panel believes will be difficult to maintain. The height breach is also partly a result of the raised ground floor level.*

Council Comment: As abovementioned, the maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. The applicant has provided a compliant building height reducing the development to 20.98m. The applicant has also provided an increased setback to McGirr Parade to encourage a higher quality of landscaping within the front setback. Furthermore, the proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species subject to conditions of consent.

- *The panel recommends that the height of the ground floor of the building is lowered to the existing level of McGirr Parade, and respective stormwater/engineering issues resolved, to enable this to occur. The panel accepts that in doing so, there may still be a height non-compliance of up to about 1.8m, however this will improve the relationship between the development and street front and the Panel may support this minor breach.*

Council Comment: As abovementioned, the maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. The applicant has provided a compliant building height reducing the development to 20.98m. The ground floor has been slightly lowered to improve the relationship between the development and street frontage.

- *The panel appreciates that the submission aimed to reduce the setback to the north (from McGirr Parade) to ameliorate overshadowing to the southern blocks, however on balance the Panel recommends increasing the setback by 1 metre. It should still be possible to maintain solar access to the southern sites, particularly if some or all of the unused compliant building volume along the western side of the building is captured. The proposal should also include additional landscaping along the McGirr Parade frontage to address potential privacy issues, particularly in relation to the bus stop in the middle of the McGirr frontage.*

Council Comment: The applicant has responded to the DEP comments regarding the setback along McGirr Parade increasing the setback along McGirr Parade by over 1 metre.

Density

- *The panel notes that there is a non-compliance with Council's DCP controls for density on the site, however the panel accepts this non-compliance if the issues noted in 4.2 'Built Form & Scale' is addressed. The Panel does not support exceedance of the LEP density control.*

Council Comment: The development also proposes a floor space ratio (FSR) and building height that is within the allowable FSR and building height for the site, which in turn results in a development that is considered to be of an appropriate density for the locality.

- *There is unused floor space within the permitted envelope along the western side of the site, next to the driveway. (The Panel agrees that the applicant's strategy of moving bulk away from the southern side of the site is appropriate.) According to drawing A-850-011, if ADG setback provisions for habitable rooms/balconies are followed, this unused envelope comprises, for GF to L3, area to the west of Unit .07 and above. For non-habitable rooms (including openings with fixed translucent glass in habitable rooms) unused envelope comprises: for GF to L3, a strip 3.0m wide along the western edge, between the 3.0m and 6.0m setbacks; for L4 to L6, a strip 4.5m wide along the western edge, between the 4.5m and 9.0m setbacks. Utilisation of some or all of this potential*

building volume would help address the floor area lost once the proposal is re-worked to provide the additional metre of setback from McGirr Parade recommended above. Consideration must still be given as to how this will affect the development potential of the adjacent site to the west, but provided ADG setbacks are complied with, the Panel believes the resultant outcome will be acceptable if a greater street setback from McGirr is achieved.

Council Comment: The building has been shifted south in order to accommodate the increase in setback from McGirr Parade. The unused floor space has been utilised for waste holding purposes.

Sustainability

- *The panel recommends incorporating passive energy-saving techniques (e.g. insulation, high performance glazing, no thermal bridges, well-sealed building envelope and energy efficient lights and appliances) to provide increased comfort, improved health and lower living costs for residents.*

Council Comment: A compliant BASIX Certificate has been provided which outlines energy conservation commitments.

- *The panel supports the inclusion of solar panels on the rooftop of the building. These should be able to offset most of the energy used in operation if passive house certification can be achieved.*

Council Comment: The design has been modified to incorporate solar panels on the rooftop of the building.

Landscape

- *As noted in 4.2 'Built Form & Scale' the panel is concerned with how the ground floor level of the building meets with the McGirr Parade frontage, including the proposed 1:1 batter. A more resolved landscape solution is needed and a more holistic response to the public domain (in particular the bus shelter /seating area along the McGirr Parade frontage) needs to be prepared, in order to support the urban typology of the street and mitigate the impacts of the reduced setback.*

Council Comment: The applicant has provided an increased setback to McGirr Parade to encourage a higher quality of landscape within the front setback. Furthermore, the ground floor has been slightly lowered to improve the relationship between the development and street front. The updated landscape plans have been reviewed by Council's Landscape officer, who has supported the landscape plan, planting selections and use of species subject to conditions of consent. Public domain works (upgrading the footpaths and bus shelter) have been proposed as conditions of consent.

Amenity

- *The panel recommends including landscaping along the western boundary (i.e. next to driveway) and the addition of a pergola over the driveway, with greenery growing over it, to ameliorate the impacts of the driveway, provide landscape amenity, and act as a marker to the driveway entry, thereby increasing safety.*

Council Comment: The applicant has proposed additional landscaping along the western boundary and a pergola over the driveway to ameliorate the visual impacts of the driveway.

- *The panel recommends considering double glazed windows on the McGirr Parade frontage, to mitigate the noise impacts of the busy road and bus stop while making the dwellings more thermally comfortable.*

Council Comment: An acoustic assessment has been prepared by Wood & Grieve Engineers which provides recommendations on how the proposed development can be designed and managed to assist in mitigating acoustic transfer between the immediate locality and the subject site. The acoustic report was reviewed by Councils Environmental Health department who raised no objection to the acoustic report, subject to conditions.

Safety

- *The recommendations made in 4.2 'Built Form & Scale' regarding lowering the level of the ground floor of the building to the existing ground level along the McGirr Parade frontage, will negate the need for the main entry stairs and access ramp on Mannix Parade and 1:1 landscape batter on McGirr Parade, which will improve entry quality and passive surveillance over the street, thereby increasing the safety of the site.*

Council Comment: Noted.

Housing Diversity + Social Interaction

- *The panel accept the building mix, given that it is an affordable housing development and the panel understands the demand for social housing in this location.*

Council Comment: Noted.

Aesthetics

- *The panel supports and commends the overall aesthetics of the development, noting that it is finely tuned for an affordable housing development.*

Council Comment: Noted.

- *The panel supports the mix of materials, detailing, and choice of robust and durable materials such as brickwork.*

Council Comment: Noted.

- *The panel supports the setting back of the top floor of the building.*

Council Comment: Noted.

OUTCOME

- *The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:
The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.*

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

3.2 Planning Panel Briefing

The proposal was briefed to the Sydney Western City Planning Panel on 08 February 2020.

The issues outlined at the briefing to be addressed by Council are as follows:

- *The site is 600 metres from station and appears to be well suited for the proposed use.*

Council Comment: The site is located within an accessible 450m walking distance from Warwick Farm railway station.

- *Height controls in locality will be important due to the fact that this is the first application for a high-density typology in this precinct. The Council has rightly emphasised that compliance with the height standard is expected. Similarly, the Panel would expect to see attention to the ADG and DCP minimum setback requirements. If this development is approved in the current form, it will have implications when seeking to apply the DCP control along McGirr Street with future developments to the west. However, the Panel notes that the proposal is providing affordable housing, and benefits from an increased FSR under the ARHSEPP. This may require some flexibility in relation to DCP compliance.*

Council Comment: The maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. A compliant building height of 20.98m has been proposed. The applicant has proposed an increase setback to McGirr Parade to allow for a minimum setback of 4.5m which satisfies the setback objectives whilst still minimising overshadowing of adjoining properties to the south.

- *The Panel notes that the Applicant has indicated a commitment to including solar panels in the design which is encouraged to achieve overall ecological performance.*

Council Comment: The design has incorporated solar panels on the rooftop of the building.

- *The present scheme has no meaningful point of access to the McGirr Street frontage, other than a corridor accessing the bin room. Possible relocation of the bin room to the basement might improve amenity. Management of on street waste collection may need attention generally, possibly with reference to the proposals for the adjoining land controlled by the applicant.*

Council Comment: The applicant has not proposed the relocation of the bin room to the basement. The applicant contends having a single pedestrian entry provides a greater level of crime prevention through environmental design through having greater control and surveillance from a single-entry point. Furthermore, the applicant has proposed to locate the bin room on the ground floor for ease of access for the collection of waste bins from the street. The proposal was referred to Councils Waste Management Department who suggested the proposed collection of waste bins from the street is a practical option and was supportive of the proposed development, subject to conditions of consent.

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

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Removal of two (2) trees. All trees proposed to be removed are within the site boundaries. All trees to be removed would be replaced with appropriate species;
- The consolidation of 5 existing lots into 2 lots (proposed lots 272 and 273). See Figure 3 below. lot. No construction proposed on the proposed lot 272 as part of this application;

Note: It has been conditioned that prior to issue of a subdivision certificate that existing structures must be removed from the proposed lots.

- Construction of a six (6) storey residential flat building containing forty-three (43) residential apartments on the proposed lot 273, plus one (1) basement car parking level. All of the apartments within the development would be for in-fill affordable housing;
- The RFB is a single structure with dedicated services (i.e. a lobby, lift, common stairway, etc.);
- Communal Open space is located on the ground floor level to the south of the site;
- Primary Deep soil is located to the south of the site; and
- A breakdown of the proposed apartment mix and types are as follows:

Dwelling types:	Dwelling numbers	Percent
1 Bedroom	21	48.8%
2 Bedroom	22	51.2%
Total	43	100%

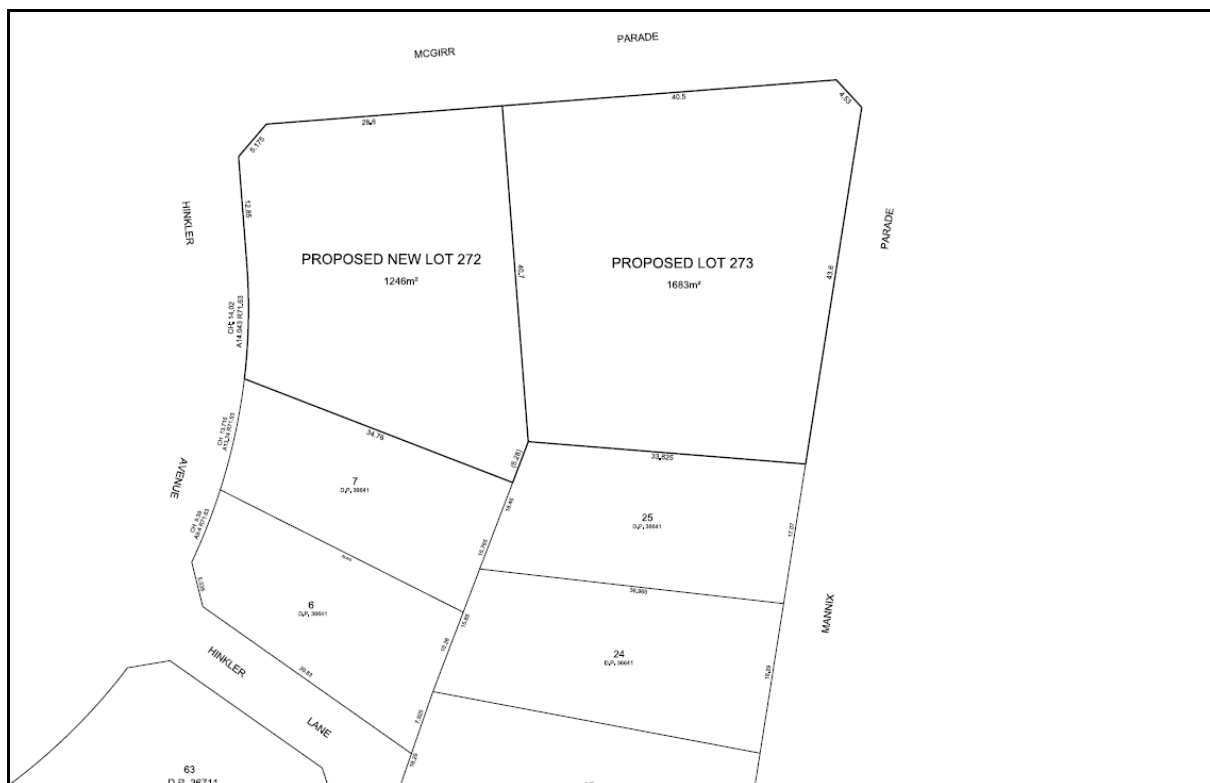


Figure 3: Proposed Lot Consolidation

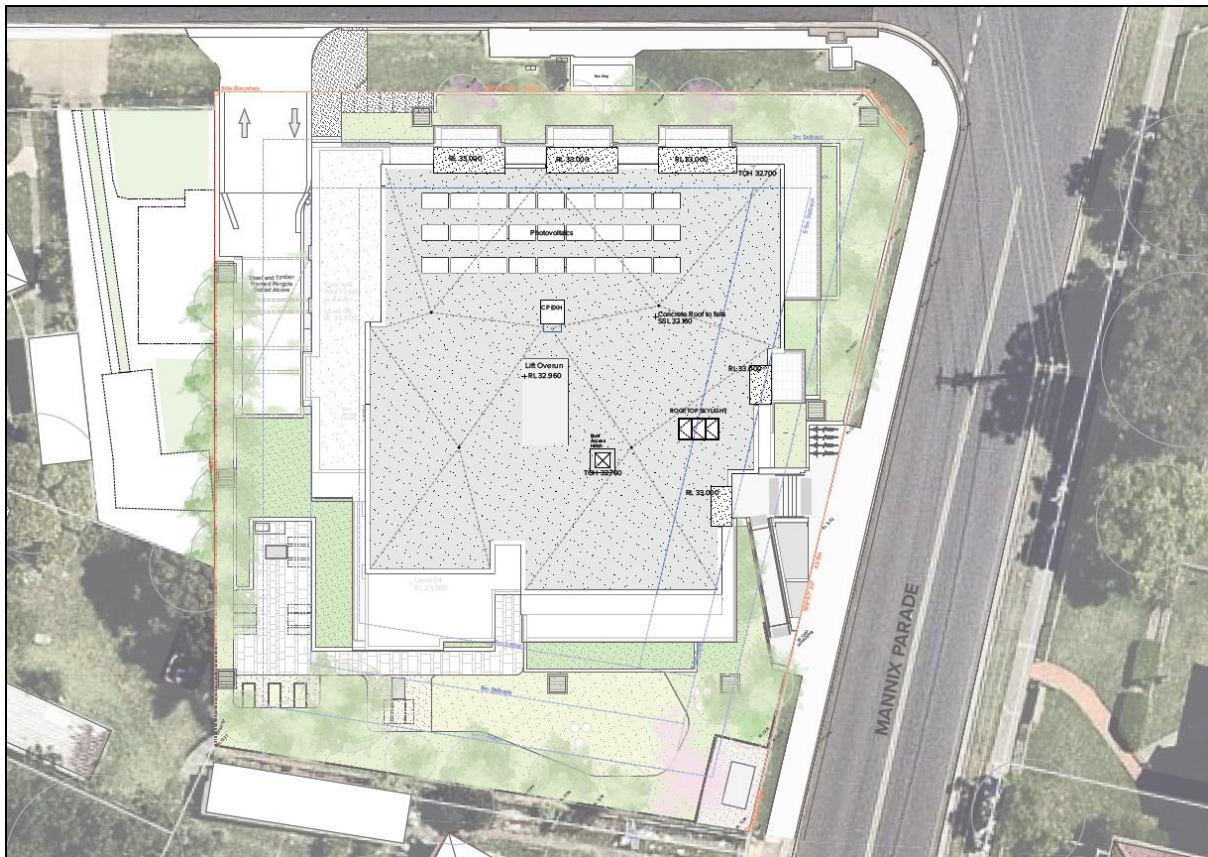


Figure 4: Proposed Site Layout

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

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

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

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in the figure below. The proposed development would be defined as a “residential flat building” and “subdivision”, which is a permissible use with consent within the R4 High Density Residential Zone.



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:

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

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	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>The proposal is for a residential flat development. Located within an area of R4 zoning, the proposed development is considered likely to bring increased streetscape amenity to the local community. The development incorporates an active street frontage design that is considered to contribute to the community by generating a point of visual interest that interacts and compliments the area.</i></p> <p><i>The development site is located in a highly serviced area with access to a variety of public transport services, educational services, employment opportunities, commercial/retail services, recreation facilities and community uses.</i></p> <p><i>Accordingly, the proposed intensification of the site, from 5 dwellings to 43 residential apartments, will facilitate the increased accessibility of services to future occupants of Liverpool City Centre.</i></p> <p><i>As building forms for adjacent sites have been modelled, it is considered to appropriately respond to the neighbourhood and streetscape character; both existing and desired.</i></p>
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><i>The bulk of the proposed development is consistent with the controls set out in the LEP 2008 and LDCP 2008. The building is situated within the site boundaries and is appropriately set back from Mannix and McGirr Parade. The development also proposes a floor space ratio (FSR) and building height that is within the allowable FSR and building height for the site, which in turn results in a development that is considered to be of an appropriate built form and scale.</i></p> <p><i>Building mass is also articulated to reduce the perceived bulk of the development.</i></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><i>This application proposes an FSR of 1.986:1 for this site which complies with the maximum densities set out in the ARH SEPP (2009).</i></p> <p><i>The proposed density will benefit the public by enabling the proposed building to respond to the future character of the R4 zone and the yield will facilitate a high-quality design outcome at the site. In this location, a well-designed residential flat development is likely to attract greater investment to the locality.</i></p> <p><i>High densities are also considered to be sustainable within this area as they are supported by the site's proximity to employment, transport and public open space.</i></p>
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><i>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</i></p> <p><i>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</i></p> <ul style="list-style-type: none"> - <i>All corner and cross through apartments are naturally ventilated.</i> - <i>Minimum 60% of apartments are cross-ventilated;</i> - <i>Minimum 70% of apartments have the required solar access in winter;</i> - <i>The development includes adequate amounts of deep soil zones.</i>
Design Principle 5 – Landscape	
<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><i>Apartments have been provided with private open space in excess of SEPP 65 requirements. Communal open space will incorporate a range of activities with communal gardens, rest areas and recreational spaces. The communal open space incorporates a mix of active and passive landscape spaces.</i></p> <p><i>The proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species.</i></p>

Design Quality Principle	Comment
<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>	
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><i>The development provides the following mix of units:</i></p> <ul style="list-style-type: none"> - 48.8% 1-bedroom apartments (21) - 51.2% 3-bedroom apartments (22) <p><i>The units are designed to the Universal Design standards, including the 10% requirement for adaptable housing (5 units).</i></p> <p><i>Apartments comply with storage requirements and additional storage areas are located in the basement carparking levels. These levels also have the capacity to accommodate parking for bicycles.</i></p> <p><i>Communal open spaces will provide passive and active recreational opportunities including: raised garden beds and benches for seating, grassed, paved and planted surfaces and shaded and sunny areas.</i></p> <p><i>Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.</i></p> <p><i>Interior corridors have access to daylight and natural ventilation, with views out of the building to improve both amenity and sustainability.</i></p>
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</p>	<p><i>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobby from the street.</i></p> <p><i>The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.</i></p> <p><i>Upper floor apartments will provide passive</i></p>

Design Quality Principle	Comment
<p>defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>surveillance of the street and opportunity for night-time activation. Apartments overlook communal open spaces providing passive surveillance to improve safety and the development has been designed to avoid blind corners and hidden spaces.</i></p> <p><i>Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is minimised to maximise street activation and surveillance.</i></p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>The proposed development provides housing choice through varied apartment sizes. The communal open spaces and public street interface will encourage social interaction amongst residents and the community.</i></p> <p><i>The provision of one and two bedroom apartments in the development will provide for more affordable typologies of housing.</i></p> <p><i>10% of units are designed to be adaptable to the needs of people with disabilities and to facilitate intergenerational changes and changing lifestyles.</i></p> <p><i>Dedicated residential communal open spaces are provided on the ground level to support the communal life of the building. These spaces have direct access from the lobby.</i></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><i>The street façade has been designed to give a consistent and pleasing appearance to McGirr and Mannix Parade. The interplay of building materials, including a composition of brown and off white brick, steel balustrades, and feature wall elements assist in creating a visually varied façade without cluttering the overall building appearance.</i></p> <p><i>The design response ensures an appropriate provision for the future desired character of the area as a high density residential area.</i></p>

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

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	<p>Complies.</p> <p>Building depths are generally less than 12m, with a maximum depth of 14.2m.</p>
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.
<p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	<p>Considered Acceptable.</p> <p><i>See justification below.</i></p> <p>Building separation of 5.44m proposed to western boundary from balconies at levels 1-3 (Unit 107, Unit 207 and Unit 307).</p> <p>Complies.</p> <p>6m separation to and southern boundaries between habitable rooms/balconies from ground level to level 3.</p>
<p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	<p>Complies.</p> <p>9m separation to western and southern boundaries between habitable rooms/balconies at levels 4 and 5. Roof terrace on level 4 to be only utilised for services and maintenance access.</p>
<u>Variation to 2F – Building Separation</u>	
<p>As indicated in the above table the development proposes potential future non-compliances with Section 2F – Building Separation for portions of the proposed building. This occurs with balconies at levels 1-3 (Unit 107, Unit 207 and Unit 307) to the western boundary. A small portion (up to 0.56m) of three balconies at levels 1-3 protrude into the separation requirement to the side of the site. See non-compliances in the figure below:</p>	

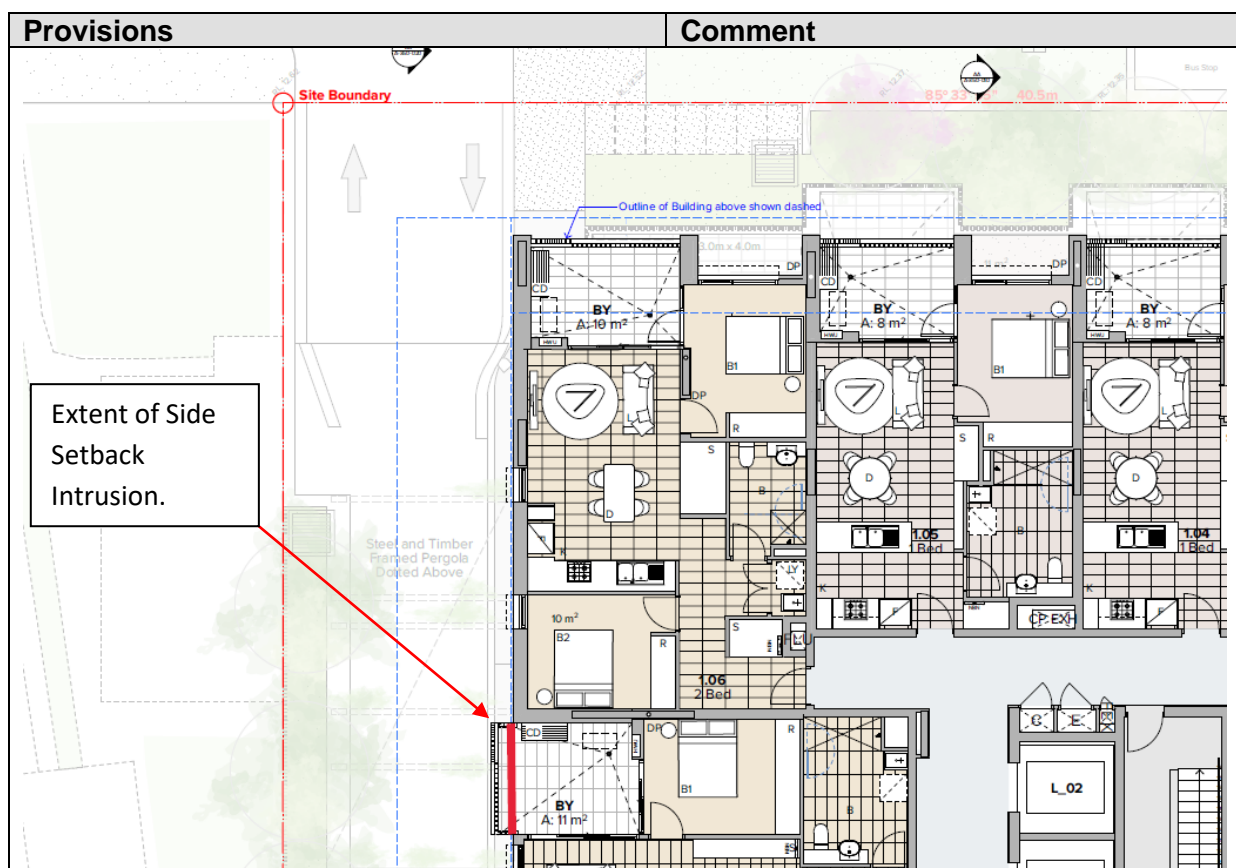


Figure 6: Extent of Side Setback Intrusion on levels 1-3

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

To address this, visual privacy measures to mitigate any potential overlooking impacts to future occupants' have been proposed by the applicant through incorporating aluminium privacy screens. Furthermore, the physical width of the balustrade means the closest location an individual could stand on the proposed balconies would be 5.65m from the western boundary, being only 350mm less than the 6m requirement. Additionally, given the layout of the proposal, adequate sunlight and daylight would still be received by the subject development should such a redevelopment of the neighbouring site occur.

It should be noted that the proposal complies with FSR and Building Height development standards and the proposal would not cause any undue overshadowing to any neighbouring residential sites, and is not considered to be an over development of the site with regards to the LLEP 2008 and ARH SEPP 2009.

Accordingly, the proposed variations to building separation are considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.

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.

Complies.

A detailed site analysis plan has been provided.

3B Orientation

Building types and layouts respond to the streetscape and site while optimising solar

Complies.

Provisions		Comment	
access within the development		The building type is appropriate for the streetscape. Overshadowing of neighbouring properties is minimised during mid-winter. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.	
Overshadowing of neighbouring properties is minimised during mid-winter.			
3D Communal and public open space			
Communal open space has a minimum area equal to 25% of the site		Complies. Approximately 459.21m ² of communal open space is provided at ground floor, which is 27.3% of the site area. The principal usable part of the communal open space on the site is considered to achieve sufficient solar access between 9am and 3pm during mid-winter. The communal open space allows for a range of activities with communal gardens, rest areas and recreational spaces.	
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)			
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting			
3E Deep soil zones			
Deep soil zones are to meet the following minimum requirements:		Complies. Proposal provides 150.97m ² of deep soil zone, which is 8.9% of the site area. The deep soil zones at the south of the site have minimum dimensions 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:		Considered Acceptable. <i>See justification below.</i> Building separation of 5.44m proposed to western boundary from balconies at levels 1-3 (Unit 107, Unit 207 and Unit 307). Complies. 6m separation to and southern boundaries between habitable rooms/balconies from	
Building Height	Habitable Rooms and Balconies		Non Habitable Rooms
Up to 12m (4 storeys)	6m		3m

Provisions			Comment
			ground level to level 3.
12m to 25m (5-8 storeys)	9m	4.5m	Complies. 9m separation to western and southern boundaries between habitable rooms/ balconies at levels 4 and 5. Roof terrace on level 4 to be only utilised for services and maintenance access.
<u>Variation to 3F – Visual Privacy</u>			
The aims of section 3F – Visual Privacy of the ADG are as follows:			
<ul style="list-style-type: none">• Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy• Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space			
From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Privacy concerns to any future development of the adjacent lots can be alleviated via privacy screens. It should be noted that the building is under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.			
Therefore, notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to visual privacy.			
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:			Complies Bicycle parking is provided in accordance with the requirements of the LDGP 2008. Car parking has been provided in accordance with the ARH SEPP 2009.
<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			

Provisions	Comment
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	
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	
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. 32 Units proposed. 74.4% of units (43) will receive 2 hours sunlight. 1 unit (2.3%) are unlikely to receive any direct sunlight.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	
4B Natural Ventilation	
All habitable rooms are naturally ventilated	Complies. 26 units (60.4%) are cross-ventilated. Those that are single aspect are naturally ventilated. Building depths are generally less than 12m, with a maximum depth of 14.2m.
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	

Provisions		Comment
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Complies. 3100mm floor to floor heights are provided. This will allow 2700mm floor ceiling heights to be achieved.
Minimum ceiling height		
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		
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. All 1-bedroom units are equal to or greater than 50m². All 2-bedroom units are greater than 70m². All units have one bathroom.
Apartment Type		
Minimum Internal Area		
Studio	35m²	
1 bedroom	50m²	
2 bedroom	70m²	
3 bedroom	90m²	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each		
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.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies. Habitable room depths are all less than 2.5 x the ceiling height.

Provisions			Comment
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 6-8m 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:			Complies. The development provides for sufficient balcony areas and with adequate 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	
The minimum balcony depth to be counted as contributing to the balcony area is 1m			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			Complies. The development provides for sufficient balcony size and depth for all units. Also, ground floor level units are provided with sufficient private open space area and minimum width requirement.
4F Common Circulation and Spaces			
The maximum number of apartments off a circulation core on a single level is eight.			Complies. There are two centrally located lifts that service at a maximum of 8 units on a single level.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			Not applicable. The building is 6-storeys in height.
Common circulation spaces promote safety and			

Provisions		Comment
provide social interaction between residents.		
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		Complies. In excess of half of the required storage space is provided within units. The applicant has also provided storage in basement, but this is not allocated to individual units at this stage.
Dwelling Type	Storage Size Volume	
Studio	4m ³	
1 bedroom	6m ³	
2 bedroom	8m ³	
3 bedroom	10m ³	
At least 50% of the required storage is to be located within the apartment.		
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout		Complies. The assessment shows that the development is feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community.
Noise impacts are mitigated within apartments through layout and acoustic treatments		
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future		Complies. The proposal provides a suitable mix of units spread across the different floors of the building.
The apartment mix is distributed to suitable locations within the building		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located		Complies. The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active environment to the street.
Design of ground floor apartments delivers amenity and safety for residents		
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area		Complies. Building façades are articulated and modulated through the use of balconies, varying windows and recessed elements. Ground floor building entries are clearly defined and articulated by the façade. 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, and the flat roof design echoes the horizontality of the building elements. The
Opportunities to use roof space for residential accommodation and open space are maximised		

Provisions	Comment
Roof design incorporates sustainability features	development provides provision for photovoltaic panels on the roof, so is in accordance with these objectives.
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. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies. As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes. The DA has been reviewed by Council's Tree Officer who has raised no objections to the landscape design.
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 wheelchair access. A ramp is provided at the entry of the building, also allowing wheelchair access to Ground Floor apartments. 11.6% of units are adaptable.
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. There is no mix of uses.

Provisions	Comment
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Not Applicable. No signage or awnings proposed.
Signage responds to the context and desired streetscape character	
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 minimised 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	
Flood management systems are integrated into site design	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	Not applicable. The site is not on flood prone land.
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 will be maintained by the caretaker.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs.	

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

A Detailed Site Investigation report was submitted with the application for Council assessment. The Detailed Site Investigation has identified that contamination of soils is present on the proposed development site and that the existing structures are likely to contain Asbestos Containing materials (ACM). The Detailed Site Investigation report recommends a Remedial Action Plan.

A Remedial Action Plan was submitted to Council for assessment. The documents have been prepared in general compliance with the Guidelines for Consultants Reporting on Contaminated Sites and other relevant policies and guidelines.

The proposal was referred to Council's Environmental Health Branch for review. Council's Environmental Health Branch has reviewed the assessment and concurs with the findings. Accordingly, no objection is raised by Council's Environmental Health Branch to the proposed development, subject to conditions of consent.

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

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

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

Provision	Comment
Part 2 New Affordable Rental Housing – Division 1 In-Fill Affordable Housing	
Clause 10 Development to which Division Applies	
(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.	Complies. The development is permitted with consent under LLEP 2008 and the site does not contain a heritage item.
(2) Despite subclause (1), this Division does not	Complies.

apply to development on land in the Sydney region unless all or part of the development is within an accessible area.

'accessible area' means land that is within 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates.

The site is 450m walking distance from Warwick Farm railway station.

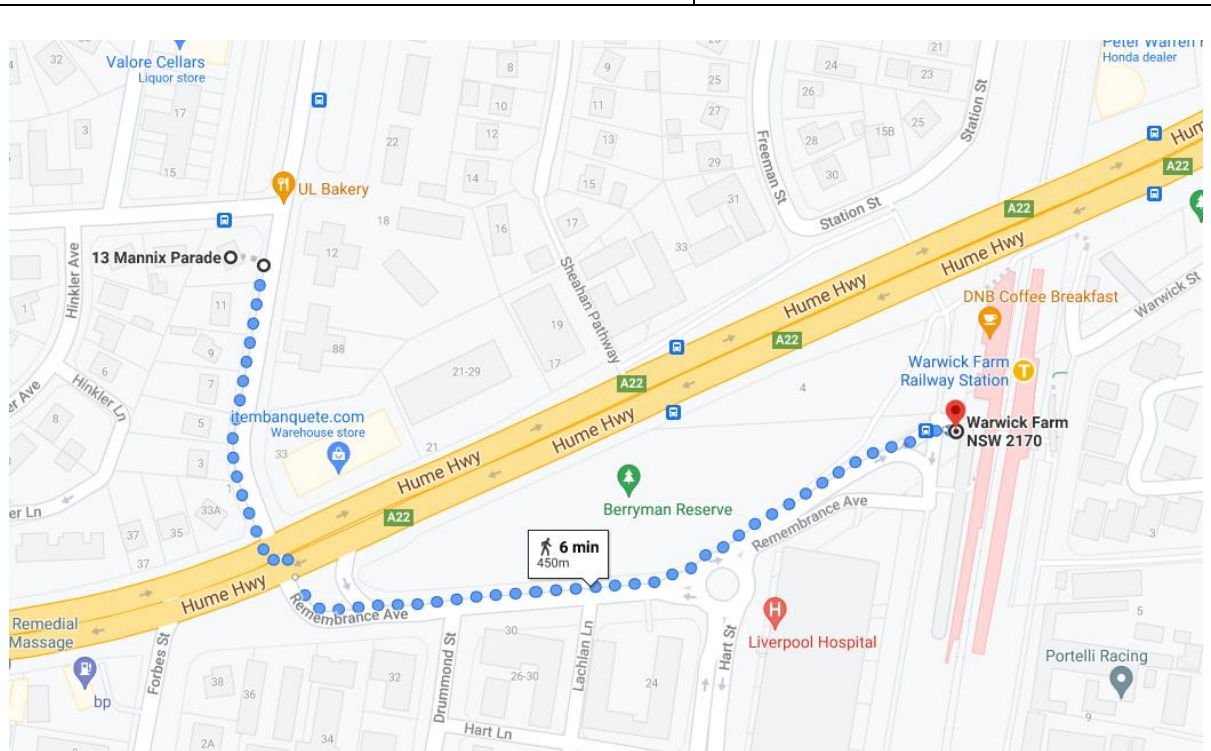


Figure 7: Plan showing site in relation to train station.

Clause 13 Floor Space ratio

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

Complies.

It is proposed that 100% of the gross floor area of the development will be utilised for the purpose of in-fill affordable housing.

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

Complies.

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

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

Pursuant to the LLEP 2008, the FSR for the site is 1.5:1. However, the SEPP (Affordable Rental Housing) 2009 provides a bonus of 0.5:1 for sites located in an 'accessible area' in which 100% of the units are designated for affordable housing.

All units are designated for the purpose of affordable housing. Therefore, the total permissible FSR is 2:1 (1.5 + 0.5) or a GFA yield of 3,366m². The

<p>$Y = AH \div 100$ - AH is the percentage of the gross floor area of the development that is used for affordable housing</p>	<p>proposed GFA complies with this development standard.</p> <p>FSR= 3342.879/1683</p> <p>= 1.986:1</p>
<p>Clause 14 Standards that cannot be used to refuse consent</p>	
<p><i>(1) Site and solar access requirements</i> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p>(b) Site Area if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	<p>Complies.</p> <p>The development site has an area of 1683m².</p>
<p>(c) landscaped area: if:</p> <ul style="list-style-type: none"> (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 (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped, 	<p>Considered acceptable.</p> <p>The proposal has been prepared by New South Wales Land and Housing Corporation, a social housing provider. The development contains 43 units, which equates to 1,505m² of landscaped area.</p> <p>In this instance, compliance with the standard is considered to be unreasonable, given that the required area is 89.4% of the site area itself of 1,683m². On the other hand, the relevant landscape requirement is contained in the ADG and LDCP, which stipulates a minimum of 25% of the site area.</p> <p>The proposal provides for 490.67m² or 29.15% of the subject site as landscaped area. This amount of landscape area is considered acceptable.</p>
<p>(d) Deep Soil Zones</p> <p>In relation to that part of the site area that is not built on, paved or otherwise sealed:</p> <ul style="list-style-type: none"> (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and (ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, 	<p>Considered acceptable.</p> <p>Based on a site area of 1,683m², a minimum deep soil zone of 252.45m² (15%) is required.</p> <p>The proposed deep soil area is 150.97m² or 8.97%. The proposal has been designed to comply with the provisions of the ADG which requires a deep soil area of 7% of the site area. The provisions in the ADG is considered to be acceptable in this instance.</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</p>	<p>Considered acceptable.</p> <p>The proposal has been designed to</p>

direct sunlight between 9am and 3pm in mid-winter,	<p>comply with the provisions of the ADG which stipulates that 70% of units of the development provide a minimum of 2 hours of solar access. The solar access provisions in the ADG are considered to be acceptable in this instance.</p> <p>On this basis, a total of 74.4% of units receive 2 hours direct sunlight between 9am to 3pm in mid-winter..</p>
<p><i>(2) General</i> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p>(a) parking</p> <p>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms,</p>	<p>Complies.</p> <p>The site is located in an ‘accessible area’ and following parking requirement applies:</p> <ul style="list-style-type: none"> - 21 x 1 bedroom requires 8.4 spaces; and - 22 x 2 bedroom requires 11.0 spaces - Total = 8.4 + 11.0 = 19.4 or 20 parking spaces required. <p>Total requirement of 20 parking spaces is provided.</p>
<p>(b) dwelling size</p> <p>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>(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>	<p>Complies.</p> <p>Apartment sizes comply with these requirements.</p>
Clause 16 Continued Application of SEPP 65	
Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	<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	
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.	<p>Complies.</p> <p>The current character of the area is generally comprised of single and double storey detached dwellings and three storey apartments. However, the immediate area is zoned R4 – High Density Residential development. The area is currently in transition from low and medium density residential to high</p>

	<p>density residential.</p> <p>The proposed development comprises a residential flat building that accommodates a total of 43 dwellings over 6 storeys. Although the proposed development does not strictly conform to the current character of the area, given that this is the first of its type within the immediate locality, it nevertheless conforms to the future desired character of the area.</p> <p>It is expected that development within the immediate locality will be re-developed in accordance with the current LLEP 2008 and LDGP 2008, and the applicant has demonstrated that this can be achieved through the amalgamation of adjacent lots. As such, the proposed development generally complies with these requirements and therefore would contribute to the desired future character of the area.</p> <p>It is considered that the existing and future character of the area has been given equal consideration and the delicate balance achieved in the preparation of the plans.</p>
<p>Clause 17 Must Be Used for Affordable Housing for 10 Years</p>	
<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>(a) for 10 years from the date of the issue of the occupation certificate:</p> <ul style="list-style-type: none"> (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and <p>(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.</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>

(d) State Environmental Planning Policy (BASIX) 2004

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

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

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

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

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

Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	Site not affected by acid sulphate soils
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site does not contain flood affected land.
(4) Industrial discharges	Not applicable. The site has been used for residential

	purposes.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy, and the site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes a stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

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

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

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

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

(ii) Objectives of the zone

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

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 43 dwellings (a mix of units, affordable housing, and a number of adaptable units) and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, retail and commercial facilities.

(iii) Principal Development Standards

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

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	N/A. Demolition not proposed under this development application.
Clause 4.1 Minimum subdivision lot size	Minimum Subdivision Lot Size: 1000m ² .	Complies. The proposed lot sizes are as follows: Lot 272 – 1246m ² Lot 273 – 1683m ²
Clause 4.3 Height of Buildings	Maximum height of 21m	Complies. A maximum height of 20.98m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.5:1 (plus bonus FSR of 0.5:1 under ARH SEPP for total of 2:1)	Complies. Pursuant to the LLEP 2008, the FSR for the site is 1.5:1. However, the SEPP (Affordable Rental Housing) 2009 provides a bonus of 0.5:1 for sites located in an 'accessible area' in which 100% of the units are designated for affordable housing. All units are designated for the purpose of affordable housing. Therefore, the total permissible FSR is 2:1 (1.5 + 0.5) or a GFA yield of 3,366m ² . The proposed GFA complies with this development standard. FSR= 3342.879/1683 = 1.986:1
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards.	N/A. No variation sought.
Clause 7.14 Minimum Building Street Frontage	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	Complies. Street frontage exceeds 24m for both proposed lots.

	a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	
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6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

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

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

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

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2 - Tree Preservation	Controls relating to the preservation of trees	Complies. The proposal seeks consent for the removal of 2 trees within proposed Lot 273. The application was submitted with an arborist report which recommended removal of both trees. The application was referred to Council's natural environment landscape officer who clarified the proposed tree removal is acceptable, subject to conditions of consent.
Section 3 - Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies. The proposal seeks consent for the removal of 2 trees within proposed Lot 273. The application was submitted with an arborist report which recommended removal of both trees. The application was referred to Council's natural environment landscape officer who clarified the proposed tree removal is acceptable, subject to conditions of consent.
Section 4 - Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Complies. Minimal to no impact on bushland and habitats considering the location of the development.
Section 5 - Bush Fire Risk	Controls relating to development on bushfire prone land.	Not applicable. The subject site is not classified as Bushfire prone land.
Section 6 - Water Cycle	Stormwater runoff shall be connected to Council's	Complies.

Development Control	Provision	Comment
Management	drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Stormwater discharge is proposed to be drained via on-site detention systems to the street. Council's Land and Development Engineer has reviewed the application and has no objections to the proposal subject to the imposition of conditions of consent.
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 to seek controlled activity approval from the NSW Office of Water.	Not applicable. The development site is not within close proximity to a water course.
Section 8 - Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies. Sediment and erosion control details submitted with DA-790/2020. Conditions of consent will also 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.	Not applicable. The development site is not mapped as being affected by flooding.
Section 10 - Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies. As discussed earlier within this report, the site is considered suitable for the development.
Section 11 - Salinity Risk	Provisions relating to development on saline land.	Complies. Condition of consent included requiring design to respond to salinity.
Section 12 - Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not applicable. The site is not mapped as being affected by acid sulphate soils.
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	Not applicable. Demolition will not be carried out as part of this development. Conditions of consent will be applied to ensure demolition occurs prior to the issue of a subdivision certificate.
Section 15 - On Site Sewage Disposal	Provisions relating to OSMS.	Not applicable. OSMS is not proposed.
Section 16 - Aboriginal	An initial investigation must be carried out to determine if	Not applicable.

Development Control	Provision	Comment																																	
Archaeology	the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	No known items of aboriginal archaeology are present on the subject property.																																	
Section 17 - Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not applicable. The subject site is not associated with any heritage items.																																	
Section 19 - Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable. The DA does not propose used clothing bins.																																	
Section 20 - Car Parking and Access	<p>Residential Development Car Parking Requirements:</p> <ul style="list-style-type: none"> - 1 space per small / 1-bedroom apartment - 1.5 spaces per medium / 2-bedroom dwelling - 2 spaces per large / 3-bedroom dwelling - 1 space per 4 units or part thereof, for visitors <p>1 bicycle space per 2 units for residents</p> <p>1 bicycle space for visitors per 10 units</p>	<p>Not Applicable.</p> <p>Car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009.</p>																																	
Section 21 - Subdivision of Land and Buildings	<p>Residential Zones</p> <p>Subdivision of land shall meet the minimum lot width requirements as set out in Table 18.</p> <p>Table 18 Minimum Lot Widths</p> <table> <tr> <th>Zones</th><th>Minimum Lot Size (as per LLEP 2008 minimum lot size map)</th><th>Minimum lot Width</th></tr> <tr> <td>R4</td><td>Any lot size shown on the Lot Size Map greater than 300sqm</td><td>24 m</td></tr> <tr> <td>R1, R2</td><td>600 - 1000 sqm</td><td>20 m</td></tr> <tr> <td>R2</td><td>450 sqm</td><td>15 m</td></tr> <tr> <td>R1, R3</td><td>450 sqm</td><td>12 m</td></tr> <tr> <td>R1, R2</td><td>400 sqm</td><td>11 m</td></tr> <tr> <td>R1, R2</td><td>300 sqm</td><td>9 m</td></tr> <tr> <td>R1, R2</td><td>300 sqm (Area 3)</td><td>9 m</td></tr> <tr> <td>R1, R2</td><td>300 sqm (Area 2)</td><td>8 m</td></tr> <tr> <td>R3</td><td></td><td></td></tr> <tr> <td>R1, R4</td><td>300 sqm (Area 1)</td><td>7 m</td></tr> </table> <p>Note: Minor variations may</p>	Zones	Minimum Lot Size (as per LLEP 2008 minimum lot size map)	Minimum lot Width	R4	Any lot size shown on the Lot Size Map greater than 300sqm	24 m	R1, R2	600 - 1000 sqm	20 m	R2	450 sqm	15 m	R1, R3	450 sqm	12 m	R1, R2	400 sqm	11 m	R1, R2	300 sqm	9 m	R1, R2	300 sqm (Area 3)	9 m	R1, R2	300 sqm (Area 2)	8 m	R3			R1, R4	300 sqm (Area 1)	7 m	<p>Complies.</p> <p>The proposed lots are subject to a minimum lot width of 24m. Proposed Lot 273 has a frontage of 40.5m to McGirr Parade and a secondary frontage of 43.6m to Mannix Parade. Proposed Lot 272 has a frontage of 28.6m to McGirr Parade and a secondary frontage of 26.87m to Hinkler Avenue.</p>
Zones	Minimum Lot Size (as per LLEP 2008 minimum lot size map)	Minimum lot Width																																	
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R1, R4	300 sqm (Area 1)	7 m																																	

Development Control	Provision	Comment
	be considered if the average width of the lot is greater than the Minimum Lot Width as stated in Table 7.	
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 24 - Landfill	Minimisation of cutting and filling, not in conjunction with a DA.	Not applicable. Cut and fill included within the DA.
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 waste storage areas on Ground Level for waste collection and storage. Bins will be wheeled to the front for collection and will be collected from McGirr Parade.
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.	Complies. A social impact comment was submitted as part of the proposal. Council's Community Planning Section has reviewed the social impact comment and raised no issues with regards to social matters.

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

Development Control	Provision	Comment
2. Frontage and Site Area	The minimum lot width is 24m	Complies. Proposed Lot 273 has a frontage of 40.5m to McGirr Parade and a secondary frontage of 43.6m to Mannix Parade. Proposed Lot 272 has a frontage of 28.6m to McGirr Parade and a secondary frontage of 26.87m to Hinkler Avenue.

Development Control	Provision	Comment
3. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies. The building has been designed to address the gradual downslope of the site to the corner of Mannix & McGirr Parade to the north east.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	Complies. Where possible, ground level private open space, upper level balconies and windows have been orientated to the north to maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies. Safe access is provided to the building and parking.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Complies. Whilst the surrounding development is generally of a lower height than the 6-storeys proposed, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 21m. As such, the proposed development generally complies with these requirements and therefore is considered to be in accordance with the desired future character of the area.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	Complies. Stormwater discharge is proposed to be drained via on-site detention systems to the street. Council's Land and Development Engineer has reviewed the application and has no objections to the proposal subject to the imposition of conditions of consent.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies. As demonstrated within this report, the development generally demonstrates compliance with SEPP 65.
4. Setbacks	Front and Secondary setback: 5.5m	Considered Acceptable. See <i>justification below</i> .

Development Control	Provision	Comment
		Mannix Parade Setback: McGirr Parade Setback:
	Verandahs, eaves, etc, may encroach on the setback by 1m	Considered Acceptable. Front balconies set back no more than 1.2m in front of the building line. This is not considered significant in the overall scale of the building and would not result in any privacy impacts.
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	Complies. The building complies with these requirements.
	<p><u>Justification:</u></p> <p>The proposed development would have a minimum setback of 4.5m to McGirr Parade and 4.6m to Mannix Parade. The variation to the front and secondary setback is considered to be acceptable as the development is unlikely to negatively impact neighbouring properties as well as the subject property. The design of residential flat building has carefully addressed the potential impacts of the lesser setbacks and has been able to achieve the objectives of the controls, despite the numerical variation.</p> <p>The proposed setback on Mannix Parade would be setback a minimum of 4.6m, however majority of the setback would be greater than 5.5m. Due to the irregular shape of the lot it is deemed acceptable as 73.1% of the building envelope would be setback greater than the 5.5m requirement and thus the encroachment is considered to be minor in nature. The pertinent objectives of the setback control relating to this variation are in respect to ensuring privacy, good amenity and appropriate scale of development. It is considered that the Mannix Parade setback of 4.6m for 26.9% of the building envelope along the eastern boundary would have a negligible effect on scale and amenity and would not result in any privacy impacts beyond a complying proposal. Accordingly, the minor encroachment on the setback is considered acceptable in this case.</p> <p>The development also satisfies the objectives through appropriate design, the site would be 29.15% landscaped, with the proposed amount of landscaping in excess of the Councils minimum requirement of 25% of the site area. Furthermore, the proposed development would still allow for an area to be provided which is capable of allowing the growth of vegetation within the front and secondary setback, with a mixture of shrubs, trees and grasses proposed. The proposal was also referred to Council's Natural Environment Landscape department. Council's Natural Environment Landscape officer has reviewed the submitted landscape plan and has no objections to the proposal, subject to conditions of consent.</p> <p>The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 5pm in mid-winter to a living room window and to at least 50% of the private open space. Through concentrating the mass of the building towards the northern portion of the site towards McGirr Parade, the lesser setback has further assisted in minimising overshadowing of adjoining properties to the south. Furthermore, the siting of windows of habitable rooms have been designed to minimise</p>	

Development Control	Provision	Comment
	<p>overlooking to neighbouring properties. Additionally, the applicant has responded to the Design Excellence Panel's recommendation of increasing the setback to McGirr Parade by 1 metre.</p> <p>While the front and secondary setback of the proposed development does not comply with Council's numerical setback controls, the proposed development will not result in any visual privacy intrusions and would provide a high level of amenity for building occupants. The proposed development was accompanied with an acoustic report which found that appropriate readings would be achieved for the purposes of residential accommodation even with the variation to the front setback, subject to recommendations within the acoustic report. Thus, the development is considered to be consistent with acoustic privacy and the subsequent controls. This was clarified by Councils Environmental Health officer who supported the proposed development, subject to conditions of consent. The proposed development would also promote a scale and sense of enclosure appropriate for Warwick Farm through articulation and modulation of facades which were supported by the Design Excellence Panel.</p> <p>Council's Traffic Engineer has also reviewed the proposed vehicular access into the basement from McGirr Parade and despite the reduced setback to their roadway had no objection subject to conditions of consent. As such, the proposed vehicular access into the basement are considered acceptable based on Council's Traffic engineers review and for a residential flat building development of this nature in a high-density zone.</p>	
5. Landscaped Area and Private Open Space	<p>A minimum of 25% of the site area shall be landscaped area.</p>	<p>Complies.</p> <p>Based on a site area of 1683m², a minimum landscaped area of 420.75m² is required.</p> <p>The proposed development provides approximately 490.67m² of landscaping area which equates to 29.15% of the site area.</p>
	<p>A minimum of 50% of the front setback area shall be landscaped area.</p>	<p>Complies.</p> <p>In excess of 50% of the front setback is landscaped.</p>
	<p>Optimise the provision of consolidated landscaped area within a site by:</p> <ul style="list-style-type: none"> - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent 	<p>Complies.</p> <p>Landscaped areas are generally consolidated within the front, side and rear setback areas.</p>

Development Control	Provision	Comment
	properties.	
	Promote landscape health by supporting for a rich variety of vegetation type and size.	Complies. The proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	Complies. Paving across the landscaped areas is minimised.
	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies. Communal open space would be appropriate and relevant to the context and the building's setting.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Complies. It is orientated to receive sun throughout the day and is of a size to allow for a range of uses.
	Locate open space to increase the potential for residential amenity.	Complies. The communal open space is to the rear, helping to provide good residential amenity.

Development Control	Provision	Comment
	Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use	Complies. Private open space is provided to each unit in accordance with the ADG, including courtyards at ground floor, and balconies on the upper floors.
	Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	Complies. Internal drying areas are proposed.
6. Building Design, Streetscape and Layout	Building Height: 21m	Complies. A maximum height of 20.98m is proposed.
Building Appearance and Streetscape	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	Complies. The proposal meets the requirements of SEPP 65 and the ADG.
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Complies. Articulation and interest are provided to all elevations.
	The pedestrian entrance to the building shall be emphasised.	Complies. Entry points to the building are emphasised by the projecting elements above the entrance points.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	Complies. Side walls are all articulated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be	Complies. The vehicle entrance is to the western portion of the northern boundary of the site.

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

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

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

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

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

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	proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	
	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	Not applicable.
	Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: <ul style="list-style-type: none"> - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy. 	Complies. Balconies designed in accordance with climate and context requirements.
	Provide primary balconies for all dwellings with a minimum depth of 2m.	Complies. All main balconies have minimum width of 2m.
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	Complies. All balconies allow for adequate solar access.
	Design balustrades to allow	Complies.

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	<p>views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:</p> <ul style="list-style-type: none"> - Detailing balustrades using a proportion of solid to transparent materials to address sight lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. - Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units 	<p>Balconies provide views and surveillance to the street.</p>
	<p>Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.</p>	<p>Complies.</p> <p>Shutters provided to balconies.</p>
Daylight Access	<p>Plan the site so that new residential flat development is oriented to optimise northern aspect.</p>	<p>Complies.</p> <p>The building maximises the northern orientation.</p>
	<p>Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.</p>	<p>Complies.</p> <p>The communal open space receives adequate daylight, with the opportunity for shading.</p>
	<p>Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.</p>	<p>Complies.</p> <p>Main rooms and windows receive daylight in accordance with the ADG requirements.</p>
	<p>Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.</p>	<p>Not applicable.</p>

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

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		separation requirements.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	Complies. Noise generating rooms are clustered where possible.
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	Not applicable.
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	Complies with conditions.
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas.	Complies. Habitable rooms overlook open space where possible.
Ground Floor Dwellings	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	Complies. The landscaping to the front of the site will provide an attractive frontage to the street.
	Create more pedestrian activity along the street and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.	Complies. The ground floor treatment to the building, including landscaping and level changes will assist in providing an active environment to the street.

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

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

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	stairwells, at the entrance and within indoor car parks, along corridors and walkways. - Providing well-lit routes throughout the development. - Providing appropriate levels of illumination for all common areas. - Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	opportunities for concealment.
	Control access to the development by: - Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. - Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. - Providing direct access from car parks to dwelling lobbies for residents.	Complies. The only access point to the residential element is from the main entrance and waste holding room. Car parking is limited to residents, with access from the car park directly to the dwellings available.
Natural Ventilation	Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings.	Complies. Cross ventilation and natural ventilation is in accordance with the ADG requirements.
	Provide narrow building depths to support cross ventilation.	Complies. Dwellings depths are in line with the ADG requirements.
	Avoid single-aspect dwellings with a southerly aspect.	Complies.

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

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

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

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	<p>Design landscape which contributes to the site's particular and positive characteristics, for example by:</p> <ul style="list-style-type: none"> - Enhancing habitat and ecology. - Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate. - Retaining and incorporating changes of level, visual markers, views and any significant site elements <p>Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> - Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established. - Providing appropriate soil conditions and irrigation 	<p>Complies.</p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>
Fencing	<p>The maximum height of a front fence is 1.2m. The maximum height of side boundary fencing within the setback to the street is 1.2m</p>	<p>Not applicable.</p> <p>No front fence proposed.</p>
	<p>Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p>	<p>Complies with condition</p>
	<p>For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.</p>	<p>Complies.</p> <p>1.8m fence proposed 33.4m from the front boundary.</p>
	<p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>Complies with condition.</p>
8. Car parking and access	<p>Visitor car parking shall be clearly identified and may not be stacked car parking. Visitor car parking shall be located between any roller shutter door and the front boundary.</p>	<p>Complies.</p> <p>Visitor car parking not required by ARH SEPP.</p>

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

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	fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.	
	Promote equity by: <ul style="list-style-type: none"> - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall building and landscape design. - Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space. 	Complies. Ramp provided to access building.
	Maximise the number of accessible and adaptable dwellings in a building by: <ul style="list-style-type: none"> - Providing more than one accessible entrance where a development contains clusters of buildings. - Separating and clearly distinguish between pedestrian accessways and vehicle accessways. - Locating vehicle entries away from main pedestrian entries and on secondary frontages. 	Complies. Adaptable units proposed.
9. Amenity and Environmental Impact	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	Complies. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.

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

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	<ul style="list-style-type: none"> - Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space. 	
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	<p>Complies.</p> <p>The south east portion of the site is partially mapped as being subject to classified road noise impacts due to its proximity to the Hume Highway to the south. An acoustic assessment has been prepared by Wood & Grieve Engineers which provides recommendations on how the proposed development can be designed and managed to assist in mitigating acoustic transfer between the immediate locality and the subject site. The acoustic report was reviewed by Councils Environmental Health department who raised no objection to the acoustic report, subject to conditions.</p>
	Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	<p>Complies.</p> <p>The south east portion of the site is partially mapped as being subject to classified road noise impacts due to its proximity to the Hume Highway to the south. An acoustic assessment has been prepared by Wood & Grieve Engineers which provides recommendations on how the proposed development can be designed and managed to assist in mitigating acoustic transfer between the immediate locality and the subject site. The acoustic report was reviewed by Councils Environmental Health department who raised no objection to the acoustic report, subject to conditions.</p>
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant	Complies with conditions.

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	Australian Standards for noise and vibration and quality assurance.	
	<p>Arrange dwellings within a development to minimise noise transition between dwellings by:</p> <ul style="list-style-type: none"> - Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms - Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas - Minimising the amount of common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together. 	<p>Complies.</p> <p>The development is able to achieve an acceptable level of amenity, subject to the implementation of noise attenuation measures as recommended in the submitted Acoustic Report. The acoustic report was reviewed by Council's Environmental Health Officers who have provided conditions of consent in regards to acoustic amenity.</p>
10. Site Services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	<p>Complies.</p> <p>Letterboxes proposed inside the building.</p>
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	Complies with condition.
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	<p>Complies.</p> <p>A waste disposal facilities provided in appropriate location.</p>
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front	<p>Complies.</p> <p>Waste facilities are located on the ground floor.</p>

Development Control	Provision	Comment
	boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	Complies with condition.
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	Complies with condition.
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	Not applicable.

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

No planning agreement relates to the site or proposed development.

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

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

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

(a) Natural and Built Environment

Built Environment

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

The design has been able to mitigate potential impacts with adjoining properties while at the same time ensuring that internal amenity for future residents is prioritised and provided to a high standard. As such, the proposed bulk and scale of the development represents a desirable and meritorious planning outcome for the site.

Natural Environment

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

(b) Social and Economic

Social

The development is considered beneficial from a social aspect as it will be providing 100% of the dwellings within the development as affordable housing. Further to this, the applicant is attempting to increase housing variety in the locality by providing a diverse unit mix. The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

Economic

The short term positive economic impacts development that result from construction spending and employment opportunities generated during the construction phase are generally recognised. Other, more enduring impacts should come as the local population increases and use local shopping and services.

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

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

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

(a) Internal Referrals

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

Department	Comments
Building	No objections, subject to conditions.
Engineering	No objections, subject to conditions.
Environmental Health	No objections, subject to conditions.
Landscaping	No objections, subject to conditions.
Traffic and Transport	No objections, subject to conditions.
Waste Management	No objections, subject to conditions.

(b) External Referrals

Nil.

(c) Community Consultation

In accordance with the Liverpool Community Participation Plan 2019, the application was notified for a 14-day period, from 17 November to 2 December 2020. Two (2) submissions were received in relation to the proposed development during the public consultation process. The issues raised in the submissions, and a response to each, are summarised as follows:

ISSUE 1: *Building Height*

Comment:

The maximum height permitted on the subject site in accordance with the LLEP 2008 is 21m. A compliant building height of 20.98m has been proposed.

ISSUE 2: *Inconsistent with the surrounding residential character/Ambience*

Comment:

A residential flat building development is a land use that is permissible within the zone and the immediate locality. The proposed development has been designed by the applicant to incorporate a streetscape appearance that is not inconsistent with the current streetscape, which includes three storey residential buildings. The development also proposes a floor space ratio (FSR) that is within the allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate bulk and scale for the locality. As demonstrated in this report, the proposal is generally consistent with Council's provisions and is therefore consistent with the desired character of the area.

ISSUE 3: *Traffic Impacts in the street and general area*

The application was accompanied by traffic impact assessment which were assessed by Council's Traffic Section. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objection subject to conditions of consent. As such, generated traffic associated with the proposal are considered acceptable based on Council's Traffic engineers review and for a residential flat building development of this nature in a high-density zone.

ISSUE 4: *Insufficient parking within the development causing additional on-street parking, which will increase hazards to pedestrians and traffic.*

The development requires 19.4 spaces car spaces onsite in accordance with the parking provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the DA proposed 20 car parking spaces. Therefore, the development provides adequate car parking spaces with regards to State Government policies.

The application has been reviewed and supported by Council's Traffic Engineers, who investigated parking impacts as well as impacts to the local street network and they raised no objections to the development on those grounds.

ISSUE 5: *Surveillance Issues Associated with Basement Carparking*

The upper floor apartments will provide passive surveillance of the street and basement entry point. Furthermore, a security gate has been proposed within the basement ramp to ensure further safety within the basement.

ISSUE 6: *Safety concerns evacuating residents and access for emergency services.*

Conditions of consent will be applied to ensure access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of

Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority. This will ensure the safe entry and exit of the building for people with a disability. Furthermore, the building has incorporated lifts and stairs to allow movement throughout the building. Additionally, despite the possibility of an increase in temporary parking, the proposed development is highly unlikely to promote any disregard of traffic laws, which may compromise access of emergency vehicles in the locality.

ISSUE 7: *The applicant has not communicated why it prefers this style of development compared with lower density buildings.*

A residential flat building development is a land use that is permissible within the zone and the immediate locality.

ISSUE 8: *Devaluation of surrounding property*

Comment:

The development of a residential flat building is permitted form of development for the locality, having regard to the R4 zoning of the site. In respect to depreciation of property value, there is no evidence to suggest that the proposed development will result in the depreciation of the value of any neighbouring properties.

ISSUE 9: *Spreading of contagious viruses*

The development of a residential flat building is a permitted form of development for the locality, having regard to the R4 zoning of the site. Notwithstanding such, the concerns pertaining to the spreading of contagious viruses is not a planning consideration that can be taken into account in the assessment of the application.

ISSUE 10: *Duration of notification period*

In accordance with the Liverpool Community Participation Plan 2019, the application was notified for a 14-day period, from 17 November to 2 December 2020.

ISSUE 11: *Solar Access and Overshadowing*

The proposed development is unlikely to generate any unreasonable impacts in terms of overshadowing on adjoining properties in accordance with the provisions of Council's Development Control Plan. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 5pm in mid-winter to a living room window on any adjoining property and to at least 50% of the private open space of an adjoining site. This is considered to be consistent with Council's Development Control Plan. Furthermore, the applicant has also demonstrated that residential dwellings to the east will receive a minimum of 5 hours solar access until 2pm. In this regard, the development is not considered to provide an unreasonable impact to the immediate locality by way of impacts to solar access and it is consistent of character of a medium density environment.

ISSUE 12: *Apartment Mix*

The proposal provides 100% affordable housing and has provided a suitable mix of 1 and 2 bedroom units spread across the different floors of the building. A residential flat building typology is a land use that is permissible within the zone. The type of residents that will

occupy this development has not been taken into consideration for the assessment of this Development Application.

ISSUE 13: *Lack of internal and communal open space*

All 1-bedroom units are equal to or greater than 50m² and all 2-bedroom units are greater than 70m² in accordance with Part 4D (Apartment Size and Layout) of the apartment design guide. The proposed development has also provided approximately 459.21m² of communal open space at ground level, which is 27.3% of the site area, in excess of the communal open space requirement of 25% of the site as stipulated in Part 3D (Communal and public open space) of the Apartment Design Guide.

ISSUE 14: *Pressure on existing utility services*

A standard condition of consent will be imposed that written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA. The application was also accompanied by a stormwater concept plan, which was assessed by Council's Land Development Engineering Section. Council's Land Development Engineering Section reviewed the submitted stormwater concept plan and had no objection to the proposed stormwater arrangement onsite, subject to conditions of consent being imposed to ensure acceptable stormwater management onsite and into the local drainage system. Furthermore, conditions of consent have been applied that the development plans must be processed and approved by Sydney Water prior to issue of a construction certificate. Sydney Water will investigate the impact of the proposal on their network. The Development Application was accompanied by a BASIX certificate, which provided minimum targets for water efficiency. The proposal has achieved the water efficiency targets for a multi-dwelling development.

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

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

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

7. SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the Act is applicable to the development. The applicable contribution amount for the subject proposal is **\$325,495.00**.

8. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is also consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.

- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

It is for these reasons that the proposed development is considered to be satisfactory and DA-790/2020 is recommended for approval, subject to conditions.

9. ATTACHMENTS

1. Recommended conditions of consent
2. Architectural plans
3. Landscape plans
4. Stormwater plans
5. Height analysis
6. Survey Plan
7. Statement of Environmental Effects, and Addendum to SEE
8. Design Verification Statement
9. Traffic Impact Assessment
10. Salinity Management Plan
11. Remediation Action Plan
12. Landscape Development Application Design Report
13. Operational Waste Management Plan
14. Demolition & Construction Waste Management Plan
15. Acoustic Report
16. Arboricultural Impact Assessment
17. BASIX Certificate
18. Access Assessment Report
19. BCA Design Assessment Report