

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWC-14
DA Number	DA-257/2019
LGA	Liverpool City Council
Proposed Development	The demolition of existing structures, construction of a five (5) storey residential flat building comprising of 39 units with at-grade parking and associated landscape and site works to be used wholly for the purposes of affordable rental housing under State Environmental Planning Policy (Affordable Rental Housing) 2009.
Street Address	Lot 2 & 3 DP 373524 127 Flowerdale Road, Liverpool 2170
Applicant/Owner	SGCH PORTFOLIO LTD
Date of DA Lodgement	17 April 2019
Number of Submissions	Seven (7) submissions
Regional Development Criteria (Schedule 4A of the EP&A Act)	<p>The development contains affordable housing with a capital investment value of \$12,145,370.</p> <p>The proposal is for an affordable housing development that has a capital investment value of over \$5 million, the Sydney Western City Planning Panel is therefore the determining authority.</p>
List of all relevant s79C(1)(a) matters	<ol style="list-style-type: none"> 1. <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009. • 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 (Building Sustainability Index: BASIX) 2004. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. 2. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site. 3. <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 3.7 – Residential Flat Development in the R4 Zone. 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: Section 4.15(1)(a)(iia)</i> <ul style="list-style-type: none"> • No planning agreement relates to the site or proposed

	development. 5. <i>List any relevant regulations: 4.15(1)(a)(iv)</i> • Consideration of the provisions of the National Construction Code of Australia.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Architectural plans, demolition plan & landscape plans 2. Survey plan and Stormwater Concept Plans 3. Recommended conditions of consent 4. Statement of environmental effects 5. Clause 4.6 variation written justification to height 6. SEPP 65 Design Verification Statement 7. Acoustic Assessment Report 8. Arborist Report 9. Access Report 10. Traffic Report 11. Geotechnical Assessment report 12. Waste management plan 13. Contamination report 14. Remedial Action Plan 15. BASIX certificate and house energy rating 16. Design excellence panel comments 17. SWCPP – Record of Briefing
Recommendation	Approval, subject to conditions
Report prepared by	Development Assessment
Report date	24 January 2020

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards

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

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?

No

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

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

1.2 The proposal

The application proposes the demolition of all existing structures, construction of a five storey residential flat building comprising 39 units (12x1 bedroom and 27x2 bedroom units) with at-grade car parking 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 2 and 3 of DP 373524 being No. 127 - 129 Flowerdale Road, Liverpool.

1.4 The issues

The main issues are identified as follows:

State Environmental Planning Policy No.65:

- Inconsistent with 2F Building Separation of the ADG;

Liverpool Local Environmental Plan (LLEP) 2008

- Inconsistent with Clause 4.3 in relation to height of building

Issues raised by local residents

- Traffic and carparking
- Overlooking
- Character and amenity
- Contamination & pollution
- Economic (Property values)

1.5 Exhibition of the proposal

The development application was advertised for 14 days between 7 to 22 May 2019 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Seven (7) submissions were received as a result of the notification period.

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

consideration of the written request to vary the height of buildings development standard pursuant to Clause 4.6 of the LLEP 2008, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lots 2 and 3 of DP 373524 being Nos 127 - 129 Flowerdale Road, Liverpool. An aerial image of the subject site is provided below.



Figure 1 – Aerial photo of the site (Source: GeoCortex)

The site is an amalgamation of two existing lots with a total combined land area of 1,907m² (confirmed by Title). It has a frontage of 34.825m on Flowerdale Road to the west, 70.995m on Smith Crescent to the north and lot depth of 30.48m and 54.145m to the east and south boundaries, respectively.

The land is generally flat with a fall of 3.5% from its highest point (21.32m ADH) on the north-western corner to the lowest point on south-eastern corner (18.60m AHD). Currently situated on each lot is a single storey detached dwelling house and associated structures such as garage, sheds, outbuildings and backyard garden. There are a few trees located on the site.



Front view of site from Flowerdale Road (Source: *Nearmap*)



Front view of site from Smith Crescent (Source: *Nearmap*)

Figure 2 – Street views of the site

The site is adjoined by a 2-storey dwelling house to the south and a single storey weatherboard clad dwelling house.

2.2 The locality

The locality is generally characterised by low density residential development of double and single storey dwellings. The current proposal, if approved will be the first RFB to be constructed on the street and within the immediate R4 zone in the locality (Figure 3).



Figure 3: Locality Map (Source: *Geocortex*)

2.3 Site affectations

The site is located in the Low Flood Risk category with only a small portion of the land located to the east boundary that is affected (Figure 4). Council's flood engineer have commented that this is not an issue from flooding perspective.

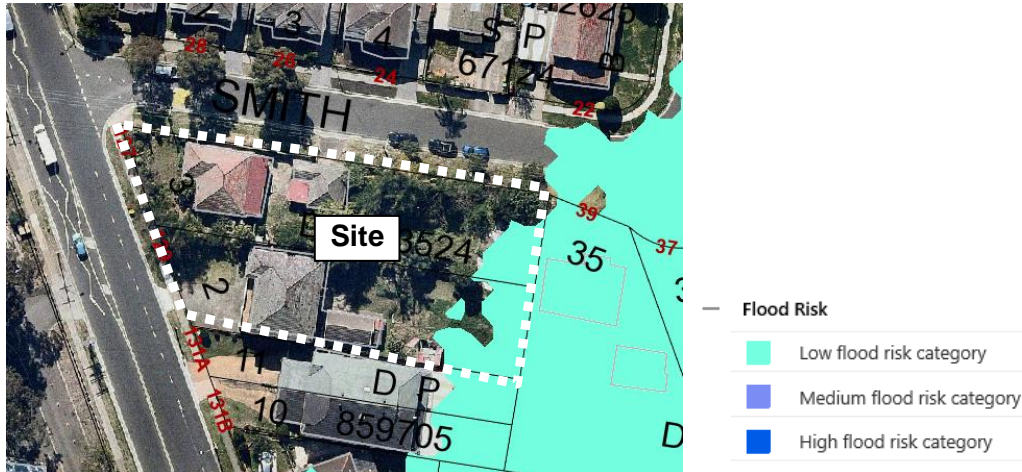


Figure 4: Flood Risk (Source: Geocortex)

3. BACKGROUND

3.1 Pre-DA meeting with Design Excellence Panel

The proposal was presented to Council's Design Excellence Panel (DEP) on 15 November 2018 prior to the formal lodgement of the DA. Comments (*in italics*) from the meeting are outlined below.

Pre-DA meeting with Design Excellence Panel	
DEP Comments	Response
1. <i>The Panel recommends including a sheltered waiting space at the pedestrian entrance (Smith Street entrance), to provide protection from the northern sun. In addition, the Panel recommends including respite places along the pathways</i>	The proposed development provides a pedestrian entry to the site from Smith Crescent that provides shelter and protection from the northern sun.
2. <i>Reduce the amount of glass on the west façade and include external screening/shading to western faces of the building, to reduce solar exposure of west facing apartments.</i>	Conditions will be imposed on any consent granted that requires external screening/shading to western faces of the building.
3. <i>Include trees on the western façade and review design of planter boxes on the rooftop garden. Proposed soil depth is inadequate to support trees (i.e. needs to be 1.5m in depth).</i>	Planting area was increased with additional trees, shrubs and ground cover added on the front setback area of the west frontage. The proposed rooftop planter boxes are not provided with a depth of 1.5m. However, sufficient depth is provided to accommodate the species of plant proposed on the rooftop terrace. These species are considered to be suitable.

3.2 Pre-DA meeting with Council

A pre-development application (PL-121/2018) meeting was held on 6 February 2019 between Council officers and the applicant with the following issues raised.

Pre-DA meeting with Council	
DEP Comments	Response
1. <i>The height exceeds the 15m limit specified in the LLEP2008. A clause 4.6 variation is required.</i>	A 4.6 variation was submitted to Council for assessment. The proposed variation to the Clause 4.3 “height of buildings” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.
2. <i>The proposed development will contribute to the desired character of future development in the locality, and any unique elements of the site are to be highlighted with respect to any variations, in ensuring the development does not create any undesirable precedent. Additionally, there is a school directly across the road from the site which needs to be considered with respect to pedestrian safety, traffic circulation and siting.</i> <i>The applicant is to ensure that a statement is provided regarding how the development fits in with the character of the locality.</i>	Noted.
3. <i>Crime prevention through environmental design (CPTED) principles are to be addressed through the application especially in regards to potentially concealed entrances and hidden areas.</i>	The proposed development has been designed with regard to principles of ‘Safer by Design’. Aspects such as natural surveillance and controlled access have been taken into consideration. The common areas will be appropriately lit to ensure safety and visibility after dark. The entrance to the development, including private entries to the ground floor dwellings, are clearly visible from the street. Access to the building will be through a controlled security system. An intercom system will be provided adjacent to the main entry lobby for visitor access. All common areas will be covered by CCTV.
4. <i>The site to the south has the potential to be isolated, however a rational consolidation of lots to the south (along Flowerdale Road and Frangipani Avenue) could not cause that outcome. A brief concept plan would be required to demonstrate that the land is developable in the future for R4 purposes.</i>	The proposed development is not considered to prejudice redevelopment potential of adjoining residential properties to the east and south of the subject site.

3.3 DA meeting with Design Excellence Panel

A DEP meeting was conducted on 13 June 2019 after the development application was lodged. The 9 design principles was considered by the panel with the comments outlined in the following table.

The most recent set of drawings were also provided on 21 November 2019, which address some of the issues.

DA meeting with Design Excellence Panel	
DEP Comments	Response
Context	
1. <i>The panel noted concerns relating to the north-eastern corner of the building. The concern is with the undercroft at-grade parking presenting to the street, blank wall, unscreened substation and location design of the main entry. This will negatively impact the character, surveillance and safety along Smith Street, whilst possibly creating negative connotations within the minds of the community for Key Worker housing. The panel recommends exploring an alternative scheme where the south facing apartment and the service rooms are switched, sleeving services to the rear of the site and presenting apartments to improve the Smith Street frontage.</i>	<p>The architectural plans have been revised to switch the south facing apartment with the service rooms, enabling services to be sleeved to the rear of the site and residential apartments to present to the Smith Street frontage, improving this frontage.</p> <p>A revised Landscape Plan has also been prepared and submitted with this package which shows landscaping adjacent to the substation on Smith Crescent. Planting in this location has been maximised as much as possible having regard to the restrictions of Endeavour Energy.</p>
2. <i>The panel recommends that the secondary pedestrian entrance be relocated from its current location to in between apartments G04 and G05, to shorten the front door access to the street, to increase privacy to apartment G05, and provide increased space for service rooms along the southern side of the site.</i>	Noted.
Built Form and Scale	
3. <i>The panel notes the location of parapet along the eastern rooftop edge is creating a privacy issue, regarding over-looking to neighbouring properties. The panel recommends shifting the parapet/balustrade in from the building edge (minimum one metre) to limit the downward overlooking issue. Planter-boxes should be considered to improve privacy for the neighbours and amenity of the residents.</i>	<p>The proposal retains a 600mm brick parapet, however as part of the revised plans, a 1.5m high translucent glazed balustrade is also proposed that has been setback 1m from the parapet. This will ensure sight lines are straight ahead, over the roofs of surrounding development as opposed to downward into the rear yards of the neighbouring sites. The height of the balustrade also aligns with the recommendations of the Acoustic Report promoting acoustic privacy in addition to visual privacy.</p>
Sustainability	
4. <i>The panel recommends using photovoltaic technology to generate power for lighting and electricity purposes on-site. This includes (if not implemented during initial building construction) future proofing the building to later incorporate photovoltaic panels (e.g. space for integrating panels onto the rooftop). A PV system that provides the equivalent power required for all public space lighting and energy needs should be a minimum.</i>	<p>Solar panels have been indicated on the revised architectural plans. Refer to Drawing No. DA204.</p>
5. <i>On-site detention (OSD) water tank has been provided, however, the panel recommends exploring opportunities to collect and re-use rainwater on-site. This is usually achieved by</i>	<p>Rainwater reuse is achieved as per the civil engineering stormwater management report and plans.</p>

<p><i>increasing the depth of the OSD tank to have the dual use of retention & detention. The panel notes that water is our scarcest commodity and fundamental to a healthy and sustainable community and therefore new buildings should future proof the community through preserving this necessary infrastructure</i></p>	
Landscape	
<p>6. <i>The panel accepts that some of the communal open space located along the southern boundary may be sacrificed in order to achieve an alternative site scheme (i.e. as per 4.1 Context, Recommendation 1). The proposal should seek alternative landscape opportunities to offset any sacrificed space.</i></p>	<p>Ample landscaping within planter boxes and definition of passive and active recreational areas has been introduced along the south boundary as well as at the rooftop COS, to enhance the amenity of the development.</p>
Amenity	
<p>7. <i>The panel supports a reduction in car parking spaces, given that provision of the required car parking spaces is affecting the proposal from achieving design excellence. The panel recommends including bicycle parking facilities and improve lighting quality and levels for the carparking as they are to the rear of the site and building.</i></p>	<p>The proposal has not altered the number of car parking spaces proposed on site and as such is consistent with the requirements of Clause 14 of State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed lighting levels exceed the minimum standard.</p>
Safety	
<p>8. <i>The panel notes that through implementing the recommendation made in section 4.1 Context (i.e. Recommendation 1), the reduction in blank walls and increased active frontages will result in improved safety outcomes. The panel also notes that increased and improved lighting to the carpark will be required with the increased sleeving of the apartments, which will also improve the safety of the residents</i></p>	<p>Refer to comments made under Context.</p>

3.4 Sydney Western City Planning Panel (SWCPP) Briefing

A SWCPP briefing was conducted on 9 September 2019. Key issues discussed at the meeting include the following:

Sydney Western City Planning Panel (SWCPP) Briefing	
DEP Comments	Response
<p>1. <i>The corner site is prominent and its architectural presentation is important, given that this development will be important in setting a benchmark for future development of this scale in the locality as it transitions.</i></p>	<p>The proposed development has been designed to concentrate the bulk of the fifth storey to the intersection of Smith Crescent and Flowerdale Road thereby accentuating the prominence of this corner. Furthermore, the design incorporates architectural features, modulation to elements of the façade so as to add visual interest to the corner location. The design is considered to be acceptable in the form proposed.</p>

2. ADG non-compliances require careful consideration particularly in terms of potential impacts on adjoining properties.	ADG non-compliances relate to building separation on Level 4 from the southern property boundary. Conditions will be imposed on the consent granted that require removal of windows on the southern elevation thereby alleviating any privacy issues to neighbouring dwellings.
3. The SEPP requires 25% communal open space. The Panel questions whether the ground floor pathway can be accurately included in the assessment.	COS on the ground floor is considered to offer 'diverse and unique' spaces of passive nature that, in combination with the rooftop terrace, achieve the objective of communal open space.
4. The height exceedance will need to be justified in terms of whether it is unreasonable or unnecessary to apply the height standard strictly, again noting the importance of this development in setting a precedent.	The applicant provided an updated Clause 4.6 variation that provides additional justification for the height variation.
5. The deep soil non-compliance will need to be justified.	Based on a combined site area of 1,907m ² , a minimum deep soil zone of 285.05m ² (15%) is required under the ARH SEPP. The proposed deep soil area is 148m ² or 7.8%. 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.
6. The design should address energy efficiency including solar panels and battery storage.	The submitted architectural drawings have been amended to provide for a roof top solar panel system.

4. DETAILS OF THE PROPOSAL

Development Consent is sought for:

- Demolition of all existing dwellings and appurtenant structures on site;
- Construction of a 5 storey residential flat building comprising of 39 apartments with the following components:
 - 12 x 1 bedroom apartments (30.7%)
 - 27 x 2 bedroom apartments (69.3%)
 - Under-croft at-grade ground floor level parking area is proposed to contain 19 car parking spaces inclusive of 4 spaces dedicated for disabled persons;
 - Communal open space (COS) proposed in 2 locations. On the ground floor level, the COS adjoins the south property boundary with an area of 210m² and on the roof top level to the eastern portion comprising of 329m². A total of 539m² which constitutes 28% of the site area is designated as COS;
 - Internal building circulation spaces comprising 2 lift cores and corresponding lobbies, 2 fire stairs and corridors on each floor level;
 - Service areas on the ground floor level include a common bin storage room, hydrant pump room and switch main comms room.
- The proposed vehicular access is from the Smith Crescent frontage close to the eastern property boundary. Pedestrian entry to the building is provided from Flowerdale Road and Smith Crescent. All but one ground floor level units are

provided with direct access to the street in addition to the internal building circulation system.

- Stormwater runoff from the proposed development will connect to the proposed on-site detention basins and bio retention basins located across the site and connected to the existing stormwater infrastructure in Council verge on Smith Crescent.



Figure 5: Proposed building viewed from corner of Flowerdale Rd. and Smith Cres.

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 (Affordable Rental Housing) 2009.
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – General controls for all development
 - Part 3.7 – Residential Flat Development in the R4 Zone

Contributions Plans

- Liverpool Contributions Plan 2018 applies to the subject development

6. ASSESSMENT

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

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

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

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. An assessment against the relevant provisions is provided in the table below.

Provision	Comment
Part 2 New Affordable Rental Housing Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
(1) <i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i> (a) <i>the development concerned is permitted with consent under another environmental planning instrument, and</i> (b) <i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i>	Complies The proposed development is permitted with consent under the LLEP 2008 and the site does not contain a heritage item.
(2) <i>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the</i>	Complies The site is within located within 400m walking

<p><i>development is within an accessible area.</i></p> <p><i>‘accessible area’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p>distance of two (2) bus stops (ID Stop 2170553) and (ID Stop 2170527) on the west and east sides of Flowerdale Road.</p> <p>These bus stops are serviced by Route 853 and 854 which travels between Carnes Hill Shopping Centre and Liverpool Station.</p> <p>The above bus services operate within the parameters specified in the SEPP (Affordable Rental Housing) 2009.</p>
<p>Clause 13 Floor Space ratio</p>	
<p><i>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p>	<p>Complies</p> <p>It is proposed that 100% of the gross floor area (GFA) of the development will be utilised for affordable housing.</p>
<p><i>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p><i>(a) if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p><i>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i></p> <p><i>(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:</i></p> <p><i>AH is the percentage of the gross floor area of the development that is used for affordable housing.</i></p> <p><i>$Y = AH \div 100$</i></p>	<p>Complies</p> <p>It is proposed that 100% of the gross floor area of the development will be utilised for affordable housing. Therefore, a bonus FSR of 0.5 is applicable.</p> <p>The FSR permissible under LLEP 2008 is 1:1. Accordingly, the total permissible FSR is 1.5:1 (1 + 0.5).</p> <p>The proposed GFA of 2,879m² complies with the permissible FSR of 1.5:1.</p>
<p>Clause 14 Standards that cannot be used to refuse consent</p>	
<p><i>(1) Site and solar access requirements</i></p> <p><i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(b) Site Area</i></p> <p><i>if the site area on which it is proposed to carry out the development is at least 450 square metres,</i></p>	<p>Complies</p> <p>The site has an area of 1,907m².</p>
<p><i>(c) landscaped area: if:</i></p> <p><i>(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</i></p> <p><i>(ii) in any other case—a minimum of 30% of the area of the site is to be</i></p>	<p>Considered acceptable on merit</p> <p>The proposal has been prepared by SGCH, a social housing provider. The development contains 39 units, which equates to 1,365m² of landscaped area.</p> <p>In this instance, compliance with the standard is</p>

<p><i>landscaped,</i></p>	<p>considered to be unreasonable, given that the required area is greater than the site area itself of 1,907m². 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 539m² or 28% of the subject site as landscaped area. This amount of landscape area is considered acceptable.</p>
<p>(d) Deep Soil Zones <i>In relation to that part of the site area that is not built on, paved or otherwise sealed:</i> <i>(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</i> <i>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</i> <i>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</i></p>	<p>Considered acceptable on merit</p> <p>Based on a combined site area of 1,907m², a minimum deep soil zone of 285.05m² (15%) is required.</p> <p>The proposed deep soil area is 148m² or 7.8%. 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 direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Considered acceptable</p> <p>The proposal has been designed to 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% of units receive 2 hours direct sunlight between 9am to 3pm in mid-winter.</p>
<p>(2) General <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>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms or</i></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"> - 12 x 1 bedroom requires 4.8 spaces; plus - 27 x 2 bedroom requires 13.5 spaces - Total = 4.8 + 13.5 = 18.3 or 19 parking spaces required. <p>Total requirement of 19 parking spaces is provided.</p>

<p><i>(b) dwelling size if each dwelling has a gross floor area of at least:</i></p> <ul style="list-style-type: none"> <i>(i) 35m² in the case of a bedsitter or studio, or</i> <i>(ii) 50m² in the case of a dwelling having 1 bedroom, or</i> <i>(iii) 70m² in the case of a dwelling having 2 bedrooms, or</i> <i>(iv) 95m² in the case of a dwelling having 3 or more bedrooms.</i> 	<p>Complies</p> <p>Apartment sizes comply with these requirements.</p>
<p><i>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)</i></p>	<p>It is noted that the proposed development does not comply with the standards relating to:</p> <ul style="list-style-type: none"> - Clause 14(1)(c) in relation to landscaping; and - Clause 14(1)(e) in relation to solar access. <p>Subclause 3 allows for consent to be granted despite the non-compliance with the above standards relating to landscaping and solar access.</p>
<p>Clause 16 Continued Application of SEPP 65</p>	
<p><i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</i></p>	<p>Complies</p> <p>An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.</p>
<p>Clause 16A Character of Local Area</p>	
<p><i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>Complies</p> <p>The current character of the area is generally comprised of single and double storey detached dwellings. However, the larger area is zoned R4 – High Density Residential development. The area is currently in transition from low density residential to high density residential.</p> <p>The proposed development comprises a residential flat building that accommodates a total of 39 dwellings over 5 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</p>

	the preparation of the plans.
Clause 17 Must Be Used for Affordable Housing for 10 Years	
<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><i>(a) for 10 years from the date of the issue of the occupation certificate:</i></p> <p><i>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i></p> <p><i>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i></p> <p><i>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i></p>	<p>Complies</p> <p>SGCH is a not-for-profit organisation that seek to provide affordable housing.</p> <p>Conditions of consent will be imposed to ensure compliance with this requirement.</p>

(b) State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.

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

The DA as accompanied by an Urban Design Statement. The statement provided a full assessment of the proposed development against the Design Quality Principles and the ADG. Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and how they have been addressed in the design:

DESIGN QUALITY PRINCIPLE	COMMENT
<p>PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in</i></p>	<p>The subject property is located in an area undergoing transition, so the appropriate context to be assessed is not only the existing situation, but especially the desired future character of the area.</p> <p>Most existing buildings in the neighbouring properties consist of small scale single and double storey dwellings. There is also a school across the road, which appears to be only single storey.</p> <p>With the current R4 High Density Residential zoning and associated development standards, it is expected that that the area will inevitably undergo a transition to higher density building forms of significantly larger scale and bulk as envisioned for the zone.</p> <p>The proposal is considered to be an 'infill' development that responds to the desired future character of the area. Where possible, the proposal has made considerable effort to achieve the objectives and controls of the Apartment Design Guide as</p>

<p><i>established areas, those undergoing change or identified for change.</i></p>	<p>detailed in this Statement of Environmental Effects.</p>
<p>PRINCIPLE 2: BUILT FORM AND SCALE</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposed building will achieve a scale, bulk and height that will not have unreasonable impact on existing buildings in the vicinity and will be appropriate to the desired future character of the zone.</p> <p>Building alignments, proportions, articulations and building elements will contribute to the streetscape. The progressive setbacks will assist in reducing bulk, and generous landscaped setbacks and the planting proposed will allow the proposed building to blend with its surroundings. The quality of materials will help improve the aesthetics of the streetscape.</p> <p>The proposed building have a good integration and definition with the street, with an easily identifiable entry.</p>
<p>PRINCIPLE 3: DENSITY</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>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.</i></p>	<p>The apartments are all of good size and amenity, including solar access to most private open spaces and living rooms in mid-winter. All units have internal rooms of a size large enough to accommodate the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies, courtyards and terraces with space for landscaping and leisure. The density is compatible with Council's controls and will be appropriate for the near future requirements of the area.</p> <p>Public infrastructure, transport, access to jobs, community facilities and parks are readily available in the vicinity to accommodate for such accommodation.</p>
<p>PRINCIPLE 4: SUSTAINABILITY</p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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.</i></p>	<p>All units have good access to sunlight and cross ventilation. Heating, cooling and insulation has been assessed as part of the submitted BASIX Certificate.</p> <p>The building will have a secluded area for garbage bins with easy access to collection services.</p> <p>The proposed design allows a large deep soil area around the building for planting. The courtyards and terraces will also be landscaped which will be an integral part of the architecture of this building.</p> <p>Where possible, the principles of environmentally sensitive design have been incorporated into the development and is evident through the arrangement of floor plates to maximise north facing units, the prevalence of dual aspect units to obtain cross ventilation and built elements that promote natural daylight into apartments and projecting awnings/blade walls/screens that provide shading to recessed windows. The proposal aims to provide an environmentally friendly development.</p>
<p>PRINCIPLE 5: LANDSCAPE</p> <p><i>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</i></p>	<p>A landscape plan has been prepared as part of the development application.</p> <p>The proposal along with site appearance will be improved by the careful use of landscaping within and around the site. Deep soil areas have been incorporated throughout the perimeter of the site, allowing for plantings along the boundaries and</p>

<p><i>and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>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.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>providing for visual benefit to the street frontage. Overall, the landscaping provides for a balanced development between hard paved and soft landscaped areas throughout the site.</p> <p>Ample landscaping within planter boxes and definition of passive and active recreational areas has been introduced along the south boundary as well as at the rooftop COS, to enhance the amenity of the development. The communal open space has been adequately landscaped to provide for better amenity of the future residents and also to soften up the building presence within its setting.</p>
<p>PRINCIPLE 6: AMENITY</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>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.</i></p>	<p>The design of the proposed development features a high proportion of north facing units. The proposal provides appropriate solar access (74%) and cross-ventilation (62%) of the units adding to the overall amenity of the development. Thus, natural ventilation and natural day lighting add to the amenity and reduce reliance upon mechanical equipment. The use of vegetation in the setbacks on ground level, the rooftop communal open space and in the private open spaces, are very effective.</p> <p>Planning within the units achieves separation of the more active spaces from the passive rooms. Adequate private open spaces offer a variety of passive and recreational opportunities for the occupants. Walls between the apartments and those enclosing communal and service areas shall meet the National Building Code of Australia requirements to reduce the noise levels under the minimum requirements.</p> <p>Ground floor units will benefit from large private open spaces. Dwellings on upper levels will benefit from large balconies and verandas with ample solar access as well as cross-ventilation.</p>
<p>PRINCIPLE 7: SAFETY</p> <p><i>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.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The proposed development has made provisions for natural surveillance for both communal and public areas. The common areas will be appropriately lit to ensure safety and visibility after dark.</p> <p>The entrance to the development, including private entries to the ground floor dwellings, are clearly visible from the street. Access to the building will be through a controlled security system. An intercom system will be provided adjacent to the main entry lobbies for visitor access. All common areas will be covered by CCTV.</p> <p>The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building. The proposal will also benefit from ample passive surveillance along with a large number of units facing the street.</p> <p>Entry to the communal space within the site is controlled by the main security doors at the building entrances. Communal spaces are well lit and benefit from passive surveillance.</p> <p>The communal open space on the rooftop creates a pleasant domain for all the family activities and minimises the safety and security issues as it is located within the building and is</p>

	protected by an intercom security system that allows only residents to access.
<p>PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	<p>Housing affordability in Sydney is becoming increasingly difficult. SGCH is a recognised social housing provider that strives to provide quality affordable housing developments. All of the 39 units will be offered for affordable housing and will provide a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.</p> <p>A mix of units is proposed ranging between one and two-bedroom units.</p> <p>On ground level and rooftop terrace a safe and activated area for visitors and residents to meet and interact is provided. The communal rooftop garden is a common asset shared amongst the development's community. These shared facilities and spaces, will promote a real sense of community.</p> <p>The proposed development is designed to maximise accessibility for access impaired. Sufficient disabled car parking facilities have been provided and are located near the main access lift of the building. Passenger lifts provide easy access to all levels of the building. Further to this, each stair core has been provided with a refuge area which in itself is an amenity above and beyond that required in the National Construction Code.</p>
<p>PRINCIPLE 9: AESTHETICS</p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development. The internal functions and structure have been clearly expressed through the articulation and massing of the facades.</p> <p>The proposed built form is considered a suitable response to the site as well as desired future character of the area.</p>

Further to the nine (9) design quality principles outlined in SEPP 65, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning Apartment Design Guide (ADG). The following table outlines compliance with the ADG, where numerical requirements ('controls') are specified.

Apartment Design Guide	
Provisions	Comment
2E Building Depth	
<i>Suggested maximum of 12-18m</i>	Complies Proposed depth is 18m.

Apartment Design Guide	
Provisions	Comment
2F Building Separation	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</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>Note: <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance</i></p>	<p>Complies</p> <p>Ground Floor to Level 3 have been setback a minimum of 6 metres from the southern and eastern property boundaries.</p>
<p>Five to eight storeys (approximately 12m to 25m)</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>Note: <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance</i></p>	<p>Complies of merit (see below discussion)</p> <p>A minimum setback of 9m is required for Level 4 from the southern and eastern property boundaries. Level 4 is setback less than 9m from the eastern and southern property boundaries.</p>
3A Site analysis	
<p><i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</i></p>	<p>Complies</p> <p>The proposed development is considered appropriate for its context. This is the first significant redevelopment of a site in the immediate locality and will set the tone for future development.</p>
3B Orientation	
<p><i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><i>Overshadowing of neighbouring properties is minimised during mid-winter</i></p>	<p>Complies</p> <p>The building layout has been designed to address the intersection of Smith Crescent and Flowerdale Road. The site orientation allows the building to maximize the northern orientation. Overshadowing of neighbouring properties particularly on the east and south during mid-winter cannot be avoided.</p>
3B Public domain interface	

Apartment Design Guide								
Provisions		Comment						
<p><i>Key components to consider include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting.</i></p> <p><i>Design can influence safety and security, opportunities for social interaction and the identity of the development when viewed from the public domain</i></p>		<p>Complies</p> <p>A transition between the private and public domain is achieved through low height front fencing while living area balconies are orientated towards the public domain to ensure a safe and secure transition between the private and public domain.</p>						
3D Communal and public open space								
<p><i>Communal open space has a minimum area equal to 25% of the site</i></p> <p><i>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)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p> <p><i>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</i></p>		<p>Complies</p> <p>The designated communal open space is located on the ground floor to the southwest of the site and on the rooftop level with a combined area of 539m² which constitutes 28% of the site area.</p> <p>The ground level portion provides multiple landscape elements and varied spaces for passive or active recreation pursuits of residents of various age groups.</p> <p>The communal open space receives adequate sunlight during mid-winter.</p>						
3E Deep soil zones								
<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <table><tr><td>Site area</td><td>Minimum dimension</td><td>Deep soil Zone</td></tr><tr><td>Greater than 1,500m²</td><td>6m</td><td>7%</td></tr></table> <p><i>7% of the site area is to be for Deep Soil zone.</i></p>		Site area	Minimum dimension	Deep soil Zone	Greater than 1,500m ²	6m	7%	<p>Complies</p> <p>The required deep soil area is 133.49m².</p> <p>The DSZ is located in various locations on the site. It has an aggregate area of 148.73m².</p>
Site area	Minimum dimension	Deep soil Zone						
Greater than 1,500m ²	6m	7%						
3F Visual Privacy								

Apartment Design Guide												
Provisions			Comment									
<p><i>Minimum separation distances from buildings to the side and rear boundaries are as follows:</i></p> <table><tr><th><i>Building Height</i></th><th><i>Habitable Rooms and Balconies</i></th><th><i>Non Habitable Rooms</i></th></tr><tr><td><i>Up to 12m (4 storeys)</i></td><td><i>6m</i></td><td><i>3m</i></td></tr><tr><td><i>12m to 25m (5-8 storeys)</i></td><td><i>6m</i></td><td><i>4.5m</i></td></tr></table>			<i>Building Height</i>	<i>Habitable Rooms and Balconies</i>	<i>Non Habitable Rooms</i>	<i>Up to 12m (4 storeys)</i>	<i>6m</i>	<i>3m</i>	<i>12m to 25m (5-8 storeys)</i>	<i>6m</i>	<i>4.5m</i>	<p>Complies on merit</p> <p>See discussion in 2F – Building separation below.</p>
<i>Building Height</i>	<i>Habitable Rooms and Balconies</i>	<i>Non Habitable Rooms</i>										
<i>Up to 12m (4 storeys)</i>	<i>6m</i>	<i>3m</i>										
<i>12m to 25m (5-8 storeys)</i>	<i>6m</i>	<i>4.5m</i>										
3G Pedestrian Access and Entries												
<p><i>Building entries and pedestrian access connects to and addresses the public domain.</i></p>			<p>Complies</p> <p>The proposed primary pedestrian access to the building is via the northern side of the building which faces the Smith Crescent. The entrance to the residential foyer is easily identifiable and distinguishable from Smith Crescent.</p>									
<p><i>Access, entries and pathways are accessible and easy to identify</i></p>												
<p><i>Large sites provide pedestrian links for access to streets and connection to destinations</i></p>												
3H Vehicle Access												
<p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>			<p>Complies</p> <p>Vehicle and pedestrian access points are located to achieve safety and minimise conflict.</p>									
3J Bicycle and Car Parking												
<p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"><i>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i><i>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i> <p><i>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</i></p>			<p>Complies</p> <p>Car parking has been provided as per the requirements of SEPP Affordable Housing.</p> <p>Access to the at-grade car parking area will require a swipe card to activate the garage door to open.</p> <p>A condition of consent to provide bicycle parking/storage will be imposed.</p>									

Apartment Design Guide	
Provisions	Comment
<i>be provided off street.</i>	
<i>Parking and facilities are provided for other modes of transport</i>	
<i>Car park design and access is safe and secure</i>	
<i>Visual and environmental impacts of underground car parking are minimised</i>	
<i>Visual and environmental impacts of on-grade car parking are minimised</i>	
<i>Visual and environmental impacts of above ground enclosed car parking are minimise</i>	
4A Solar and Daylight Access	
<i>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</i>	Complies The proposed development currently provides 29 units of 39 or 74% receiving sufficient solar access.
<i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</i>	
<i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</i>	Complies Only 5 units or 13% receive no direct sunlight between 9am – 3pm on the winter solstice.
4B Natural Ventilation	
<i>All habitable rooms are naturally ventilated to create healthy indoor living environments</i>	Complies There are 24 units or 62% that have natural cross ventilation.
<i>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</i>	
<i>Overall depth of a cross-over or cross-through apartment does not exceed</i>	

Apartment Design Guide											
Provisions	Comment										
18m, measured glass line to glass line											
The layout and design of single aspect apartments maximises natural ventilation											
4C Ceiling Heights											
Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.	Complies All levels are capable of providing 2.7m and 2.4m ceiling levels.										
4D Apartment Size and Layout											
<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Complies All units meet the required minimum internal areas. Habitable rooms are provided with windows of sufficient glass areas.
Apartment Type	Minimum Internal Area										
Studio	35m ²										
1 bedroom	50m ²										
2 bedroom	70m ²										
3 bedroom	90m ²										
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>											
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>											
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.7m x 2.5 = 6.75m)</p> <p>Note : For single aspect open plans with combined living, dining and kitchen = 8m</p>	Complies All of the units have open plans combining living, dining and kitchen that is no more than 8m from a window.										
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>											
Master bedrooms have a minimum area		Complies									

Apartment Design Guide																		
Provisions			Comment															
of 10m ² and other bedrooms 9m ² (excluding wardrobe space)			All master bedrooms and other bedrooms achieve the required areas. All living rooms of 1 bedroom units have at least 3m width. All living rooms of 2 bedroom units have at least 4m width.															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)																		
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments																		
4E Private Open Space and Balconies																		
<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4m</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>			Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4m	<p>Complies</p> <p>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.</p>
Dwelling Type	Minimum Area	Minimum Depth																
Studio	4m ²	-																
1 bedroom	8m ²	2m																
2 bedroom	10m ²	2m																
3 bedroom	12m ²	2.4m																
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																		
4F Common Circulation and Spaces																		
The maximum number of apartments off a circulation core on a single level is eight			There are two centrally located lifts that service at least 4 units each. Only one lift service the roof level units and common open space area.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			Not Applicable.															
Common circulation spaces promote safety and provide social interaction between residents			Corridors off lifts on all levels are linear and are provided with natural light to the adjoining waiting area to the lifts. This allows straight sign lines and provides natural light into this common area.															

Apartment Design Guide											
Provisions	Comment										
4G Storage											
<p><i>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <table><tr><td><i>Dwelling Type</i></td><td><i>Storage Size Volume</i></td></tr><tr><td><i>Studio</i></td><td><i>4m³</i></td></tr><tr><td><i>1 bedroom</i></td><td><i>6m³</i></td></tr><tr><td><i>2 bedroom</i></td><td><i>8m³</i></td></tr><tr><td><i>3 bedroom</i></td><td><i>10m³</i></td></tr></table> <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	<i>Dwelling Type</i>	<i>Storage Size Volume</i>	<i>Studio</i>	<i>4m³</i>	<i>1 bedroom</i>	<i>6m³</i>	<i>2 bedroom</i>	<i>8m³</i>	<i>3 bedroom</i>	<i>10m³</i>	<p>Complies</p> <p>The proposal provides for storage within each apartment. These areas comply with the minimum volume specified in the ADG.</p>
<i>Dwelling Type</i>	<i>Storage Size Volume</i>										
<i>Studio</i>	<i>4m³</i>										
<i>1 bedroom</i>	<i>6m³</i>										
<i>2 bedroom</i>	<i>8m³</i>										
<i>3 bedroom</i>	<i>10m³</i>										
4H Acoustic Privacy											
<p>Noise transfer is minimised through the siting of buildings and building layout</p>	<p>Complies</p> <p>An acoustic report prepared by TTM Consulting Pty Ltd was submitted with application. Appropriate noise mitigation measures will be implemented.</p> <p>The assessment shows that the development is feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community.</p>										
<p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p>											
4K Apartment Mix											
<p><i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p>	<p>Complies</p> <p>The proposed unit mix is:</p> <ul style="list-style-type: none">• 12x 1 bedroom (30.7%)• 27x 2 bedrooms (69.3%) <p>Different sized units are satisfactorily distributed over different levels.</p>										
<p><i>The apartment mix is distributed to suitable locations within the building</i></p>											
4L Ground Floor Apartments											
<p><i>Street frontage activity is maximised where ground floor apartments are located.</i></p> <p><i>Direct street access should be provide to ground floor apartments.</i></p>	<p>Complies</p> <p>All Ground Level units have balconies and private open space to Flowerdale Road or Smith Crrescent that provide opportunities for passive surveillance. Low level planting and permeable fencing achieve privacy to the residents.</p>										
<p><i>Design of ground floor apartments delivers amenity and safety for residents</i></p>											
4M Facades											

Apartment Design Guide	
Provisions	Comment
<i>Building facades provide visual interest along the street while respecting the character of the local area</i>	Complies Building façades are articulated and modulated through the use of balconies, varying windows, awnings and recessed elements. Ground floor building entries are clearly defined and articulated by the façade. The overall design clearly defines the ground floor level, the mid-section defined by levels 1-3 and the top level which is setback from all sides of the building.
<i>Building functions are expressed by the facade</i>	
4N Roof Design	
<i>Roof treatments are integrated into the building design and positively respond to the street</i>	Complies The flat roof design echoes the horizontality of the building elements.
<i>Opportunities to use roof space for residential accommodation and open space are maximised</i>	
<i>Roof design incorporates sustainability features</i>	
4O Landscape Design	
<i>Landscape design is viable and sustainable</i>	Complies The landscape plan incorporates sustainable environmental design and landscaping to the site. The landscape design maximises the use of drought tolerant species.
<i>Landscape design contributes to the streetscape and amenity</i>	
4P Planting on Structures	
<i>Appropriate soil profiles are provided</i>	Complies As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes.
<i>Plant growth is optimised with appropriate selection and maintenance</i>	
<i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	
4Q Universal Design	
<i>Universal design features are included in apartment design to promote flexible housing for all community members</i>	Complies There are 4 adaptable units (2x1br + 2x2br) provided.
<i>A variety of apartments with adaptable designs are provided</i>	

Apartment Design Guide	
Provisions	Comment
<i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i>	
4R Adaptive Reuse	
<i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i>	The DA is for the development of a new building and not the adaptive reuse of an existing building.
<i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i>	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed use development.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
<i>Awnings are well located and complement and integrate with the building design</i>	Not Applicable.
<i>Signage responds to the context and desired streetscape character</i>	
4U Energy Efficiency	
<i>Development incorporates passive environmental design</i>	Complies The development is in accordance with these objectives. Sliding sun screens are included on balconies to provide passive shading. Good cross ventilation is provided as part of the development.
<i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i>	
<i>Adequate natural ventilation minimises the need for mechanical ventilation</i>	
4V Water Management and Conservation	
<i>Potable water use is minimised</i>	Complies Potable water use is minimised in accordance with BASIX water efficiency targets and water efficient devices will be provided in accordance with the requirements of the BASIX Certificate.

Apartment Design Guide	
Provisions	Comment
<i>Urban stormwater is treated on site before being discharged to receiving waters</i>	Complies The storm water concept plan for the development has been reviewed by Council's Land Development Engineers who have raised no objections to the proposed development subject to conditions.
<i>Flood management systems are integrated into site design</i>	Not Applicable.
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 minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
<i>Building design detail provides protection from weathering</i>	Complies The development is in accordance with these objectives.
<i>Systems and access enable ease of maintenance</i>	
<i>Material selection reduces ongoing maintenance costs</i>	

Building Separation Discussion:

The building separation distances on Level 4 do not achieve compliance with the requirements of the ADG, which stipulates:

- *Five to eight storeys (12m to 25m):*
 - *18m between habitable rooms/balconies;*
 - *12m between habitable and non-habitable rooms; and*
 - *9m between non-habitable rooms.*

The proposed RFB contains windows to habitable rooms of dwellings on the southern elevation of Level 4. In this regard, a 9m building separation distance from the side property boundary is applicable. This application proposes a separation distance of 7m to the kitchen window and bedroom window of a dwelling. Furthermore, the applicant proposes a rooftop terrace on Level 4 that is less than 9m from the eastern property boundary and southern property boundary. The areas of non-compliance can be seen inb **Figure 6** below.

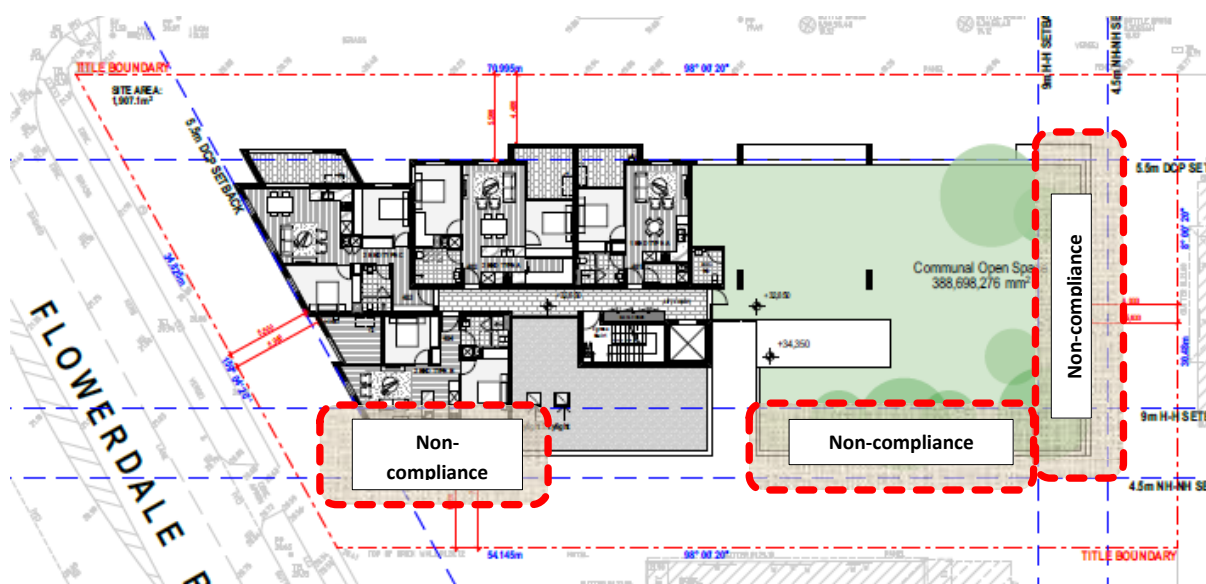


Figure 6: Extract of the floor plan that shown the extent of non-compliance with Building Separation on Level 4

The applicant claims that, the proposed variation comes as a consequence of the SEPP ARH incentives. Considering this, reference is made to the aims in setting building separation controls so as to ensure that the overall development achieves high residential emnity of future occupants and surrounds. The proposed development is considered to be worthy of support for the following reasons:

- The kitchen window on the south elevation encroaches into the minimum 9m setback by 2 metres and the bedroom window encroaches by 1 metre into the setback. In this case, there is scope to relocate the windows to the western and eastern elevation so that there are no habitable room windows to the south elevation. In doing so, a setback distance of 4.5 metres is required from the southern property boundary. The proposed development complies with this requirement.
- With regard to the non-compliance in building separation on the rooftop terrace from the eastern and southern property boundary, it should be noted that the applicant proposes a 1.8m high balustrade around the terrace. The first 1.2 metres of the balustrade will be dark grey brick and the top 0.5 metres of the balustrade will consist of glazing. The applicant has submitted a shadow diagram that compares the solar impacts of the additional glazing on the balustrade. The submitted diagram indicates that the difference in the impact is negligible.

Based on the above assessment, the proposed development satisfy the objectives of the ADG and the application is considered to be worthy of support.

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

The objectives of SEPP 55 are:

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

Pursuant to clause 7 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 DSI recommends a RAP and a Hazardous Materials Survey.

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

A Site Management Plan has been prepared and included in the RAP, section 10. Removal of Hazardous materials is discussed however the survey was not undertaken. Hence, this will be conditioned.

The RAP states that a Workplace Health and Safety Plan is required to be prepared and implemented. This will be conditioned accordingly.

The Environmental Site Assessment 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.

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

A BASIX certificate and report has been submitted with the development application.

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

Stormwater Concept Plans have been submitted with the DA that provide a scheme for capturing, detaining and treating stormwater flow and connecting to Council's system in Smith Crescent. The plans have been assessed by Council's Land Development Engineers and are considered satisfactory for the purpose of dealing with stormwater on site and protecting the quality of water discharging to the Georges River.

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

(f) Liverpool Local Environmental Plan 2008

The subject site is zoned R4 – High Density Residential under Liverpool LLEP 2008. The proposed development is defined as a *Residential Flat Building* and is a permitted form of development in the zone, subject to Council consent.

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

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

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

- It will provide for housing needs within a high density residential environment. It is noted that while immediate development within the vicinity of the site consists of low density residential development; the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housing types within a high density residential environment.
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is within close proximity to transport facilities which include Bus routes; and
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below.

Clause	Provision	Comment	Complies
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Development consent is sought for the demolition of the existing buildings on the development site.	Yes
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1000m ²	The existing 2 lots will be amalgamated resulting in a total land area of 1907m ² .	Yes
Clause 4.3 Height of Buildings	Maximum height of 15m	The current proposal seeks a maximum building height of 17.2m to the roof slab and 18.1m to the lift overrun. The greatest variation is therefore equivalent to 3.1m or 20.6%. A written justification is therefore required for the proposed variation to the maximum building height development standard, in accordance with Clause 4.6 of the LLEP 2008	Yes, on merit. See discussion below.
Clause 4.4 Floor Space	Maximum FSR of 1:1	Pursuant to the LLEP 2008, the FSR for the site is 1:1.	Yes

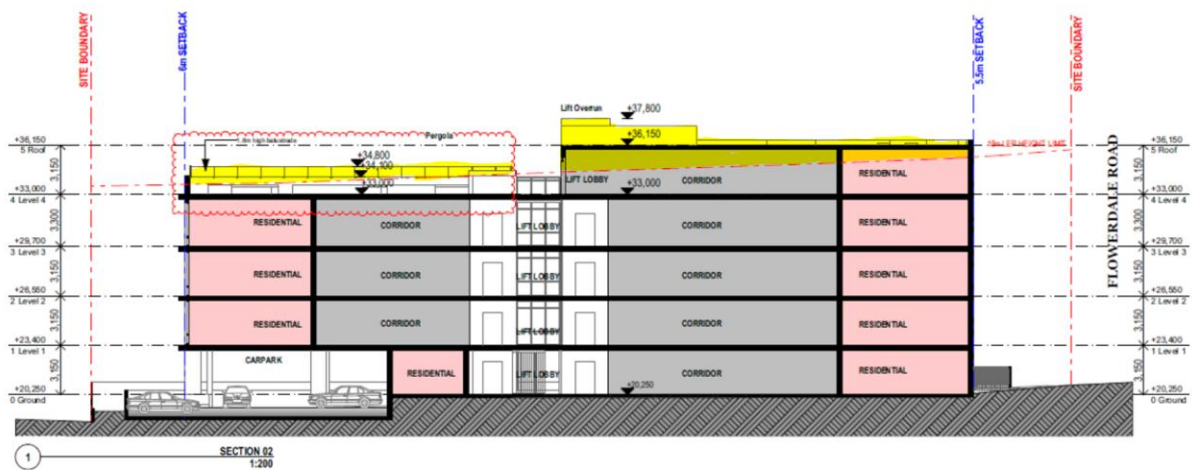
<i>Ratio</i>		<p>However, the SEPP (Affordable Rental Housing) 2009 provides a bonus of 0.5:1 for sites located in an 'accessible area' in which 100% of the units are designated for affordable housing.</p> <p>All units are designated for the purpose of affordable housing. Therefore, the total permissible FSR is 1.5:1 (1.0 + 0.5) or a GFA yield of 2,860m². The proposed GFA complies with this development standard.</p>	
<i>Clause 4.6 Exceptions to development standards</i>	<i>Provisions relating to exceptions to development standards</i>	A written request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below.	Yes, Variation is sought and a 4.6 variation is provided. See discussion below.
<i>Clause 7.14 Minimum Building Street Frontage</i>	<i>Minimum building street frontage of 24m</i>	The site has a total frontage of 34.825m to Flowerdale Road and 70.995m to Smith Crescent.	Yes

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, building height does not comply with the provisions of the LLEP 2008 and is discussed as follows:

Variation to Clause 4.3 Height of Buildings

The current proposal seeks a maximum building height of 17.2m to the roof slab which represents a numerical variation of 2.2m or 14.6% and a maximum height of 18.1m to the lift overrun which represents a numerical variation of 3.1m or 20.6%. As demonstrated below, the non-compliance height relates Level 4 and the rooftop communal open space.



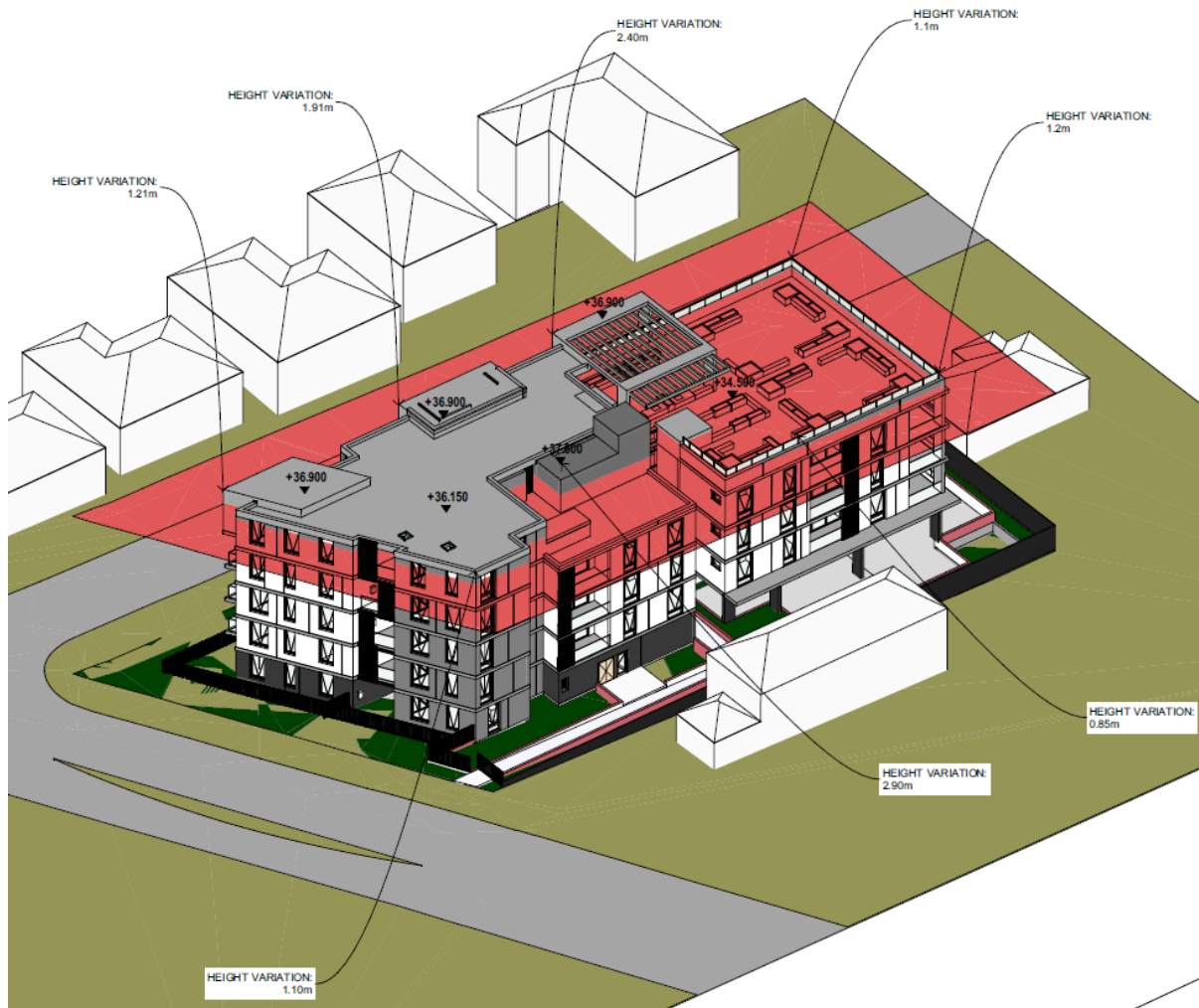


Figure 7: – Extract of the section plan showing the building elements which exceed the height limit.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone. These are discussed below.

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

- (1) The objectives of this clause are as follows—
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- 1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

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

- *The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.*
- *The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.*
- *We respectfully submit that the proposal will result in a better planning outcome as unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 39 units will be nominated as affordable housing to be managed by our client, St George Community Housing.*
- *The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.*
- *Regular bus services are available along Flowerdale Road. The site is well located to local amenities and infrastructure with local shopping precincts, parks and schools within walking distance of the subject site.*
- *The development is also notably compliant with the maximum 1.5:1 FSR prescribed by SEPP (Affordable Rental Housing) 2009.*
- *In this case, strict compliance with the height of buildings development standard of the LLEP 08 is unnecessary and unreasonable.*

In response to the applicant's submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

- *The topography of the site slopes from west to east. At the highest point of the site, the roof slab is 450mm to 1200mm over the height limit. The height exceedance gradually increases as the site falls to the eastern property boundary. It should be noted that the development provides for a minimum of 3150mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG. Accordingly, it is noted that 750mm of additional height limit can be*

attributed to this aspect of the design which achieves a level of amenity that is in keeping with the objectives of the ADG.

- In order to negate any breach in the maximum height limit, the applicant would need to significantly excavate the natural ground floor level at the front of the site to reduce the height of the ground floor level. It is considered that such a design is not ideal as excavation of the natural ground level would result in a development whereby the ground floor level is significantly lower than the street level, which is considered to detract from the streetscape. In the circumstances, it is considered that the height of the ground floor level is suitable for the purpose of achieving adequate stormwater drainage of the proposed development and so the ground floor adequately addresses the streetscape.
- The plans show that the bulk of Level 4 of the proposed development is confined to the north-eastern corner of the site, which is the highest point of the site. Therefore, the development has been designed so as to reduce the bulk adjoining existing residential properties to the south and east. As a result, the development minimises any additional length in shadow cast to adjoining neighbours to the south. Shadow diagrams have been submitted which shows that the impacts of the proposal to the southern neighbour is negligible compared to a complaint scheme. Also, it can be seen from the diagram that exceedance of the height limit as a result of the 1.8m high balustrade around the rooftop terrace does not result in additional shadow impacts as that part which exceeds the height limit is mainly comprised of glazing.
- The development accommodates two lifts in close proximity. Both are located towards the central portion of the building. Only the western lift service the roof level.
- The development proposes a maximum height of 18.1m to lift overrun which represents a numerical variation of 3.1m or 20.6%. However, as the lift overrun is setback from the roof slab of the floors below, there are no adverse impacts to surrounds in terms of streetscape character and overshadowing. Considering this, the lift overrun is a breach of the height limit that is considered to be reasonable and compliance is not necessary in this instance.
- The subject site accommodates a five storey building which is an anticipated built form in a zone that permits a height of buildings of 15m. The breach in height limit mainly stems from the topography of the site. In order to achieve a compliant building height, it would be necessary to remove the fifth storey of the building thereby reducing the dwelling yield of the development and possibly the amount of affordable housing onsite; or retaining the development yield but not without substantial changes to the building design which may result in an inferior design outcome. In this case, it is considered that there is adequate environmental grounds to support a variation.
- The proposed non-compliant building height was reviewed by the DEP. The panel raised no objections with the additional height of the proposed development.
- Given the large site area, it is considered that the proposed development is of an appropriate bulk and scale.

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

The objectives of Clause 4.3 and assessment are as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved*

- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed development is considered to be consistent with the objectives of Clause 4.3 of LLEP 2008, in that notwithstanding the height exceedance, it will provide a built form that is compatible with the intended future character of the area.

The subject site accommodates a five storey building which is characteristic of development that is to be anticipated in a zone that permit a height of buildings of 15m. The proposed development is considered modern in its design with a strong presentation to the street frontages. The upper level of the building has been designed to break the bulk of the building so as to accentuate its presentation to the street intersection whilst providing an adequate interface to neighbouring dwellings to the south and east of the site.

The proposal allows for a development that encourages high quality urban form with the inclusion of extensive communal open space and landscaped areas at ground level and the fourth level. Furthermore, the shadows cast by the development do not significantly alter from a compliant scheme.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 4.3 of LLEP 2008.

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

The objectives of the R4 zone are as follows;

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

The proposal will provide for 39 new residential units which is reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing within the Liverpool Local Government Area and the applicant responds to this need by offering 100% of the dwellings as affordable housing for a period of at least 10 years, as per the requirement under the SEPP (Affordable Rental Housing) 2009. The proposed development is consistent with other high density residential development in the LGA.

4) Consistency with Clause 4.6 objectives

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

As detailed above, the request to vary the development standard of Clause 4.3 - Height of Buildings is considered to be well founded and justified under the circumstances. It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site. Moreover, it is

considered that achieving a greater height in this instance will allow for the creation of a high quality development within the locality and in turn represents a design outcome that is suitable for the locality.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 “height of buildings” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

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

There are no draft Environmental Planning Instruments that apply 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*.

The table 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 on merit Twenty-eight (28) trees within the site will be removed. Three (3) trees within the Council reserve on Smith Crescent are proposed to be retained. Additional planting is proposed in accordance with the landscape concept plan.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The development will involve the removal of 28 trees. The application was accompanied by an Arborist Report, which identified thirty-one trees on the site and adjoining Council reserve. Thirty (30) trees were considered to be of low significant value and one (1) tree was considered to be of moderate significant value. The proposed landscaping and tree removal has been reviewed by Council's Landscape Officer, who has raised no issues, subject to conditions and additional planting as shown in the submitted landscape concept plan.
Section 4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no

Development Control	Provision	Comment
	means. A stormwater drainage concept plan is to be submitted.	issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The 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 Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies Council's Flood Engineers have advised that the site is not affected by flood planning and therefore flood related development controls are not applicable.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is suitable for development, subject to remediation.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Complies The site is identified as having moderate potential for saline soils. Conditions relating to erosion and sediment control measures will be implemented to prevent further spread of potentially saline soils.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is unlikely that it would contain Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. To be conditioned.
Section 17. Heritage and	Provisions relating to heritage sites.	Not Applicable The site is not identified as a heritage item or

Development Control	Provision	Comment
Archaeological Sites		within the immediate vicinity of a heritage item.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the LDCP 2008. Submissions were received and are discussed in more detail in the next section
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	Residential Development Car Parking Requirements: - 1 space per one bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay	Not Applicable Car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009.
Section 21. Subdivision of Land and Buildings	Minimum Subdivision Lot Size: 1000m ²	Complies Existing Lot Size is greater than 1000m ² . No further subdivision is proposed.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies During Construction: A Demolition and Construction Waste Management Plan been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction. On-going Waste Management: <ul style="list-style-type: none"> Bulk bins will be collected on-street by Council and collections will occur via the kerbside on Smith Crescent. Bin collections will be coordinated with building management who will transfer all bins on service days to the kerbside for collection by Council. 7 x 660L general waste and 7 x 660L recycling bins are required for the refuse quantities generated by the proposed development. A refuse room is provided on the ground floor in close proximity to the stair and lift cores. The bin room is considered large enough to accommodate the required number of bins.

Development Control	Provision	Comment
		<ul style="list-style-type: none"> Residents will dispose their general waste and recycling directly to the ground floor refuse room. Refuse bin quantities have been calculated based on collection cycles of one day per week for waste and one day per week for recycling. <p>Conditions to be imposed to ensure compliance with the WMP is achieved during ongoing use.</p>
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 social impact comment (SIC) shall be submitted for residential flat buildings greater than 200 units or affordable rental housing.	<p>Complies The application was accompanied by a social impact comment within the Statement of Environmental Effects.</p> <p>The development will result in a positive social impact, as it will be providing 100% affordable housing among other social benefits.</p>

Part 3.7 – Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum frontage of 24m	Complies The site has a frontage of 34.825m to Flowerdale Road and a secondary frontage of 70.995 to Smith Crescent.
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 from Flowerdale Road in the west.
	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 directly from the street via individual pedestrian entries for most of the ground floor units. Two additional main entrances, one from each street frontage, have been provided for the lobbies on the ground floor. A driveway with a minimum width of 5.8m has been provided for vehicular access to the ground floor at grade parking.

Development Control	Provision	Comment
	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 The development is in accordance with the objectives of the zone and provides for an appropriate built form.
	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 This aspect has been reviewed by Council's technical officers, who have recommended approval subject to conditions.
	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.
Setbacks		
Front Setback	Front and secondary setback of 5.5m is required. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Complies A setback of 5.5m is provided from both Flowerdale Road and Smith Crescent. Complies Sun control devices do not encroach by more than 1m.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3 Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	Not Applicable The side and rear setbacks of the development have been designed to achieve compliance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Complies Based on a site area of 1907m ² , a minimum landscaped area of 476.75m ² is required. The proposed development provides approximately 532m ² of landscaping area which equates to 28% of the site area.
	A minimum of 50% of the front setback area shall be landscaped area	Complies Majority of the front setback area to Flowerdale Road is landscaped area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating	Complies Landscaped areas are generally consolidated within the front, side and rear setback areas.

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	them contiguous with the landscaped area of adjacent properties.	
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies A variety of native plant species are provided.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies Communal open space areas are provided along the southern side of the building on the ground level along the side boundary and another area on the rooftop.
	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 The ground floor level COS will receive solar exposure in the afternoons while the roof top COS will receive sufficient solar access throughout the day. The COS on both ground and roof levels has sufficient space and facilities to allow active or passive recreation for all ages. The rooftop are provided with BBQ facilities, tables and seating for a range of leisure activities.
	Locate open space to increase the potential for residential amenity.	Complies The communal open space increases residential amenity.
Private Open Space	Private open space shall be provided as follows: - 10m ² for a dwelling size less than 65m ² - 12m ² for a dwelling size over 65m ²	Complies Private open space requirements are provided in accordance with the requirements of the ADG.
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards are provided for units on the ground floor and balconies are provided for units 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.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	Complies The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and	Complies The proposed roof design contributes positively to the design of the

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	performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	building.
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	Complies Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors. Entries are also clearly identifiable and address both street frontages.
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies 74% of the units and the communal open space will receive adequate solar access.
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies The ground floor units will complement the streetscape and provide safe access.
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	Complies The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.

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Natural Ventilation	Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	Complies All units have direct access to natural ventilation.
Building Layout	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage.	Complies Adequate storage spaces are provided within most of the units.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage areas within the building are adequately lit.
Landscaping and Fencing		
Landscaping	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	Complies The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.
Planting on Structures	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas.	Complies Landscaping on the rooftop communal open space is provided and detailed within the landscape plan.
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Considered acceptable The front fencing varies between 0.75m at the north-western corner to 1.3m at the south-western corner. The fence is predominantly a metal palisade fence and provides an

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	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	appropriate level of transparency to allow passive surveillance.
	The front fence must be 30% transparent.	
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	
	The maximum height of side boundary fencing within the setback to the street is 1.2m. Boundary fencing along the front and side boundaries adjoining the undercroft carpark is 1.8m high.	Considered acceptable The high fencing is necessary for security purposes.
	Boundary fences shall be lapped and capped timber or metal sheeting.	Complies Fencing to be provided as required.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, no visitor spaces are required.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	
	Pedestrian and driveways shall be separated.	Complies Pedestrian walkways and vehicular driveways are separate.
	Driveways shall be designed to accommodate removalist vehicles.	Complies Driveway has been designed to accommodate a range of vehicle types.
	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 Vehicular entrance is provided at the secondary frontage of the site and is integrated into the building design.
	Give preference to underground parking	Complies Underground parking is not provided because of prohibitive costs.
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Complies Pedestrian entries are clearly defined and accessible from the street via compliant common pathways, doors, lifts and corridors. All common areas are accessible.
Amenity and Environmental Impact		
Over-shadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Complies by merit Overshadowing of the adjoining eastern and western properties is unavoidable in this instance. The proposed development comply with development standards with the exception of slight breaches in building height which is deemed

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		acceptable.
Privacy	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Complies The building has been designed to largely comply with the building separation distances of the ADG, which will ensure that a reasonable amount of privacy is afforded to future development.
Acoustic Impact	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	Complies by condition 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
Site Services		
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Complies All required site services will be provided to the site and maintained.

The above assessment has found that the development is generally compliant with the LDCP 2008 and is satisfactory.

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 National Construction Code.

6.6 Section 4.15(1)(b) – the likely impacts of the development

(a) Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The temporary removal of vegetation will be replaced trees and shrubs in new landscaping for the site.

Construction of the building will include excavation but good separation of 6m from adjoining boundaries is proposed which should provide a buffer to established development.

A Geotechnical Report has accompanied the DA which concludes that site is suitable for the proposed works.

(b) Built Environment

The impacts of the development on the built environment have been assessed and as the proposal represents the future character for development in the R4 zone, is considered to be acceptable. Consideration has been given to issues such as acoustic impact and waste management and it is considered that the site and proposed development is suited for the locality transitioning to a high density context. Conditions of consent will be imposed to ensure that an agreement with Council is reached regarding the best approach for collection of waste.

(c) Social Impacts

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.

(d) Economic Impacts

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.

(e) Section 7.11 of the EP&A Act / Liverpool Contributions Plan 2009

The Liverpool Contributions Plan 2009 provides information on the extent of anticipated new development, the extent of new public services and amenities needed to support the new development and the contributions that the new development must make to fund the public services and amenities.

Accordingly, the payable Section 7.11 Contribution fee for the development proposed is **\$228,040**, subject to the Consumer Price Index (CPI) increases applicable at the time of payment.

6.7 Section 4.15(1)(c) – the suitability of the site for the development

The site was rezoned to R4 – High Density Residential in 2008 following a strategic assessment of the suitability of the locality to support a higher residential density. The proposed development has been designed in line with the applicable planning controls which describe the desired future character of the site and surrounding locality. The proposed development is a permitted use and has a bulk, scale and appearance which also takes account of the site attributes and constraints. The proposed development is therefore considered suitable for the site.

6.8 Section 4.15(1)(d) – any submissions made in accordance with the Act or the regulations

(a) Internal Referrals

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

Internal Department	Status and Comments
Natural Environment & Landscaping	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions
Waste Management	No objection, subject to conditions
Landscape	No objection
Environmental Health	No objection, subject to conditions
Flooding Engineers	No flooding impact on the site

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
Sydney Water	Reviewed the application and determined that this development does not require assessment by Sydney Water at this stage.
Endeavour Energy	No objection
NSW Police	No response received

(c) Community Consultation

The DA was notified in accordance with LDCP 2008 for a period of 14 days from 7 to 22 May 2019.

Seven (7) submissions were received during notification period objecting to the proposed development on various grounds. Matters raised in those submissions are considered below.

Issue: Traffic and parking

- The overflow of fifty nine (59) vehicle parking (78 parking spaces @ 2/unit - 19 provided) would have a significant negative effect on the neighbourhood.*
- Smith Crescent, Murphy Ave and Frangipane Avenue are described in the Traffic Report as having two (2) parking lanes and two travel lanes. This is not possible.*
- There will be much more traffic with the building of new units, which will be extremely congested especially with Liverpool West Public School being literally across the road.*

- *Traffic assessment did not include intersection of Smith Crescent and commenced only after 3:30pm. School traffic was not included (i.e. peak hour in the morning and afternoon)*

Comment: The application was accompanied by a traffic report which was referred to Council's Traffic Engineering Unit for review. The traffic impact of the proposed development has been assessed by Council's Traffic section who raised no objections to the proposed development. It is acknowledged that additional traffic movements will be generated by the development and it has been determined that the surrounding road network has capacity to accommodate the proposed development.

Issue: Amenity

- *The proposed development will generate lots of noise from cars and people. There will be disturbance of peace.*
- *The house will be dark, as the new building will cover the sun. This will mean that we will need to use more electricity.*

Comment: The main impact will be to the south and east of the site as shown in the submitted shadow diagrams for the midwinter solstice. However, the proposed development has been designed to respond to the sites topography and also respects the building separation requirements of the Apartment Design Guide and side setbacks in Council's DCP. Accordingly, in spite of the exceedance in building height, it is considered that the additional shadow impact as a result of the proposal is negligible compared to a fully compliant development.

Having regard to acoustic impacts, the proposed development was accompanied by an acoustic assessment report which considered the impact of local noise sources on the units and the potential impact of the new residential flat building on the existing aural environment. The acoustic report concludes that the proposed development will maintain an appropriate acoustic amenity and controlled noise impact onto the local community. Council's Environmental Health Officer has reviewed the report and concurs with the findings of the report, subject to conditions of consent.

Issue: Overlooking

- *We have a pool in our backyard and it would cause significant discomfort to have people staring at us through the apartment.*
- *People in the new units will see everything on our property which is adjoining and we do not want our privacy to be invaded. We will feel uncomfortable using our backyard for things like eating, family gatherings, etc. because we will be constantly be seen by our neighbours*

Comment: The difference in height and scale also means that there is potential for high rise development to overlook established development as the area transitions from low to high density. The proposed development has been designed to minimise overlooking to existing neighbours as well as any future development, including but not limited to the following:

- a majority of units have been designed to face the street rather than neighbouring dwellings to the south and east;

- pedestrian entry for the site is located in the middle of the building so that residents and visitors enter and leave as far as possible from the neighbouring properties;
- windows and balconies of the proposed development have been designed to meet the ADG setback requirements; and
- deep soil areas have been provided to support vegetation that in time can provide visual relief and separation to adjoining sites.

It is considered that the subject design provides a quality precedent for future development.

Issue: Economic

- *If we wish to sell the house, its value will be diminished, as it will be situated next to an RFB.*

Comment: This is not a planning issue.

Issue: Character

- *The height (5-storey) of the structure is totally inappropriate to the character of the street and the shadow on adjoining properties is of significant concern of residents.*

Comment: As a residential flat building, the proposed development will present a very different character to the existing single and two storey dwellings in the area. However, the area is in a stage of transition and a marked difference in building height is expected.

Issue: Contamination & Pollution

- *The demolition of existing fibro buildings and hazardous asbestos dust can under windy conditions pose health risk to the children at Liverpool West Public School and adjoining properties and residents*

Comment: A condition will be imposed on any consent granted that requires a suitably licensed asbestos contractor to put together a comprehensive asbestos removal and management plan, prior to the commencement of demolition works. Demolition is required to be carried out in accordance with the plan and all relevant standards applicable to demolition, particularly as it concerns hazardous materials.

The issues raised in the submissions are considered to have been addressed by the proposal and would not warrant the refusal of the DA.

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

The proposed development is consistent with the zoning of the land and would represent quality development for the suburb. The development will provide additional housing opportunities in proximity to public transport, local shopping, services and employment opportunities. It will also add to the availability of affordable rental housing in the locality, thereby providing an important social benefit.

7 CONCLUSION

In conclusion, the following is noted:

- The subject DA 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 context of the site and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form are consistent with the desired future character of the area envisaged under the LLEP 2008 and LDCP 2008.
- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to the setback controls, however these are considered acceptable on merit.
- The development will generate a social benefit for the community, given the provision of affordable rental housing.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

8 RECOMMENDATION

That DA-257/2019 for construction of a five storey residential flat building comprising of 39 units, including landscaping works, associated site works and demolition of existing structures be approved, subject to conditions.

9 ATTACHMENTS

- 1) Architectural plans, demolition plan & landscape plans
- 2) Survey plan and Stormwater Concept Plans
- 3) Recommended conditions of consent
- 4) Statement of environmental effects
- 5) Clause 4.6 variation written justification to height
- 6) SEPP 65 Design Verification Statement
- 7) Acoustic Assessment Report
- 8) Arborist Report
- 9) Access Report
- 10) Traffic Report
- 11) Geotechnical Assessment report
- 12) Waste management plan
- 13) Contamination report
- 14) Remedial Action Plan
- 15) BASIX certificate and house energy rating
- 16) Design excellence panel comments
- 17) SWCPP – Record of Briefing