



& Associates Pty Ltd

Town Planners
BASIX/Energy Assessors



Statement of Environmental Effects

March 2019

127 – 129 Flowerdale Road, Liverpool

Demolition of all existing structures and the development of a five (5) storey residential flat building comprising of 39 units (12 x 1-bedroom units and 27 x 2-bedroom units) to be used wholly for the purposes of affordable rental housing.

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of an application for the proposed demolition of all existing structures and the construction of a five (5) storey residential flat building on land known as 127 – 129 Flowerdale Road, Liverpool. The proposal will provide for 39 units pursuant to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Upon its completion, the development will be managed by St George Community Housing who are also the owners of the land.

Our clients are a dedicated not for profit organisation who seek to provide high quality, affordable residential housing options. In their research, they have identified a growing demand for affordable residential accommodation within the Liverpool local government area.

GAT & Associates have been engaged by St George Community Housing to prepare a Statement of Environmental Effects to accompany the development application for Liverpool Council's consideration.

A Pre-DA meeting was held with Council staff on 6 February 2019 with respect to the application however at the time of submitting this report, no formal pre-da advice has been issued.

A Design Excellence Panel meeting however was held on 13 December 2018 to discuss the proposal. Refer to Appendix H for a copy of these minutes. The following comments are provided with respect to the items raised:

- Drawing Nos. 300 – 302 show elevations of the proposed finishes and materials. The selected materials have been chosen to reflect a cost effective and attractive outcome on the site, with the primary focus being a low maintenance approach and timeless materiality. A neutral colour palette reinforces this design philosophy and enables a built form that ages well both aesthetically and physically.
- The proposed car park design is considered to be consistent with previous applications. Landscaping works are proposed to its perimeter.
- The primary building entrance has been redesigned to Smith Crescent. As Unit 110 cantilevers over the pathway leading to the lobby, a sheltered waiting space is provided.
- Bicycle parking has been provided at ground level along the southern boundary adjacent to the car park.
- The fencing to ground floor courtyards extends the width of these units as recommended by the Panel.
- The submitted BASIX certificate has assessed the thermal comfort of the building and specifies suitable insulation and glazing products.
- A Landscape Plan has been prepared by inviewdesign.

This Statement of Environmental Effects is based on information and details shown on the following plans prepared by DKO Architecture, Project No. 00012087, dated September 2018 Rev TP4:

- DA000 Title Page
- DA100 Site Context
- DA101 Site Analysis
- DA103 Site Plan
- DA107 Demolition Plan
- DA200 Ground Floor Plan
- DA201 Level 1 – 3
- DA202 Level 2 – 3 Typical
- DA203 Level 4
- DA204 Roof Plan
- DA300 Elevations
- DA301 Elevations
- DA302 Elevations
- DA303 Sections
- DA304 Sections
- DA400 Shadows – June 21
- DA401 Eye of the Sun
- DA402 Height Plane Diagram
- DA403 Artists Impression
- DA404 Artists Impression
- DA405 Material Finish
- DA500 Development Summary
- DA501 Solar Access Calculation
- DA502 Cross Ventilation Calculation
- DA503 FSR Calculation
- DA504 Landscape and Deep soil Calculation
- DA505 Communal Open Space Calculation
- DA507 Apartment Types
- DA508 Apartment Typologies

- DA509 DDA Apartments
- DA600 Notification Site Plan
- DA601 Notification Elevations

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- Access Report prepared by Morris Goding Access Consultant;
- Acoustic Report prepared by TTM;
- Preliminary Arboricultural Report prepared by Tree IQ;
- BASIX Certificate prepared by Northrop;
- BCA Report prepared by Technical Inner Sight;
- Cost Estimate prepared by Mitchell Brandtman;
- Demolition and Construction Waste Management Plan prepared by TTM;
- Erosion and Sediment Control Plan prepared by ABC Consultants
- Landscape Plans prepared by inviewdesign;
- Mechanical Services Plans prepared by Arrow Consulting Engineers;
- Operational Waste Management Plan prepared by TTM;
- Report on Geotechnical Investigation prepared by Pells Sullivan Meynink;
- Detailed Site Investigation prepared by JBS&G;
- Stormwater Management Concept Strategy and Stormwater Drainage Plans prepared by Arrow Consulting Engineers;
- Structural Report prepared by ABC Consultants;
- Survey Plan prepared by Norton Survey Partners;
- Traffic and Parking Assessment prepared by TEF Consulting;
- SEPP 65 Design Verification Statement prepared by DKO Architecture Pty. Ltd

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.

- Addressing any likely environmental and external impacts (positive and negative).

The proposed development has been assessed in relation to:

- Section 4.15 Considerations under the Environmental Planning & Assessment Act, 1979.
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- State Environmental Planning Policy (Affordable Rental Housing) 2009.
- State Environment Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- Draft Remediation of Land State Environmental Planning Policy 2018;
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008.

2. SITE CONTEXT

The subject site is commonly known as Nos. 127 – 129 Flowerdale Road, Liverpool and is legally defined as Lots 2 and 3 in Deposited Plan 373524. The subject site is located at the south eastern corner of Flowerdale Road and Smith Crescent. Refer to the figure below.

Figure 1 Site Location Map



Source: Six Maps, 2018

Subject site

The site provides for a primary frontage of 34.825m to Flowerdale Road and a secondary frontage of 70.995m to Smith Crescent. The subject property provides for an overall site area of 1,907m². In terms of its topography, the subject site provides for a gentle fall from Flowerdale Road to the eastern boundary. Levels across the site range from RL 20.86 at the centre of the Flowerdale Road frontage to RL 18.53 at the centre of the eastern boundary, representing a fall of 2.33 metres. Reference should be made to the submitted Survey Plan prepared by Norton Survey Partners.

Located on the subject site at present are detached dwellings with associated outbuildings. All existing structures will be demolished as part of the proposed works.

Immediately adjoining the subject site to the south are recently developed semi-detached dwellings on small lot holdings which are held under separate ownership. Development to the

east of the site are larger allotments of an older housing stock and are capable of being consolidated as part of future redevelopment.

Development in the broader vicinity of the site is typically characterised by low to medium density residential development. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

The site is well located to local amenities and infrastructure with Paciullo and Pearce Parks located to the south. Immediately opposite the site to the west are Liverpool West Public School and Mainsbridge School. Local retail stores are readily accessible along Hoxton Park Road including a supermarket. The site is also adequately serviced by public transport with regular bus services operating along Flowerdale Road and nearby Hoxton Park Road linking the subject site to Liverpool Station. Refer to the figure below for a series of photographs of the site and surrounds.

Figure 2 Photographs of Site and Surrounds



The subject site: 127 Flowerdale Road, Liverpool



The subject site: 129 Flowerdale Road, Liverpool



The subject site as viewed from Smith Crescent.



The adjoining semi-detached dwellings at Nos. 131A – 131B Flowerdale Road, Liverpool



Development along Smith Crescent.



Development along Smith Crescent, looking east.



Development along Flowerdale Road, looking south.

3. PROPOSAL

The proposal before Council seeks the demolition of all existing structures across the subject land and the redevelopment of the site as a five (5) storey residential flat building. The proposal comprises a total of 39 units including 12 x 1 bedroom (31%) and 27 x 2 bedroom (69%) unit layouts to be wholly used for the purposes of affordable rental housing. The subject site is currently under the ownership of St George Community Housing who will manage the development upon its completion.

A detailed summary of the proposal is provided in the comments below.

Demolition

- All existing buildings and associated structures are to be demolished as part of the proposed works.

Ground Floor Plan:

- Vehicular access is proposed from the north-eastern corner of the site along Smith Crescent, providing access to an at grade car park located on the eastern half of the site. A total of 19 car spaces are proposed including 4 accessible spaces. The proposed car parking spaces will have minimal visual impact from the street given the proposed landscaping and their general setback from the street which works to provide an adequate visual balance.
- Following advice from the Design Excellence Panel, primary pedestrian access to the main lobby is via Smith Crescent. Secondary pedestrian access is also available along the Flowerdale Road frontage. Ramps at both street frontages allow for accessible entry into the premises.
- Each of the ground floor units are also provided with direct entry from the street/communal open space. Access to the ground floor units can alternatively be achieved through the main lobby.
- A secondary area of communal open space is proposed at the centre of the site. These spaces are clearly defined and promote useability.
- 2 x 1 bedroom and 3 x 2-bedroom units are proposed at this level.
- The remainder of the level will comprise of lobby areas, plant/switch rooms, and waste areas. Two central lifts will service all levels of the buildings. Two sets of fire stairs are also proposed in accordance with BCA requirements.
- A substation is proposed toward the north-eastern corner of the site.

Level 1 – 3 :

- 3 x 1-bedroom units and 7 x 2-bedroom units are proposed at each level.

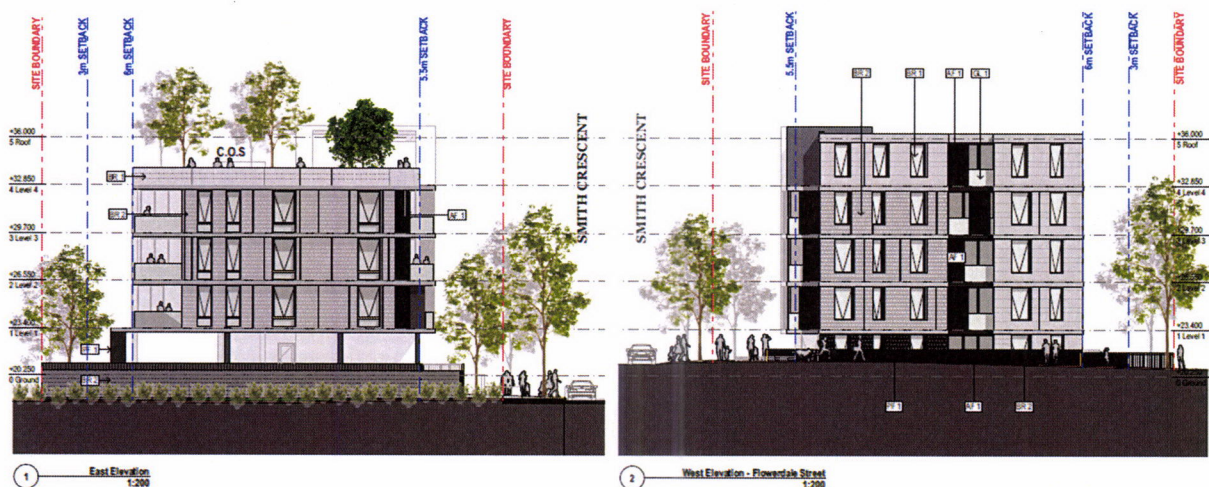
Level 4:

- 1 x 1-bedroom units and 3 x 2-bedroom units are proposed.
- An area of communal open space area is also proposed at this level.

The overall design of the building has been carefully considered particularly to the street and southern elevations to ensure a modulated outcome. The vertical lines of the building have been emphasised through changes in external wall materials which range from a dark grey brick to a natural white brick. The use of narrow, full height glazing and aluminium screening further promotes a slender appearance to the building despite its overall length. Black render at ground level aids to define a base and anchors the building. The use of landscaping both at street level and to the communal open space at Level 4 softens the building and promotes passive shading.

Figure 3 North, South, East and West Elevations





Source: DKO Architecture

As part of the submitted application, the 2-bedroom layouts have been designed to demonstrate how two single beds could be incorporated to accommodate a family. In this regard, the proposal promotes flexible living conditions to accommodate different households. All of the proposed residential units will be nominated as affordable housing.

Mailboxes servicing the development will be located at the entrance to the development.

A BASIX certificate has been prepared with respect to the proposed residential units and nominates criteria to achieve the respective Water, Thermal and Energy targets. As part of the proposed development a 5,000 litre rainwater tank has been nominated and will service common area landscaping on the site. A copy of the BASIX certificate and associated thermal documents are provided under a separate cover.

Reference should be made to the submitted plans prepared by DKO Architecture.

An Acoustic Assessment has also been undertaken by TTM Consulting which provides for acoustic treatments to the windows, walls and roof to meet the internal acoustic design targets of the development.

An Access Report prepared by Morris Goding Access Consulting confirms that the accessibility requirements can be readily achieved.

The submitted landscape plan demonstrates enhanced planting has been provided throughout the subject site offering a balance between hard and soft paved areas. New planting assists to soften the impression of built form when viewed from the streetscape and surrounding sites.

Reference should also be made to the submitted Arborist Report which assesses 31 trees across the site. The report concludes that the majority of the trees are of a low significance and that none of the trees should be considered a constraint to future development works. Tree 1, which is identified as a street tree, has also been nominated as required for removal. Council may condition a suitable replacement species as part of any future development consent.

The following are objectives, which were considered in formulating the proposed development:

- To implement the outcomes of the following planning documents:
 - Section 4.15 Considerations under the Environmental Planning & Assessment Act, 1979.
 - Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
 - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
 - State Environmental Planning Policy (Affordable Rental Housing) 2009.
 - State Environment Planning Policy No.55 – Remediation of Land.
 - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
 - Draft Remediation of Land State Environmental Planning Policy 2018;
 - Liverpool Local Environmental Plan 2008.
 - Liverpool Development Control Plan 2008.
- To provide for a high quality residential development that complements the desired future character of the area.
- To ensure that the proposed development does not create any unreasonable impacts to adjoining properties.

4. SECTION 4.15 EVALUATION

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

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

The provisions of:

4.1 Relevant State, Regional and Local Environmental Planning Instruments

4.1.1 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The proposed development accords with the outcomes and objectives of the Greater Metropolitan Regional Environmental Plan No.2. Appropriate sediment and control devices will be placed on the site during site works to ensure that pollutants and runoff from the site will not impact upon the Georges River. Reference should be made to the Erosion and Sediment Control Plan prepared by ABC Consulting as part of this application.

4.1.2 State Environmental Planning Policy – Building Sustainability Index (BASIX)

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

A BASIX Certificate has been prepared for the proposed residential flat building and is attached under a separate cover. The certificate demonstrates compliance with the required Water, Thermal and Energy provisions under BASIX.

4.1.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The NSW Government has recently introduced a new suite of Land Management and Biodiversity Conservation reforms which create a framework for the regulation of native vegetation clearing in NSW.

A component of the reforms is a new State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applying throughout metropolitan Sydney from 25 August 2017.

The SEPP has repealed tree preservation clauses in Council Local Environmental Plans (clauses 5.9 and 5.9AA) and will now regulate the process for tree removal, pruning and the like that does

not require development consent, but for which a permit from Council is required. Council's forms and policies will be updated to reflect this change.

A preliminary Arboricultural Report has been prepared by Tree IQ and is submitted under a separate cover. The report assesses 31 trees across the site and supports the removal and replacement of all trees with the exception of the three street trees to Smith Crescent which should be retained if possible. The report does however note that these trees are of a low landscape significance and if removed they could be replaced with an advanced species. An excerpt of the report is provided below:

"Thirty-one (31) trees were assessed and comprise a mix of Australian native and exotic species. In general, the trees are relatively small specimens which are of low quality. In this regard, thirty (30) trees have low Landscape Significance and one (1) tree has moderate Landscape Significance. None of the trees should be considered a constraint to future development works. However, Tree 1 (group of 3 x street trees) are managed by Liverpool City Council and if possible should be retained as part of future development of the site. Council approval is not required for the removal of Trees 3, 6, 13, 16, 18, 19, 21 and 31.

Replacement tree planting should be provided where trees are to be removed. Replacement planting should be supplied in accordance with Australian Standard 2302 (2015) Tree Stock for Landscape Use".

4.1.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

This proposal has been designed to meet the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). The subject site is located in an accessible area and demonstrates compliance with the accessible area criteria. Accordingly, Appendix A provides for an assessment of the proposal against the controls contained under Division 1 In-fill Affordable Housing.

Reference is to be made to Appendix A within this Statement of Environmental Effects.

4.1.4.(a) Landscaped Area

The proposal has been prepared by St George Community Housing, a recognised social housing provider. Based on the provisions of Clause 14(c)(i), a landscaped area of 35m² per dwelling is to be provided. As the proposal seeks 39 units this is equivalent to a landscaped area of 1,365m².

The proposal provides for 573.5m² of the subject site as landscaped area, representing a shortfall of 791.5m².

To comply with the standard is considered to be completely unreasonable given that the required 1,365m² of landscaping is equivalent to 72% of the total site area. The irrationality of the standard is even more apparent when one considers that Clause 14(c)(ii) requires a private developer to set aside just 30% of a site as landscaping.

As the SEPP is not clear in this matter, we can only assume that the control therefore applies in the case of a townhouse development whereby the 35m² could be provided as a courtyard/rear yard to each dwelling. In the case of a residential flat building, particularly in a high-density zone such as the subject site, the control simply doesn't make sense.

The current proposal is notably compliant with the 30% requirement that would otherwise apply to a private developer, providing 573.5m² (30%). The application also includes various hard paved areas at ground level which although not technically landscaped area, positively contribute to the landscaped setting and communal open space. A variation is therefore considered to be reasonable in this instance.

4.1.4.(b) Character of Local Area

- **Locality and Street Character:**

The site is located within a high density residential zone, though development immediately adjoining the site to the north and east comprises of predominantly single and two storey fibro and brick dwellings that are of an older housing stock.

In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

The site is situated in an area which is well serviced by local amenities and infrastructure with local shopping areas along Hoxton Park Road, Paciullo Park, Parce Park, Liverpool West Public School and Mainsbridge School all located within walking distance and proximity of the site, with bus stops located within walking distance from the site along Flowerdale Road that operate to adequately service the site. This public transport infrastructure provides valuable links to nearby suburbs, local amenities and services.

It is therefore considered that the proposed building is in keeping with the desired future character of the area.

- **Landform:**

The proposed built form has been relatively centred over the subject site allowing for landscaping and deep soil planting along the site's boundaries. Furthermore, the proposed built form will be provided with appropriate setbacks, further contributing to the provision of landscaping and deep soil planting.

- **Street patterns:**

Existing street and subdivision patterns of the area are reflective of the areas initial character. The proposal satisfies Council's minimum allotment size and frontage controls through the consolidation of Nos. 127 and 129 Flowerdale Road, Liverpool.

Parking is proposed at grade, to the rear of the site and will generally be concealed from the street by the proposed built form. Landscaping works are proposed either side of the driveway to soften its appearance to the street.

- **Views and Vistas:**

There are no substantial views attainable from the subject site.

- **Conclusion:**

Based on the above, it is our view that the proposed development is in keeping with the existing and future character of the area.

The presentation of the built form to the street, together with appropriate colours and materials, all respond to the desired future character of the area. As detailed under section 3 of this report, the proposed building has been designed with a timeless materiality and low maintenance outcome.

The proposal will be consistent with the desired future character of the area evident through its zoning and consistency with the relevant planning policies and controls.

It is considered that the proposed development will greatly benefit the local community by providing for affordable rental housing in an area well serviced by local amenities and public transport facilities.

4.1.5 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A Detailed Site Investigation was undertaken at the subject site. Based on observations made during these investigations the consultant has recommended the completion of a Hazardous Materials Survey of existing site buildings to allow for the management of any potential asbestos risks on site. A Construction Environmental Management Plan, or, a Remediation Action Plan should also be prepared in accordance with SEPP 55. It is considered that such works could form part of a condition of consent to the Development Application.

4.1.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

The policy sets out a series of design principles for Local Council or other consent authorities to consider when assessing development proposals for flats.

The SEPP 65 underwent a comprehensive review and the changes were notified on the NSW legislation website on 19 June 2015 and will commence on 17 July 2015. For development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by DKO Architecture.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential flat buildings. These principles are as follows:

Principle 1 Context and Neighbourhood Character

Principle 2	Built Form and Scale
Principle 3	Density
Principle 4	Sustainability
Principle 5	Landscape
Principle 6	Amenity
Principle 7	Safety
Principle 8	Housing Diversity and Social Interaction
Principle 9	Aesthetics

The aims and objectives of this policy are:

- (1) *"This policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) *Improving the design quality of residential apartment buildings aims:*
 - (a) *to ensure that they contribute to the sustainable development of New South Wales;*
 - (i) *by providing sustainable housing in social and environmental terms; and*
 - (ii) *by being a long term asset to their neighbourhood; and*
 - (iii) *by achieving the urban planning policies for their regional and local contexts; and*
 - (b) *to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and*
 - (c) *to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and*
 - (d) *to maximise amenity, safety and security for the benefit of their occupants and the wider community; and*
 - (e) *to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
 - (f) *to contribute to the provision of a variety of dwelling types to meet population growth, and*
 - (g) *to support housing affordability, and*

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

(4) This Policy aims to provide:

(a) consistency of policy and mechanisms across the State; and

(b) a framework for local and regional planning to achieve identified outcomes for specific places."

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under Appendix B of this report.

4.1.6.(a) Residential Apartment Design Guidelines

Further to the above design quality principles, Clause 30(2) of SEPP No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled Apartment Design Guide (ADG). Compliance with ADG is assessed under a table within Appendix C of this report. Refer to Appendix C for an assessment of the planning guidelines of Apartment Design Guide.

4.1.6.(b) An Assessment of the Proposal Under the Apartment Design Guidelines

Communal Open space

The proposal comprises of two areas of communal open space with one located at ground level at the centre of the site while a separate space is provided at Level 4.

When considered numerically the proposal, as described above, achieves an area of 688m² or 36% of the site as communal open space, surpassing the minimum requirements of the Apartment Design Guide (ADG).

The proposed communal open space does include an area of the front setback as part of this space. Although a variation is sought in this regard, it is worthy to acknowledge that the proposed communal open space at Level 4 is representative of 20% of the required 25% communal open space.

Paciullo and Pearce Parks are also located within walking distance of the subject site, reflective of ADG objectives.

The proposed areas are considered to include areas that are of a size and dimensions that are useable and enable a variety of experiences to be enjoyed by future residents including areas for

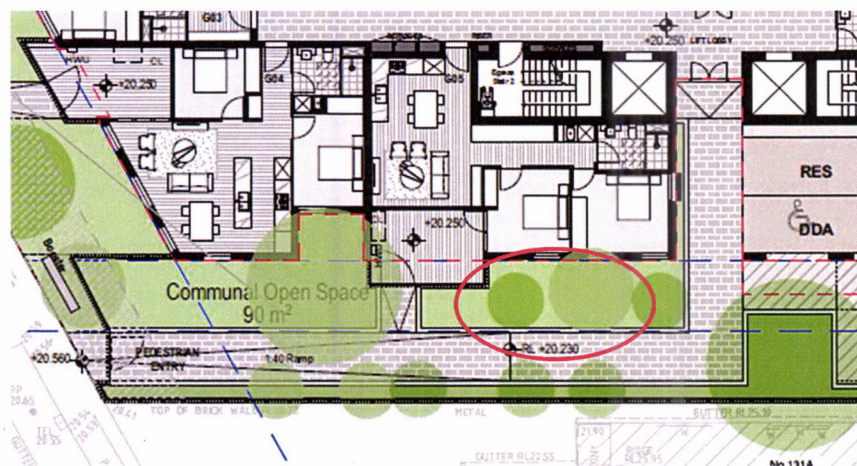
active and passive play. The proposed variation is therefore considered to be reasonable in this instance.

Visual Privacy – Setbacks

The built form has generally achieved compliance with the relevant built form separation distances as prescribed under part 3F of the Apartment Design Guide. For built form up to 12m (4 Storeys), a minimum separation distance of 6m to habitable rooms and balconies and 3m to non-habitable rooms is required. For building heights up to 25m (5-8 Storeys) a separation distance of 9m to habitable rooms and balconies and 4.5m to non-habitable rooms is required. Noting that no separation is required between blank walls.

At ground level, the only variation to the building separation control occurs along the southern elevation and relates to the area of private open space of Unit G05. Refer to the figure below. Given the siting of the courtyard at ground level, it is considered that the provision of appropriate fencing will ameliorate any potential overlooking.

Figure 4 Excerpt of Ground Floor Plan

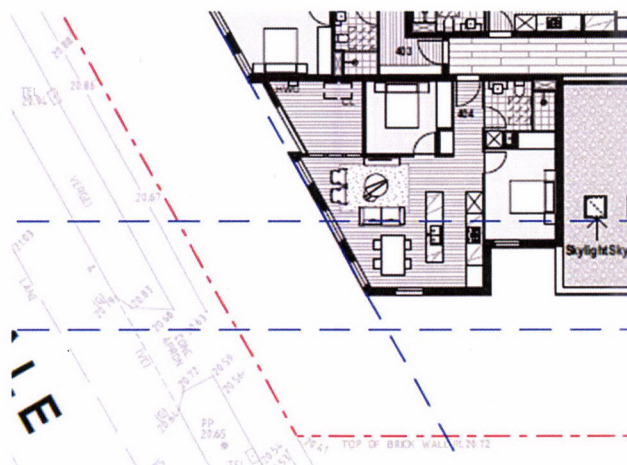


Source: DKO Architecture

As it relates levels 1, 2 and 3 the development has achieved compliance with the 6m and 3m minimum separation distance requirements.

As it relates to level 4 along the southern facade, a breach to the minimum 9m habitable room separation distance is sought. This encroachment is equal to 2.4m at its widest point and includes a narrow awning window. Refer to the figure below.

Figure 5 Level 4 Excerpt



Source: DKO Architecture

No additional bulk or scale would result in view of the limited length of the wall given the overall context/depth of the proposed development. Therefore, no additional perceived bulk or scale would result from the minor breach.

Overall, the development is considered to be well articulated in its design providing for steps in the building façade punctuated by areas of private open space or glazed elements. The contrasting materials for the external walls of the development further provide for visual interest and complement the modern design of the development.

The breaches are considered minor in nature given the context of the proposed development and the angled nature of the front boundary. In general, the development is considered to be compliant with any impacts from minor setback encroachments adequately mitigated.

4.1.7 Liverpool Local Environmental Plan 2008

A comprehensive assessment of the proposal against the controls can be found in Appendix C.

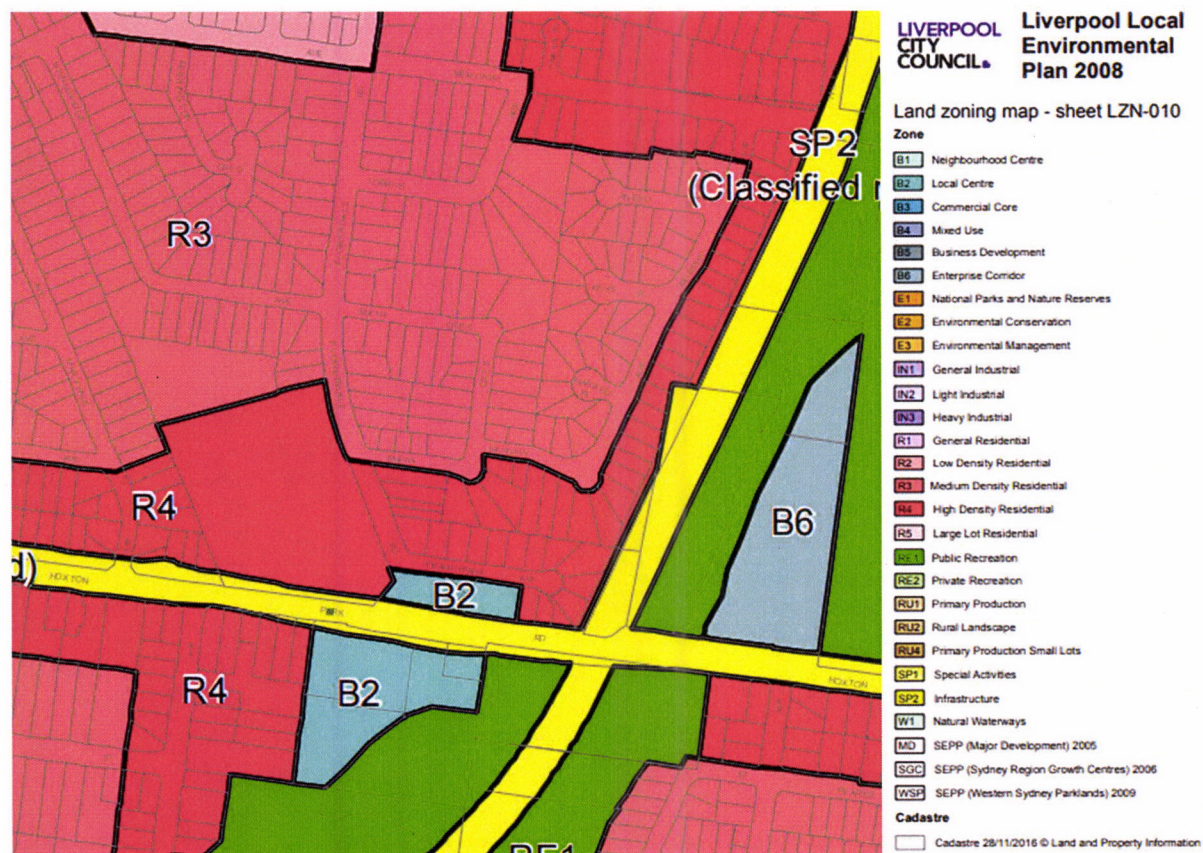
Additional comments are provided below.

4.1.7.(a) Land Zoning & Objectives

The subject site is zoned R4 High Density Residential under the LLEP 08. Refer to the figure below.

As residential flat buildings are listed as a permissible development, the proposal may be carried out with the consent of Council.

Figure 6 Zoning Map



Source: NSW Legislation, LLEP08, map 10

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

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

The following comments are provided with respect to the zone objectives:

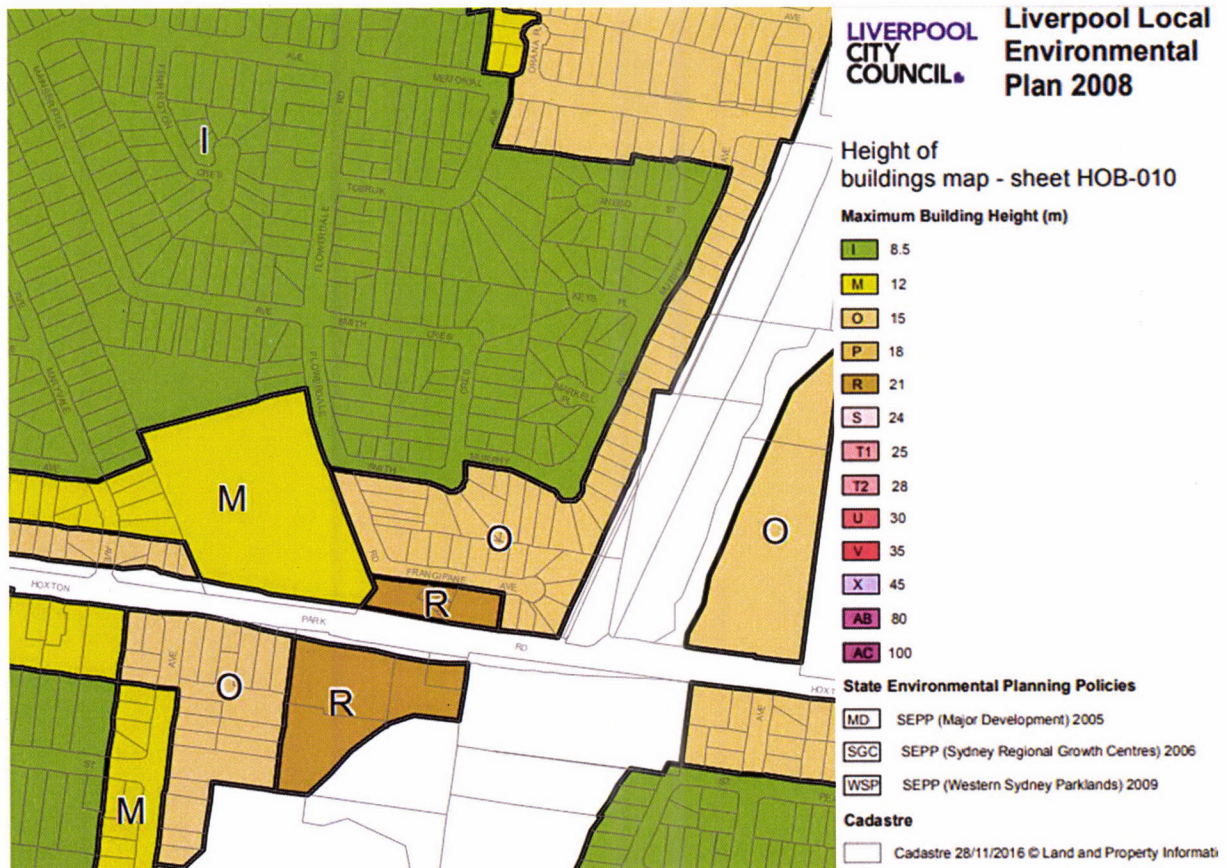
- The proposed residential flat building will replace the existing dwellings on the site with 39 proposed units to provide for the housing needs of the community within a high-density environment.
- The proposal comprises of a mix of 1 and 2-bedroom units, including adaptable designs ensuring a variety of housing types are available.
- No other land uses are proposed.

- The site is readily accessible by public transport with bus stops located within proximity from the development. The site is also located in proximity to retail stores including a major supermarket to the south of the site along Hoxton Park Road.
- The proposal will not result in the fragmentation of land.

4.1.7.(b) Height of buildings

The subject site is limited to a maximum building height of 15m. Refer to the figure below.

Figure 7 Height of Buildings Map



Source: NSW Legislation, LLEP08, map 10

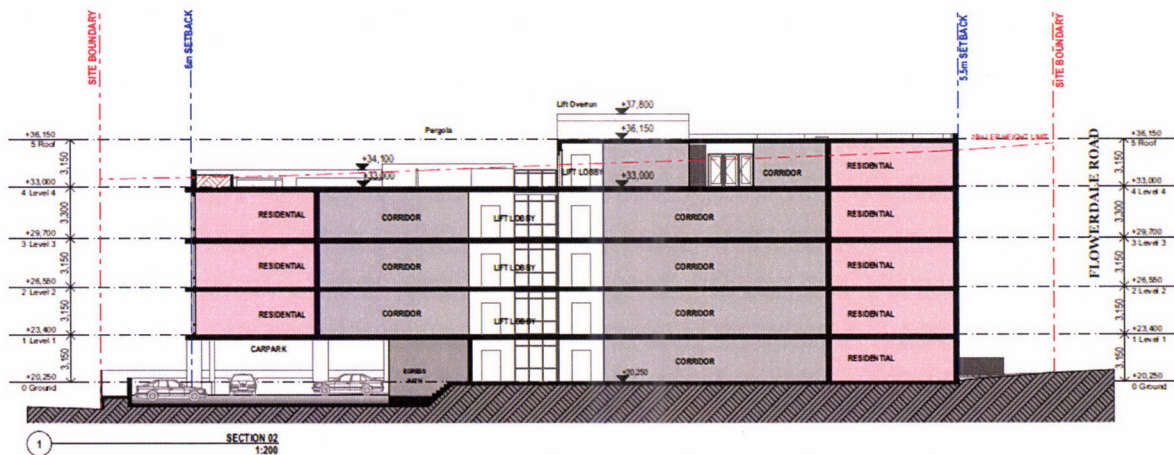
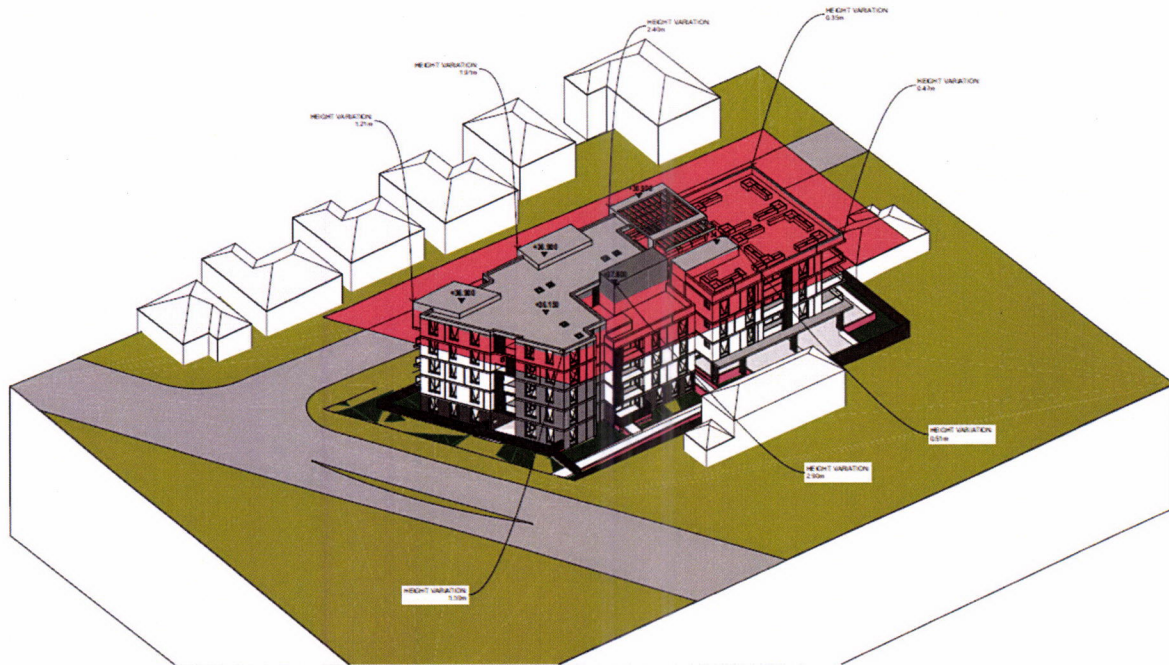
The proposal will result in a maximum building height of 17.9 metres, exceeding the control by 2.9m or 19.3%.

It is worthy to note that the non-compliance varies along the site's depth, in response to the topography of the site.

The proposal is notably compliant in terms of floor space ratio and in this respect, reference is made to the decision of the Land & Environment Court: *Abdul-Rahman v Ashfield Council* [2015] NSWLEC 112 (28 April 2015). The case established that where additional FSR is proposed to facilitate the provision of affordable rental housing, an increased building envelope is likely. This is evident in the current proposal acknowledging compliance with the FSR control of 1.5 has been achieved, with the proposal having an FSR of 1.5:1.

The images below detail the breaches in height.

Figure 8 LEP Height Diagrams



Source: DKO Architecture

Further, it is widely recognised that housing affordability in Sydney is becoming increasingly difficult to achieve. Our client is a not-for-profit organisation seeking to address a prevalent issue in Sydney's housing market. Our client is committed to providing a development that is 100% affordable and social housing far surpassing the requirements of SEPP (Affordable Rental Housing) 2009, which only requires between 20 – 50% of dwellings be provided as affordable rental housing.

The additional height sought on the site will enable increased residential accommodation to be provided on site without exceeding the floor space ratio control.

Reference should be made to the submitted Clause 4.6 Variation Statement under Appendix F.

4.2 Draft Relevant State, Regional and Local Environmental Planning Instruments

The site falls outside the scope of the *Draft Liverpool LEP 2008 Amendment No. 52* and *Draft Liverpool DCP 2008 Part 4 Liverpool City Centre 16-06-16*.

4.2.1 Draft State Environment Planning Policy (Environment)

In October 2017, the NSW Department of Planning and Environment began its review of the State's planning policies to modernise and simplify the planning systems.

The planning provisions for waterways, catchments, world heritage and urban bushland are currently contained in seven State Environmental Planning Policies (SEPPs), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument), and in Ministerial Directions for plan making issued under the Environmental Planning and Assessment Act 1979.

An Explanation of Intended Effect for the SEPP (Environment) was publicly notified between 31 October 2017 to 31 January 2018. The SEPP (Environment) will integrate provisions from seven existing SEPPs relating to catchments, waterways, urban bushland and world heritage, and to reduce the complexity and streamline the planning system.

The proposed SEPP (Environment) will:

- Encourage the proper management, development and conservation of natural resources and the protection of the environment, in line with the objectives of the Act
- Enable growth that maintains and enhances the health and integrity of our natural and cultural heritage for the benefit and enjoyment of the present community and for future generations
- Streamline development assessment by identifying and considering environmental values and constraints at the earliest possible stage in the development decision making process, using evidenced based planning methods
- Promote ecologically sustainable development that supports a balanced approach to the use of land and natural resources, and provides for long term environmental, economic and social wellbeing
- Adopt a risk based approach to minimise cumulative negative impacts of development on both the immediate site and on a surrounding area or region
- The proposed SEPP fits within a range of plans and strategies including A Plan for Growing Sydney, draft District Plans, Regional Plans, local environmental plans, Ministerial Directions, and development control plans

It is considered that the proposal would not be contrary to the provisions under the current Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment which has

been assessed under Section 4.1.1 of this SEE and determined to not cause any negative impacts to the Georges River Catchment.

Therefore, the proposed development has considered the relevant draft planning instrument.

4.2.2 Remediation of Land State Environmental Planning Policy 2018

The NSW State Government is currently in the process of a broader review program in the aim of ensuring all State Environmental Planning Policies are relevant and up to date. The Draft State Environmental Planning Policy's Explanation of Intended Effects was on public exhibition between 31 January 2018 and 13 April 2018.

As such SEPP 55 will need to be updated to respond to changes in Federal and State legislation and policy, this is to reflect new land remediation practices.

The new SEPP aims to ensure improved management of remediation works through the alignment of the need for development consent with the level of complexity, scale and associated risks with the proposed works.

It is stated that the proposed changes will:

- reduce the risks associated with remediation projects
- encourage proponents to better consider and plan remediation work
- better protect the community from unnecessary risks, disturbance and inconvenience
- ensure there is consistent regulation of contaminated land and facilitate enforcement of long-term environmental management plans.

Notably, the proposed SEPP will continue to categorise remediation works into two categories being Category 1 and Category 2.

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

The material of Clause 7 will be introduced within the new SEPP along with the list of activities which may lead or have led to potential contamination which are currently contained within the 'Managing Land Contamination: Planning Guidelines.'

As part of the new SEPP, a provision will be introduced which allows the consent authority to exercise discretion to not require an investigation report if the authority knows the land is not contaminated or may otherwise be suitable for the use being proposed. The consent authority must have sufficient evidence and/or information in this regard about the land status in order to exercise such discretion.

As detailed above under section Part 4.1.5 of this Statement of Environmental Effects, a Detailed Site Investigation was undertaken at the subject site. Based on observations made during these investigations the consultant has recommended the completion of a Hazardous Materials Survey of existing site buildings to allow for the management of any potential asbestos risks on site. A Construction Environmental Management Plan, or, a Remediation Action Plan should also be

prepared in accordance with SEPP 55. It is considered that such works could form part of a condition of consent to the Development Application.

Therefore, based on the information of the Explanation of Intended Effect of the SEPP Remediation of Land 2018 it is considered that the proposal is consistent with the draft planning instrument.

4.3 Development Control Plans

4.3.1 Liverpool Development Control Plan 20087

A comprehensive assessment of the proposal against the controls can be found in Appendix D.

4.3.1.(a) Social Impact Assessment

LDCP08 identifies the proposed development as one which requires a Social Impact Comment (SIC). This is due to the number of residential units proposed (39) being above the threshold (20) requiring a Social Impact Comment/Assessment. Accordingly, we make the following comments:

Accommodation:

The proposal will provide for 39 well designed units which will appeal to a range of different sized family groups. As part of the submitted application, the 2-bedroom layouts have been designed to demonstrate how 2 single beds could be incorporated to accommodate a family. In this regard, the proposal promotes flexible living conditions to accommodate different households.

Health and Wellbeing:

The units will provide for good amenity in terms of solar access and natural ventilation. The proposal achieves good levels of both solar access and natural ventilation.

The close proximity of this site to public transport will reduce the reliance upon private vehicles.

Security and Safety:

As detailed within this report, there are ample opportunities within the development for casual surveillance of public areas which is to the public benefit.

Values and Expressions:

The proposed development is of a high architectural standard and will set a high-quality tone for this neighbourhood. In this regard, the attention to detail in the design of the building facade particularly defining the communal and private open spaces conveys a sense of 'ownership' and connection between the future occupants and precinct.

4.4 Regulations

There are no prescribed matters which hinder the development.

4.5 Likely Impacts

Consideration must be made to the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.5.1 Impact on the Natural Environment

The proposed development will not have an adverse impact on the natural environment. New plantings will be introduced in accordance with the proposed landscape plan. The proposed landscape plan will improve the amenity of the site and the surrounding streetscape.

4.5.2 Impact on the Built Environment

The works proposed are consistent with the relevant State and Council planning controls ensuring built form is consistent with the desired future character of the area.

4.5.3 Social and Economic Impacts on the Locality

Housing affordability in Sydney is becoming increasingly difficult to achieve. Our client is a recognised social housing provider who strive to provide for quality affordable housing developments.

It is important to acknowledge that SEPP (Affordable Rental Housing) 2009, requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, whereas all of the proposed 39 units will be nominated as affordable housing to be managed by our client, St George Community Housing which is excess of the SEPP requirements.

The proposal therefore provides a social benefit to the community providing new, affordable accommodation in an area well serviced by public transport services and local infrastructure.

The proposed development is considered to be of a high architectural standard promoting solar access and cross ventilation. A mix of units are proposed, ranging between one and two-bedroom units including adaptable designs. The proposal therefore addresses lifestyle and affordability issues of the immediate area.

The proposal will therefore provide a positive economic impact as the site is in a location that is close to good public transport infrastructure, businesses, schools, shops and services, which benefits the future residents of the property who want to live, study, work and play in the South Western Sydney area.

4.6 Suitability of the Site

The land is appropriately zoned to permit the proposed development and meets the long-term objectives of the zone and the objectives of the Liverpool Local Environmental Plan 2008.

4.7 Submissions made in accordance with this Act or the regulations

Not relevant.

4.8 The Public Interest

The interest of the public will be served by approval of this development.

As stated, the proposed development will increase the housing choice available in this location, a location which is well serviced by public transport, services and shops. The proposal provides for a mix of one and two-bedroom apartments, as well as adaptable apartments. The proposal will provide for a development that will consist of all 39 units being nominated as affordable housing to be managed by our client St George Community Housing assisting in addressing the growing issue of housing affordability in the Sydney Area.

The site is well serviced by public transport, making access to and from the site easy for the future occupants. Notwithstanding this, the site also provides for adequate on-site parking.

5. CONCLUSION

The proposed development has made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration in relation to the proposed residential flat building.

The proposal has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial aspects of the proposal include:

- The proposed residential units will contribute to the supply of affordable rental housing within the Liverpool local government area;
- The proposed units are well designed and provide for excellent internal amenity and outlook, whilst maintaining privacy between neighbours.
- The proposal provides for off street car parking in accordance with the provisions of SEPP (ARH) 2009, reducing the reliance of on street car parking.
- The proposed development is considered to be of a scale and mass that is consistent with the future character of the area.
- The proposal is compatible with Council's planning objectives and controls for the site and locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impacts to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 In-Fill Affordable Housing

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
10 Development to which Division applies	<ul style="list-style-type: none"> This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: <ul style="list-style-type: none"> (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u>. Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area. 	<ul style="list-style-type: none"> Complies. The site is located 40m away from an appropriately serviced bus stop on Flowerdale Road. Complies. This bus stop satisfies the accessible area criteria with the required bus services available. N/A.
11, 12 (Repealed)		N/A.
13 Floor Space Ratios	<ul style="list-style-type: none"> 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. 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: <ul style="list-style-type: none"> (a) if the existing maximum floor space ratio is 2.5:1 or less: <ul style="list-style-type: none"> (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 	<ul style="list-style-type: none"> N/A. All of the proposed 39 units will be used as affordable housing. Complies. 1.0:1 under LLEP 08. A bonus of 0.5:1

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<p>(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: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$ or</p> <p>(b) if the existing maximum floor space ratio is greater than 2.5:1:</p> <p>(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Z = AH \div 2.5$</p> <ul style="list-style-type: none"> In this clause, gross floor area does not include any car parking (including any area used for car parking). Note. Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the <u>Standard Instrument (Local Environmental Plans) Order 2006</u>. 	<p>applies under SEPP (ARH) 2009. Therefore maximum 1.5:1.</p> <p>Site area: 1,907m²</p> <p>Max GFA permissible: 2,860.5m²</p> <p>Proposed GFA: 2,860m² or 1.5:1</p> <p>Complies.</p> <ul style="list-style-type: none"> N/A.
14 Standards that cannot be used to refuse consent	<ul style="list-style-type: none"> Site and solar access requirements: A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: <ul style="list-style-type: none"> (a) (Repealed) (b) site area: if the site area on which it is proposed to carry out the development is at least 450 square metres, (c) landscaped area if: <ul style="list-style-type: none"> (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—at least 30 per cent of the site area is to be landscaped, 	<ul style="list-style-type: none"> 1,907m². Complies. Variation is sought. 1,365m² required. 573.5m² proposed. Refer to Part 4.1.4(a) of this report. N/A.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> (d) deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed: <ul style="list-style-type: none"> (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, (e) solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. <ul style="list-style-type: none"> General: A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: <ul style="list-style-type: none"> (a) Parking if: <ul style="list-style-type: none"> (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 (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms, (b) dwelling size if each dwelling has a gross floor area of at least: <ul style="list-style-type: none"> (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms. 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). 	<ul style="list-style-type: none"> A minimum of 286.05m² is required. The proposal provides for 342.23m² or 18%. Complies. 28/39 or 72%. Complies. 11 x 1 bedroom = 4.4 28 x 2 bedroom = 14 TOTAL REQUIRED = 18.4 TOTAL PROPOSED = 19. Complies. N/A. Complies. Noted.
15 Design Requirements	<ul style="list-style-type: none"> A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy. 	<ul style="list-style-type: none"> N/A.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> This clause does not apply to development to which clause 4 of the <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies. 	<ul style="list-style-type: none"> Noted.
16 Continued application of SEPP 65	<ul style="list-style-type: none"> Nothing in this policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies. 	<ul style="list-style-type: none"> Noted.
16A Character of local area	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Refer to Part 4.1.4(b) of this report.
17 Must be used for affordable housing for 10 years	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (a) for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (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. Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority. 	<ul style="list-style-type: none"> Noted.
18 Subdivision	<ul style="list-style-type: none"> Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority. 	<ul style="list-style-type: none"> Noted.

Appendix B 9 Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The current proposal seeks the consolidation of Nos. 127 and 129 Flowerdale Road to facilitate the proposed residential flat building development. The development is located at the corner of Flowerdale Road and Smith Crescent.

Development in the area is typically low density in scale comprising a mixture single and two storey dwellings which are of an older housing stock. However, in view of the R4 High Density Residential zoning afforded to the site, the area will inevitably undergo a transition to higher density building forms.

The site is well located to local amenities and infrastructure with Paciullo Park, Pearce Park, local shopping stores along Hoxton Pak Road including a major supermarket, Liverpool West Public School, and Mainsbridge School all located within walking distance of the site and in proximate locations to the site. The site is also adequately serviced by public transport with regular bus services operating along Flowerdale Road, providing connections to a more expansive public transport network and linking the subject site to nearby suburbs, local amenities and services.

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 detailed in this Statement of Environmental Effects.

Principle 2 Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

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. 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.

Comment:

The scale of the proposed development has considered the desired future character of the area and the prescriptive controls as outlined by Liverpool's planning controls and the Apartment Design guide. The proposal is notably compliant with the applicable floor space ratio control, though a variation statement has been prepared with respect to the overall building height. The only encroachment of height occurs as a result of the topography of the site.

Development in the area is generally low density residential in nature comprising of predominantly single and two storey dwellings, being typically of an older housing stock. However, given the R4 High Density Residential zone afforded to the sites and those in the surrounding area, the locality will inevitably undergo a transition to higher density residential forms, such as the one proposed.

Based on the above, the current proposal endeavours to represent a scale appropriate to the desired future character of the area as identified by the LEP and DCP. The scale of the proposal has also been carefully designed to provide a balance between the amenity for the future occupants and that of existing properties adjoining the site.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

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.

Comment:

The subject site is afforded a maximum floor space ratio of 1:0 under the provisions of the Liverpool Local Environmental Plan 2008, with an additional 0.5:1 made available as per the development standards outlined by SEPP (Affordable Rental Housing) 2009. The proposal provides for an overall FSR of 1.5:1 which is in keeping with the numerical standard and representative of the higher densities sought within the R4 zone.

The proposed development comprises a total of 39 units, including a mix of 12 x 1-bedroom units (31%) and 27 x 2-bedroom units (69%), all of which will be made available as affordable rental housing.

The development provides for new residential accommodation in a location where there is a demand for such accommodation. The proposed 39 units sought on the site is considered to be suitable given the site is well located to public transport, shops, services and amenities and is consistent with Council's planning instruments. Proximate bus stops service the site providing for connections to more expansive public transport networks and linking the site to nearby suburbs local amenities and services as detailed in this report.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes. 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.

Comment:

The Water, Thermal and Energy performance of the proposed residential flat building has been assessed as part of the submitted BASIX certificate prepared by Northrop. 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.

Principle 5 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

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. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

Comment:

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long-term management.

A landscape plan has been prepared as part of this development application by inviewdesign and is submitted under a separate cover to this Statement of Environmental Effects.

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 along the northern and western perimeter of the site, allowing for plantings along the boundaries and providing for visual benefit to both street frontages. Overall, the landscaping provides for a balanced development between hard paved and soft landscaped areas throughout the site.

Principle 6 Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

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.

Comment:

Careful consideration has been given to the orientation and positioning of the development and the design and layout of units to ensure a high level of visual and acoustic privacy is maintained between neighbouring properties. This has been further demonstrated in the architectural plans prepared by DKO Architecture.

The proposal provides future occupants with a high level of amenity in terms of solar access and good outlook to habitable areas, as well as to balconies and private open space.

Careful planning of the proposed built form provides 64% of apartments to achieve cross ventilation due to their aspect, design and internal layout planning.

The development has been formed to achieve solar access to 72% of its units. Living areas and balconies have been designed with a northern orientation as much as possible with passive shading measures, such as repetitive floor plans, designed to prevent excessive heat load on apartments during the summer period.

All apartments have private balconies adjacent to living areas, consistent with this policy.

Private open space areas meet minimum sizes as nominated by ADG and are configured to be functional and conducive to recreational use. All are accessed from living areas.

All dwellings achieve 2700mm ceiling heights to all habitable rooms. Generous amount of private storage is provided for each dwelling.

Other amenity issues include the provision of lifts servicing all floors of the development. Seven adaptable units with associated parking spaces are also provided.

Principle 7 Safety

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.

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.

Comment:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been taken into consideration.

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.

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.

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.

Principle 8 Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

Housing affordability in Sydney is becoming increasingly difficult. Our client is a recognised social housing provider who strive to provide for quality affordable housing developments.

The building itself integrates a number of sustainable features exceeding the minimum standards prescribed by BASIX.

It is important to acknowledge that 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.

The proposed development is considered to be of a high architectural standard promoting solar access and cross ventilation. A mix of units is proposed ranging between one and two-bedroom units.

As part of the submitted application, the 2-bedroom layouts have been designed to demonstrate how 2 single beds could be incorporated to accommodate a family. In this regard, the proposal promotes flexible living conditions to accommodate different households.

The proposal therefore addresses lifestyle and affordability issues of the immediate area.

Principle 9 Aesthetics

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.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

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.

Design Verification Statement:

A Design Verification Statement has been prepared by DKO Architecture and is submitted with this development application in accordance with State Environmental Planning Policy No. 65.

Further to the above design quality principles, Clause 30(2) of State Environmental Planning Policy No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled *Apartment Design Guide*. The following table outlines compliance with the Apartment Design Guide, where numerical requirements are specified.

Appendix C State Environmental Planning Policy No. 65 – Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Reference should be made to Drawing No. DA101 prepared by DKO.
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies.
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Complies.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies. Ground levels will be provided with direct access to Flowerdale Road and Smith Crescent.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies.
Communal And Public Open Space	<p>3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <p><i>Design criteria:</i> Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p>	<p>COS required: 476.75m²</p> <p>COS proposed: 688m² or 36%. (398m² at Level 4 plus an additional 300m² at ground level). Complies.</p> <p>Refer to Part 4.1.5(a) of this report.</p>

STANDARD	OBJECTIVE	COMPLIANCE												
	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 3pm on 21 June (mid winter).	Complies.												
	3D-2 – Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting.	Refer to submitted Landscape Plan.												
	3D-3 – Communal open space is designed to maximise safety.	Complies.												
	3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	N/A.												
Deep Soil Zones	<p>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p><i>Design criteria:</i> Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>greater than 1,500m²</td><td>6m</td></tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	<p>Minimum required: 133.49m², 6m dimension.</p> <p>At least 157.97m² is provided or 8.28% of the site has been provided as deep soil planting with minimum dimension of 6m. This located at the north western corner of the site and along the Flowerdale Road frontage.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	<p>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><i>Design criteria:</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:</p>	<p>Ground floor to Level 3 complies. Variations sought at Level 4 to the southern boundary and with respect to the communal open space.</p> <p>Refer to Part 4.1.5(b) of this report.</p>												

STANDARD	OBJECTIVE	COMPLIANCE												
	<table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
Pedestrian Access And Entries	3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Complies.												
	3G-1 - Building entries and pedestrian access connects to and addresses the public domain.	Complies. Ground levels will be provided with direct access from Flowerdale Road and Smith Crescent.												
	3G-2 - Access, entries and pathways are accessible and easy to identify.	Complies.												
Vehicle Access	3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations	N/A												
	3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Complies.												
Bicycle And Car Parking	<p>3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><i>Design criteria: For development in the following locations: on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, b# Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p>	Complies. Refer to Appendix A of this report and the submitted Traffic Report attached under a separate cover.												

STANDARD	OBJECTIVE	COMPLIANCE
	<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</i>	
	<i>The car parking needs for a development must be provided off street.</i>	
	3J-2 – Parking and facilities are provided for other modes of transport	Refer to Traffic Report.
	3J-3 – Car park design and access is safe and secure.	Complies.
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	N/A
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	Complies.
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A
Solar And Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	
	<i>Design criteria: 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>	28/39 or 72%.
	<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>	N/A
	<i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i>	6/39 units or 15%.
	4A-2 – Daylight access is maximised where sunlight is limited.	Complies.
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	Complies. Refer to BASIX.
Natural Ventilation	4B-1 – All habitable rooms are naturally ventilated.	Complies.
	4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	Complies.
	4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	25/39 or 64%. Complies.

STANDARD	OBJECTIVE	COMPLIANCE												
	<p>Design criteria: At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>													
Ceiling Heights	<p>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access</p> <p>Design criteria: Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Complies.
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
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Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
	4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.	Complies.												
	4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.	Complies.												
Apartment Size And Layout	<p>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Design criteria: Apartments are required to have the following minimum internal areas:</p>	Complies.												

STANDARD	OBJECTIVE	COMPLIANCE										
	<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> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	Apartment type	Minimum internal area	Studio	35m²	1 bedroom	50m²	2 bedroom	70m²	3 bedroom	90m²	
Apartment type	Minimum internal area											
Studio	35m²											
1 bedroom	50m²											
2 bedroom	70m²											
3 bedroom	90m²											
	<p>4D-2 – Environmental performance of the apartment is maximised.</p> <p><i>Design criteria:</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	Complies. Refer to submitted plans.										
	<p>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p><i>Design criteria:</i> Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) 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 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	Complies. Refer to submitted plans.										
Private Open Space And Balconies	<p>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><i>Design criteria:</i> All apartments are required to have primary balconies as follows:</p>	All units comply.										

STANDARD	OBJECTIVE	COMPLIANCE															
	<table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
	4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.	Complies.															
	4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Complies.															
	4E-4 - Private open space and balcony design maximises safety	Complies.															
Common Circulation And Spaces	4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments	Complies.															
	<p><i>Design criteria:</i> The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	Maximum 10 units per floor, however the development is serviced by two lift cores.															
	4F-2 - Common circulation spaces promote safety and provide for social interaction between residents	Complies.															
Storage	4G-1 - Adequate, well designed storage is provided in each apartment	Complies.															
	<p><i>Design criteria:</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>	Adequate storage is provided for each unit, with at least 50% of the required storage located within the apartment.															

STANDARD	OBJECTIVE		COMPLIANCE										
	<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	
	Dwelling type	Storage size volume											
	Studio apartments	4m³											
	1 bedroom apartments	6m³											
	2 bedroom apartments	8m³											
3+ bedroom apartments	10m³												
Acoustic Privacy	4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.	Complies.											
	4H-1 - Noise transfer is minimised through the siting of buildings and building layout	Complies.											
	4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.	Complies. Refer to Acoustic Report.											
Noise And Pollution	4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Complies. Refer to Acoustic Report											
	4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Complies. Refer to Acoustic Report.											
Apartment Mix	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies. The two bedroom units have been designed to show how 2 single beds can be accommodated demonstrating a family arrangement.											
	4K-2 - The apartment mix is distributed to suitable locations within the building.	Complies.											
Ground Floor Apartments	4L-1 - Street frontage activity is maximised where ground floor apartments are located	Complies.											
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	Complies.											

STANDARD	OBJECTIVE	COMPLIANCE
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies.
	4M-2 - Building functions are expressed by the façade.	Complies.
Roof Design	4N-1 - Roof treatments are integrated into the building design and positively respond to the street.	Complies.
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	N/A
	4N-3 - Roof design incorporates sustainability features.	None proposed.
Landscape Design	4O-1 - Landscape design is viable and sustainable	Complies. Refer to Landscape Plan.
	4O-2 - Landscape design contributes to the streetscape and amenity.	Complies. Refer to Landscape Plan.
Planting On Structures	4P-1 - Appropriate soil profiles are provided.	Complies. Refer to Landscape Plan.
	4P-2 - Plant growth is optimised with appropriate selection and maintenance.	Complies. Refer to Landscape Plan.
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies. Refer to Landscape Plan.
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. Refer to Access Report.
	4Q-2 - A variety of apartments with adaptable designs are provided.	Four (4) adaptable units are proposed in total (spread over Ground – Level 3).
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	As detailed, the proposed two-bedroom apartments have been shown to accommodate

STANDARD	OBJECTIVE	COMPLIANCE
		two single beds to cater to families.
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	N/A
Awnings And Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	N/A
	4T-2 - Signage responds to the context and desired streetscape character.	N/A
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies.
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies.
Water Management And Conservation	4V-1 - Potable water use is minimised.	Water efficient fixtures are specified by the submitted BASIX certificate.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Complies Refer to submitted Stormwater Plan.
Waste Management	4V-3 - Flood management systems are integrated into site design.	Complies. Refer to submitted Stormwater Plan.
	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
		Refer to Waste Management Plan.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies. Refer to Waste Management Plan.
Building Maintenance	4X-1 - Building design detail provides protection from weathering.	Complies.
	4X-2 - Systems and access enable ease of maintenance.	Complies.
	4X-3 - Material selection reduces ongoing maintenance costs.	Complies.

Appendix D Liverpool Local Environmental Plan 2008

CLAUSe	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Zoning	<ul style="list-style-type: none"> Zone R4 High Density Residential <p>"2 Permitted without consent</p> <p>Home-based child care; Home occupations</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3".</p>	<p>Residential flat building is proposed. Complies. Refer to Part 4.1.7(a) of this report.</p>
Clause 2.7 Demolition	<ul style="list-style-type: none"> Development consent required. 	Demolition of all existing structures is proposed.
Clause 4.1 Minimum Subdivision Lot Size	<ul style="list-style-type: none"> 1,000m² 	1,907m ² Complies.
Cl 4.3 Height of Buildings	<ul style="list-style-type: none"> 15m. 	Maximum 17.9m proposed. Variation is sought. Refer to Part 4.1.7(b) and Appendix F of this report.
Cl 4.4 Floor Space Ratio	<ul style="list-style-type: none"> 1.0:1 under LLEP 08. <p>A bonus of 0.5:1 applies under SEPP (ARH) 2009. Therefore maximum 1.5:1.</p>	Site area: 1,907m ² Max GFA permissible: 2,860.5m ²

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Cl 5.10 Heritage Conservation	<ul style="list-style-type: none"> The objectives of this clause are as follows: <ul style="list-style-type: none"> to conserve the environmental heritage of Liverpool, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, to conserve Aboriginal objects and Aboriginal places of heritage significance. 	Proposed GFA: 2,860m ² or 1.5:1. N/A.
Cl 7.6 Environmentally Significant Land	<ul style="list-style-type: none"> Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant: <ul style="list-style-type: none"> (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores. 	N/A.
Cl 7.7 Acid Sulfate Soils	<ul style="list-style-type: none"> The objective of this clause is to ensure that development not disturb, expose or drain acid sulfate soils and cause environmental damage. 	N/A.
Cl 7.8 Flood Planning	<ul style="list-style-type: none"> This clause applies to land at or below the flood planning level. 	N/A.
Cl 7.14 Minimum building street frontage	<ul style="list-style-type: none"> A residential flat building requires a street frontage of at least 24 metres to a public street (excluding service lanes). 	34.825 metres along Flowerdale Road and 70.995 metres along Smith Crescent. Complies.

Appendix E Liverpool Development Control Plan 2008

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Part 1 General Controls for all Development		
Tree Preservation	<ul style="list-style-type: none"> Any approvals to remove or prune trees issued with a development consent shall lapse when the development consent lapses or becomes invalid or void. Council may refuse an application to remove a tree(s) under certain circumstances (refer to clause) but may give conditional consent for the appropriate remedial "branch or root pruning" for that tree(s). An application to remove a tree may consented to by Council under certain circumstances (refer to clause). Applications for trees that have Aboriginal marking and/or constitute an item of Aboriginal significance shall be referred to DECC. Pruning must accord with AS 4373/2007. All existing indigenous trees shall be retained or replaced. Where approval is given to remove trees, appropriate replacement planting will be required. Significant trees that are identified as having habitat value shall not be relocated or removed. 	<ul style="list-style-type: none"> Reference should be made to the submitted Arborist Report and Section 3 of this report.
Landscaping And Incorporation Of Existing Trees	<ul style="list-style-type: none"> Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. Prior to the commencement of the design of a development existing trees should be identified. The design of the development should consider options to retain existing trees Existing indigenous trees within any building setback should be retained where possible, as an integral component of the site's landscaping, and to protect local habitats. Prior to the commencement of the design of a development existing street trees should be identified. The design of a development should consider options to retain existing street trees. 	<ul style="list-style-type: none"> N/A.
Bushland And Fauna Habitat Preservation	<ul style="list-style-type: none"> Refer to DCP. 	<ul style="list-style-type: none"> N/A.
Bushfire Risk	<ul style="list-style-type: none"> Construction of single dwellings on or adjacent to bushfire prone land is to be carried out in accordance NSW Rural Fire Service's Single Dwelling Application Kit All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006 Asset Protection Zones shall be provided within the boundary of the land on which a development is proposed but may include public streets located between the land and bushland. 	<ul style="list-style-type: none"> N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Water Cycle Management	<ul style="list-style-type: none"> For developments that require construction of stormwater drainage, a SDCP shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system. 	<ul style="list-style-type: none"> Complies. Refer to Stormwater Plan.
Development Near A Watercourse	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> N/A.
Erosion And Sediment Control	<ul style="list-style-type: none"> The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1. 	<ul style="list-style-type: none"> Complies. Refer to Erosion & Sediment Control Plan.
Flooding Risk	<ul style="list-style-type: none"> Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods. 	<ul style="list-style-type: none"> N/A.
Contaminated Land Risk	<ul style="list-style-type: none"> To identify the presence of contamination at an early stage of the development process and to manage the issues of land contamination to ensure protection of the environment and that of human health is maintained. Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment 	<ul style="list-style-type: none"> Complies. Refer to Section 4.1.5 of this report.
Salinity Risk	<ul style="list-style-type: none"> To prevent further spread of urban salinity and remedy, where possible, existing areas of salinity. 	<ul style="list-style-type: none"> N/A
Acid Sulfate Soils Risk	<ul style="list-style-type: none"> Identify areas of acid sulfate soil risk to prevent any unnecessary impact on the environment. 	<ul style="list-style-type: none"> N/A
Demolition Of Existing Developments	<ul style="list-style-type: none"> All demolition work must comply with the <i>Australian Standard AS2601 – 1991, The Demolition of Structures</i>. 	<ul style="list-style-type: none"> Complies.
Aboriginal Archaeology	<ul style="list-style-type: none"> Identify and where possible preserve relics of the occupation of the land by Aboriginal communities 	<ul style="list-style-type: none"> N/A
Heritage And Archaeological Sites	<ul style="list-style-type: none"> Conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views; and conserve archaeological sites. 	<ul style="list-style-type: none"> N/A
Subdivision Of Land And Buildings	<ul style="list-style-type: none"> Refer to DCP. 	<ul style="list-style-type: none"> N/A
Water Conservation	<ul style="list-style-type: none"> New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. 	<ul style="list-style-type: none"> Refer to submitted BASIX Certificate.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Energy Conservation	<ul style="list-style-type: none"> Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. A complying BASIX report is to be submitted with all development applications containing residential activities. 	<ul style="list-style-type: none"> Refer to submitted BASIX Certificate.
Waste Disposal & Re-Use Facilities	<ul style="list-style-type: none"> A Waste Management Plan (WMP) shall be submitted with a Development Application for any activities generating waste, and be provided in three sections: <ul style="list-style-type: none"> - Demolition - Construction - On-going waste management. In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. Bin bays or waste service rooms are to be sufficiently open and well lit. A hose cock for hosing the garbage bin bay and a sewered drainage point are to be provided in or adjacent to the bin storage area. Bin bays are to be adjacent to a street frontage, or if not possible then at a designated point adjacent to the common access driveway provided sufficient level areas (<5% grade) is available for bin collection. The bin bay is to be located so that distance from bin bay to the nearest waste collection point accessible by the collection vehicle is no further than 15m. The bin bay position is to minimise noise impacts on residents from the usage of bins and waste or recycling collection. 	<ul style="list-style-type: none"> Complies. Refer to Waste Management Plan.
Outdoor Advertising And Signage	<ul style="list-style-type: none"> Refer to DCP provisions. 	<ul style="list-style-type: none"> N/A.
Social Impact Assessment	<ul style="list-style-type: none"> A social impact assessment shall be submitted with a development application for all types of development listed in Table 21. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment, as specified in Table 21. 	<ul style="list-style-type: none"> Refer to Part 4.3.1(a) of this report.
Part 3.7 Residential Flat Buildings in the R4 Zone (Outside of Liverpool City Centre)		
Frontage And Site Area	<ul style="list-style-type: none"> Minimum lot width: 24m. 	<ul style="list-style-type: none"> 34.825m to Flowerdale Road and 70.995 metres along Smith Crescent. Complies.
	<ul style="list-style-type: none"> Minimum site area: Refer to LLEP08. 	

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY												
Site Planning		<ul style="list-style-type: none"> 1,000m² required. 1,907m² proposed. Complies. 												
	<ul style="list-style-type: none"> The building should relate to the site's topography with minimal earthworks, except for basement car parking. 	<ul style="list-style-type: none"> Minor cut and fill works are proposed. There is no proposed basement. Refer to geotechnical report. 												
	<ul style="list-style-type: none"> Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design. 	<ul style="list-style-type: none"> Where possible, units are orientated to the north. 												
	<ul style="list-style-type: none"> Site layout should provide safe pedestrian, cycle and vehicle access to and from the street. 	<ul style="list-style-type: none"> Separate vehicle and pedestrian access points are proposed. 												
	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Complies as detailed in this SEE. 												
	<ul style="list-style-type: none"> 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. Refer to Water cycle management in Part 1. 	<ul style="list-style-type: none"> Complies. Refer to stormwater plans. 												
	<ul style="list-style-type: none"> The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development. Note: <i>A Site Analysis Plan is required for each development application.</i> 	<ul style="list-style-type: none"> Refer to Appendix B and C of this report. Complies. 												
Setbacks	<p>Front and Secondary Setbacks:</p> <table> <tr> <th colspan="3">Table 1</th></tr> <tr> <th>Road</th><th>Front Setback</th><th>Secondary Setback</th></tr> <tr> <td>Classified Roads</td><td>7.0m</td><td>7.0m</td></tr> <tr> <td>Other Streets</td><td>5.5m</td><td>5.5m</td></tr> </table>	Table 1			Road	Front Setback	Secondary Setback	Classified Roads	7.0m	7.0m	Other Streets	5.5m	5.5m	<ul style="list-style-type: none"> Complies. A minimum Front setback of 5.5m is proposed. Minor protrusions of 1m are contained to proportions of balconies and are permitted to
Table 1														
Road	Front Setback	Secondary Setback												
Classified Roads	7.0m	7.0m												
Other Streets	5.5m	5.5m												

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY																		
	<ul style="list-style-type: none"> Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m. The secondary setback is along the longest length boundary. <p>Side and Rear Setbacks:</p> <p>Table 2</p> <table> <tr> <th>Item</th><th>Side Setback</th><th>Rear Setback</th></tr> <tr> <td>Boundary to land in R2 & R3 zones</td><td>10m</td><td>10m</td></tr> <tr> <td>Boundary to land in R2 & R3 zones (no windows to habitable rooms)</td><td>10m</td><td>10m</td></tr> <tr> <td>Boundary to land in R4 zone (First 10m in height, excluding roof/attic)</td><td>3m</td><td>8m</td></tr> <tr> <td>Boundary to land in R4 zone (Greater than 10m in height)</td><td>8m</td><td>8m</td></tr> <tr> <td>Boundary to public open space</td><td>6m</td><td>6m</td></tr> </table> <ul style="list-style-type: none"> Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings. 	Item	Side Setback	Rear Setback	Boundary to land in R2 & R3 zones	10m	10m	Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m	Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m	Boundary to land in R4 zone (Greater than 10m in height)	8m	8m	Boundary to public open space	6m	6m	<ul style="list-style-type: none"> Refer to comments made under Appendix C of this report.
Item	Side Setback	Rear Setback																		
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Boundary to public open space	6m	6m																		
Landscaped Area And Private Open Space	<p>Landscaped area (deep soil area):</p> <ul style="list-style-type: none"> A minimum of 25% of the site area shall be landscaped area. A minimum of 50% of the front setback area shall be landscaped area. Optimise the provision of consolidated landscaped area within a site by: <ul style="list-style-type: none"> The design of basement and sub-basement car parking, so as not to fully cover the site. The use of front and side setbacks. Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. 	<ul style="list-style-type: none"> Refer to comments under Appendix A of this report. Complies. No basement level proposed. Complies. Complies. 																		

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY												
	<ul style="list-style-type: none"> Promote landscape health by supporting for a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. <p>Open Space</p> <ul style="list-style-type: none"> Provide communal open space, which is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities by: <ul style="list-style-type: none"> 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. Locate open space to increase the potential for residential amenity. <p>Private Open Space</p> <p>Table 3</p> <table border="1"> <thead> <tr> <th>Dwelling Size</th><th>Private Open Space Area</th><th>Minimum Width</th></tr> </thead> <tbody> <tr> <td>Small < 65 sqm</td><td>10sqm</td><td>2m</td></tr> <tr> <td>Medium 65 – 100</td><td>12sqm</td><td>2m</td></tr> <tr> <td>Large > 100 sqm</td><td>12sqm</td><td>2m</td></tr> </tbody> </table> <ul style="list-style-type: none"> Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use. 	Dwelling Size	Private Open Space Area	Minimum Width	Small < 65 sqm	10sqm	2m	Medium 65 – 100	12sqm	2m	Large > 100 sqm	12sqm	2m	<ul style="list-style-type: none"> Complies. Complies. Refer to comments under Appendix C of this report. Refer to comments under Appendix C of this report.
Dwelling Size	Private Open Space Area	Minimum Width												
Small < 65 sqm	10sqm	2m												
Medium 65 – 100	12sqm	2m												
Large > 100 sqm	12sqm	2m												
	<p>Drying Areas</p>													

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access. 	<ul style="list-style-type: none"> Refer to submitted plans. Drying areas are proposed to the balconies.
Building Design, Streetscape and Layout	<p>Building Height</p> <ul style="list-style-type: none"> Refer to LLEP08. <p>Building Appearance and Streetscape</p> <ul style="list-style-type: none"> Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code. Building facades shall be articulated and roof form is to be varied to provide visual variety. The pedestrian entrance to the building shall be emphasised. A sidewall must be articulated if the wall has a continuous length of over 14 m. 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. Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls. Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting. The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint. A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space. 	<ul style="list-style-type: none"> Variation is sought. Refer to Part 4.1.7(b) of this report. Complies. Refer to Appendix B and C of this report. Complies. Refer to Part 3 of this report. A clearly defined landscaped path is proposed to the front lobby areas. No blank side wall will exceed 14m in length. N/A. N/A. N/A. Complies. This may be conditioned.

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	<ul style="list-style-type: none"> Consider the relationship between the whole building form and the facade and /or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: <ul style="list-style-type: none"> Defining a base, middle and top related to the overall proportion of the building. Expressing key datum lines in the context using cornices, a change in materials or building set back Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. Expressing the variation in floor-to-floor height, particularly at the lower levels. Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. Selecting balcony types which respond to the street context, building orientation and residential amenity. Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. Detailing balustrades to reflect the type and location of the balcony and its relationship to the facade detail and materials. Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation. Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height. Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design 	<ul style="list-style-type: none"> The proposed building is of a modern design which has been reflected through material selection. Facades have been designed to perpetuate a rhythm and proportion which is compatible with the local context and modern development in the locality. Buildings have been well articulated, offering a degree of visual interest and providing delineation between levels. Refer to comments under Appendix C of this report. The proposal has been well articulated. Capable of being complied with. N/A.
	<p>Roof Design</p> <ul style="list-style-type: none"> Relate roof design to the desired built form. This may include: 	<ul style="list-style-type: none"> The proposal includes a flat roof form to

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	<ul style="list-style-type: none"> o Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. o Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. o Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. o Using special roof features, which relate to the desired character of an area, to express important corners. <ul style="list-style-type: none"> • Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. • Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. • Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage. • Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings. <p>Building Entry</p> <ul style="list-style-type: none"> • Improve the presentation of the development to the street by: <ul style="list-style-type: none"> o Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. o Designing the entry as a clearly identifiable element of the building in the street. o Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street. • Provide as direct a physical and visual connection as possible between the street and the entry. 	<p>complement the modern form of the building.</p> <ul style="list-style-type: none"> • The lift overrun will be centred over the building to minimise its visibility. • N/A. • The development provides for multiple entries including private entrance to ground floor dwellings. • Pedestrian paths are clearly defined through paved pathways and breaks in the landscaping.

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	<ul style="list-style-type: none"> • Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit. • Ensure equal access for all. • Provide safe and secure access by: <ul style="list-style-type: none"> ◦ Avoiding ambiguous and publicly accessible small spaces in entry areas. ◦ Providing a clear line of sight between one circulation space and the next. ◦ Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail. • Generally provide separate entries from the street for: <ul style="list-style-type: none"> ◦ Pedestrians and cars. ◦ Different uses, for example, for residential and commercial users in a mixed use development. ◦ Ground floor dwellings, where applicable. • Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. • Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: <ul style="list-style-type: none"> ◦ Locating them adjacent to the major entrance and integrated into a wall, where possible. ◦ Setting them at 90 degrees to the street, rather than along the front boundary. <p>Balconies</p> <ul style="list-style-type: none"> • Balconies may project up to 1m from the façade of a building. • Balustrades must be compatible with the façade of the building. 	<ul style="list-style-type: none"> • The proposed landscaping and building finishes will clearly articulate the different zones across the site. • The proposal includes two lifts servicing all levels. • Communal areas may be accessed via clear, direct paths and will be well lit. • Complies. • Complies. • Complies. • Balconies have been designed in accordance with ADG requirements. • Complies. Mix of solid and glass balustrades proposed.

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	<ul style="list-style-type: none"> • Ensure balconies are not so deep that they prevent sunlight entering the dwelling below. • Design balustrades to allow views and casual surveillance of the street. • Balustrades on balconies at lower levels shall be of solid construction. • Balconies should where possible be located above ground level to maximise privacy for occupants, particularly from the street. • Solid or semi solid louvres are permitted. • Noise attenuation measures on balconies facing a Classified Road should be considered. • Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space. • Primary balconies should be: <ul style="list-style-type: none"> ○ Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; ○ Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development. • Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms. • Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: <ul style="list-style-type: none"> ○ Locating balconies facing predominantly north, east or west to provide solar access. ○ Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. ○ Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, 	<ul style="list-style-type: none"> • Varied floor plates are provided with the exception of Levels 1, 2 and 3. • Complies. • Refer to comments above. • Complies. units provide for ground level courtyards. • Complies. • N/A. • Balconies are predominantly orientated to the street frontages. • Complies. • Balconies are designed as per ADG requirements. • None proposed. • Complies. Some south facing balconies are proposed as a result of the site's orientation.

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	<p>on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.</p> <ul style="list-style-type: none"> • Provide primary balconies for all dwellings with a minimum depth of 2m. • Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below. • Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: <ul style="list-style-type: none"> ◦ Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. ◦ Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units. • Operable screens increase the usefulness of balconies by providing weather protection, communal daylight control and privacy screening. <p>Daylight Access</p> <ul style="list-style-type: none"> • Plan the site so that new residential flat development is oriented to optimise northern aspect. • Ensure direct daylight access to open space between March and September and provide appropriate shading in summer. • Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows: • Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access. • Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces. • Ensure single aspect, single-storey dwellings have a northerly or easterly aspect: <ul style="list-style-type: none"> ◦ Locate living areas to the north and service areas to the south and west of the development. • Avoid south facing dwellings. • Design for shading and glare control, particularly in summer: <ul style="list-style-type: none"> ◦ Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. ◦ Optimising the number of north-facing living spaces. ◦ Providing external horizontal shading to north-facing windows ◦ Providing vertical shading to east or west windows. • Consider higher ceilings and higher window heads to allow deeper sunlight penetration. 	<ul style="list-style-type: none"> • Complies. • Refer to comments above. • Refer to comments above. • Refer to comments above. • Complies. Refer to Appendix C of this report. • The residential units have been assessed under BASIX and achieve the thermal targets.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun. On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun. Using high performance glass but minimising external glare off windows. Avoid reflective films. Use a glass reflectance below 20%. Consider reduced tint glass. Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where they are used: <ul style="list-style-type: none"> Relate lightwell dimensions to building separation, for example, if nonhabitable rooms face into a light well less than 12m high, the lightwell should measure 6 x 6 m. Conceal building services and provide appropriate detail and materials to visible walls. Ensure light wells are fully open to the sky. A combination of louvres provides shading for different times of the day. <p>Internal design</p> <ul style="list-style-type: none"> All staircases should be internal. Minimise the length of common walls between dwellings. <ul style="list-style-type: none"> Basement car parking shall be located beneath the building footprint. Where possible natural ventilation shall be provided to basement car parking. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings. 	<ul style="list-style-type: none"> This may be conditioned. This may be conditioned. Refer to BASIX certificate. Refer to BASIX certificate. None proposed. <ul style="list-style-type: none"> Complies. Where possible, where common walls are proposed, they have been designed adjacent to like uses to minimise noise disturbance. N/A. N/A. Windows and balconies have been primarily designed to address the street

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site. Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with <i>Part F5 of the Building Code of Australia</i>. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens). <p>Ground Floor Dwellings</p> <ul style="list-style-type: none"> Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings. Create more pedestrian activity along the street and articulate the street edge by: <ul style="list-style-type: none"> Balancing privacy requirements and pedestrian accessibility. Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. Increasing street surveillance with doors and windows facing onto the street. 	<p>frontage or rear setback. Where windows are proposed to the side boundaries, they have been offset.</p> <ul style="list-style-type: none"> Where possible, common walls have been designed to adjoin like uses. N/A. Capable of being complied with. The balconies of upper level units will overlook the entry points to the building. The front setback will be landscaped. Private entrances are proposed to ground floor dwellings. The proposal will include appropriate fencing, lighting and landscaping to address the privacy and safety requirements of occupants. Street surveillance has been maximised with

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Planting along the terrace edge contributes to a quality streetscape. Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard. <p>Security</p> <ul style="list-style-type: none"> Entrances to buildings should be orientated towards the front of the site and facing the street. <ul style="list-style-type: none"> The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage. Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres. Minimise the number of entry points to buildings. 	<p>doors and windows facing onto the street.</p> <ul style="list-style-type: none"> Refer to Landscape Plan. Five (5) ground floor units are proposed. Ground floor dwelling access points have been maximised. Complies. Pedestrian paths lead from the street frontage to individual ground level units and to the centre of the building where the residential lobby is sited. N/A. None proposed. Two access points are proposed to the central lobby. An intercom permits visitor access.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> • Reinforce the development boundary to strengthen the distinction between public and private space by <ul style="list-style-type: none"> ◦ Employing a level change at the site and/or building threshold (subject to accessibility requirements) ◦ Signage. ◦ Entry awnings. ◦ Fences, walls and gates. ◦ Change of material in paving between the street and the development. • Optimise the visibility, functionality and safety of building entrances by: <ul style="list-style-type: none"> ◦ Orienting entrances towards the public street. ◦ Providing clear lines of sight between entrances, foyers and the street. ◦ Providing direct entry to ground level dwellings from the street rather than through a common foyer. ◦ Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances. • Improve the opportunities for casual surveillance by: <ul style="list-style-type: none"> ◦ Orienting living areas with views over public or communal open spaces, where possible. ◦ Using bay windows and balconies, which protrude beyond the main façade and enable a wider angle of vision to the street. ◦ Using corner windows, which provide oblique views of the street. ◦ Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks. • Minimise opportunities for concealment by: <ul style="list-style-type: none"> ◦ Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. ◦ Providing well-lit routes throughout the development. ◦ Providing appropriate levels of illumination for all common areas. 	<ul style="list-style-type: none"> • Appropriate fencing/gates will be provided. • The development includes clear lines of sight between entrances and the street. As stated direct entry is proposed to ground level dwellings rather than through foyers. The car park lift lobbies and common areas will be well lit and designed as clear, direct paths. • The proposed north, east and west facing balconies will enable sightlines to Flowerdale Road, the car park and Smith Crescent respectively. • The development does not include any blind or dark alcoves near lifts and stairwells, at the entrance and, along

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> o Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. • Control access to the development by: <ul style="list-style-type: none"> o Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. o Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. o Providing direct access from car parks to dwelling lobbies for residents. Natural Ventilation <ul style="list-style-type: none"> • Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: <ul style="list-style-type: none"> o Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. o Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings. • Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout. • Provide narrow building depths to support cross ventilation. • Avoid single-aspect dwellings with a southerly aspect. • Design the internal dwelling layout to promote natural ventilation by: <ul style="list-style-type: none"> o Minimising interruptions in air flow through a dwelling. o Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the dwelling to be compartmentalised for efficient summer cooling or winter heating. o Select doors and operable windows to maximise natural ventilation opportunities established by the dwelling layout. Building Layout <ul style="list-style-type: none"> • The layout of dwellings within a residential flat building should minimise the extent of common walls. 	<p>corridors and walkways. Well-lit routes will be provided throughout the development.</p> <ul style="list-style-type: none"> • Intercom access limits visitors to the site. • Refer to Appendix C of this report. • Common walls have been minimised as much as possible.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>Storage Areas</p> <ul style="list-style-type: none"> A secure storage space is to be provided for each dwelling with a minimum volume 8 m3 (minimum dimension 1m2). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas. 	<ul style="list-style-type: none"> Refer to Appendix C of this report.
<p>Landscaping And Fencing</p>	<ul style="list-style-type: none"> The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas. Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors. Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. Landscaping on any podium level or planter box shall be appropriately designed, and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development. The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years. All species of trees and shrubs should be drought resistant. Advanced tree species are to be used for key elements with the landscape design concept. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services. Contribute to streetscape character and the amenity of the public domain by: <ul style="list-style-type: none"> Relating landscape design to the desired proportions and character of the streetscape. Using planting and landscape elements appropriate to the scale of the development. 	<ul style="list-style-type: none"> Complies. Refer to Landscape Plan.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> ○ Mediating between and visually softening the bulk of large development for the person on the street. ● Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. ● Planting design solutions include: <ul style="list-style-type: none"> ○ Trees for shading low-angle sun on the eastern and western sides of a dwelling. ○ Trees that do not cast a shadow over solar collectors at any time of the year. ○ Deciduous trees for shading of windows and open space areas in summer. ● Design landscape which contributes to the site's particular and positive characteristics, for example by: <ul style="list-style-type: none"> ○ Enhancing habitat and ecology. ○ Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate. ○ Retaining and incorporating changes of level, visual markers, views and any significant site elements. <p>Planting on Structures</p> <ul style="list-style-type: none"> ● Design for optimum conditions for plant growth by: <ul style="list-style-type: none"> ● Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established. ● Providing appropriate soil conditions and irrigation methods. ● Providing appropriate drainage. ● Design planters to support the appropriate soil depth and plant selection by: <ul style="list-style-type: none"> ● Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. ● However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth. Providing square or rectangular planting areas rather than long narrow linear areas. ● Refer to DCP for minimum standards for plant sizes. <p>Fencing – Primary frontage</p> <ul style="list-style-type: none"> ● The maximum height of a 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. ● Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas. ● 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 front fence may be built to a maximum of 1.8m only if <ul style="list-style-type: none"> ○ The primary frontage is situated on a Classified Road. 	

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> ○ The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. ○ The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site. <p>Fencing – Secondary frontage</p> <ul style="list-style-type: none"> ● Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped. ● For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary. <p>Boundary Fences</p> <ul style="list-style-type: none"> ● The maximum height of side boundary fencing within the setback to the street is 1.2m. ● Boundary fences shall be lapped and capped timber or metal sheeting. 	
Car Parking And Access	<p>Car Parking</p> <ul style="list-style-type: none"> ● Visitor car parking shall be clearly identified and may not be stacked car parking. ● Visitor car parking shall be located between any roller shutter door and the front boundary. ● Pedestrian and driveways shall be separated. ● Driveways shall be designed to accommodate removalist vehicles. ● 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. ● Give preference to underground parking, whenever possible by: <ul style="list-style-type: none"> ○ Retaining and optimising the consolidated areas of deep soil zones. ○ Facilitating natural ventilation to basement and sub-basement car parking areas, where possible. ○ Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design. ○ Providing safe and secure access for building users, including direct access to residential dwellings, where possible. ○ Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths. 	<ul style="list-style-type: none"> ● Refer to Appendix A of this report and the submitted Traffic Report. ● There is no basement parking proposed. The proposal includes at grade car parking that is sited towards the rear of the site.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> Avoid exposed parking on the street frontage. Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail. <p>Pedestrian Access</p> <ul style="list-style-type: none"> Utilise the site and it's planning to optimise accessibility to the development. Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. Promote equity by: <ul style="list-style-type: none"> Ensuring the main building entrance is accessible for all from the street and from car parking areas. Integrating ramps into the overall building and landscape design. Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space. Maximise the number of accessible and adaptable dwellings in a building by: <ul style="list-style-type: none"> Providing more than one accessible entrance where a development contains clusters of buildings. Separating and clearly distinguish between pedestrian accessways and vehicle accessways. Locating vehicle entries away from main pedestrian entries and on secondary. 	<ul style="list-style-type: none"> Complies. Complies. Complies as per submitted Access Report.
Amenity And Environmental Impact	<p>Overshadowing</p> <ul style="list-style-type: none"> Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: <ul style="list-style-type: none"> One living, rumpus room or the like; and 50% of the private open space <p>Privacy</p> <ul style="list-style-type: none"> Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces. Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties. 	<ul style="list-style-type: none"> Refer to Appendix C of this report. Refer to Appendix C of this report.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: <ul style="list-style-type: none"> Balconies to screen other balconies and any ground level private open space. Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. Use detailed site and building design elements to increase privacy without compromising access to light and air by: <ul style="list-style-type: none"> Offsetting windows of dwellings in new development and adjacent development windows. Recessed balconies and/or vertical fins between adjacent balconies. Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies. Fencing. Vegetation as a screen between spaces. Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space. <p>Acoustic Impact</p> <ul style="list-style-type: none"> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance. Arrange dwellings within a development to minimise noise transition between dwellings by: <ul style="list-style-type: none"> Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas 	<ul style="list-style-type: none"> Complies. Refer to Acoustic Report

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Site Services	<ul style="list-style-type: none"> Minimising the amount of common walls with other dwellings. Design the internal dwelling layout to separate noisier spaces from quieter spaces by: <ul style="list-style-type: none"> Grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together. 	<ul style="list-style-type: none"> Mailboxes are proposed adjacent to the main pedestrian entry.
	<p>Letterboxes</p> <ul style="list-style-type: none"> Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements. Freestanding letterbox structures should be designed and constructed of materials that relate to the main building. Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material. <p>Waste Management</p> <ul style="list-style-type: none"> Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: <ul style="list-style-type: none"> Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property. Details of the design of waste disposal facilities are shown in Part 1 of the DCP. <p>Frontage works and damage to Council infrastructure</p> <ul style="list-style-type: none"> Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure. Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site. 	<ul style="list-style-type: none"> This may be conditioned. This may be conditioned. Bin room is located, adjacent to the carpark. Complies. Refer to Landscape Plan. Complies This may be conditioned. This may be conditioned.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>Electricity Sub Station</p> <ul style="list-style-type: none"> In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage. 	<ul style="list-style-type: none"> This may be conditioned. A substation is proposed toward the north-eastern corner of the site.

Appendix F Clause 4.6 Variation to Clause 4.3 of the
Liverpool Local Environmental Plan 2008 –
Height of Buildings

CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

1. Introduction

This submission seeks a variation to Clause 4.3 of the Liverpool Local Environmental Plan 2008 (LLEP08), which relates to building height.

This submission has been prepared with regards to a development application over Nos. 127 – 129 Flowerdale Road, Liverpool for the demolition of all existing structures and the development of a five (5) storey residential flat building comprising of 11 x 1-bedroom units and 28 x 2-bedroom units to be wholly used for the purposes of affordable rental housing.

As detailed in this written request for a variation to building height being a development standard under LLEP08, the proposed development meets the requirements prescribed under Clause 4.6 of LLEP08.

2. Site Background

The subject site is commonly known as Nos. 127 – 129 Flowerdale Road, Liverpool and is legally defined as Lots 2 and 3 in Deposited Plan 373524. The subject site is located at the south eastern corner of Flowerdale Road and Smith Crescent. Refer to the figure below.

Figure 1 Site Location Map



Source: Six Maps, 2018

Subject site

The site provides for a primary frontage of 34.825m to Flowerdale Road and a secondary frontage of 70.995m to Smith Crescent. The subject property provides for an overall site area of 1,907m². In terms of its topography, the subject site provides for a gentle fall from Flowerdale Road to the eastern boundary. Levels across the site range from RL 20.86 at the centre of the Flowerdale Road frontage to RL 18.53 at the centre of the eastern boundary, representing a fall of 2.33 metres. Reference should be made to the submitted Survey Plan prepared by Norton Survey Partners.

Located on the subject site at present are detached dwellings with associated outbuildings. All existing structures will be demolished as part of the proposed works.

Immediately adjoining the subject site to the south are recently developed semi-detached dwellings on small lot holdings which are held under separate ownership. Development to the east of the site are larger allotments of an older housing stock and are capable of being consolidated as part of future redevelopment.

Development in the broader vicinity of the site is typically characterised by low to medium density residential development. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

3. Clause 4.6

This submission is made under clause 4.6 of the LLEP08 – Exceptions to development standards. Clause 4.6 states the following:

"4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

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

(2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not include any of these Zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4*
 - (ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (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

The Environmental Planning Instrument to which these variations relate to is the LLEP 08.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

“(1) The objectives of this clause are as follows:

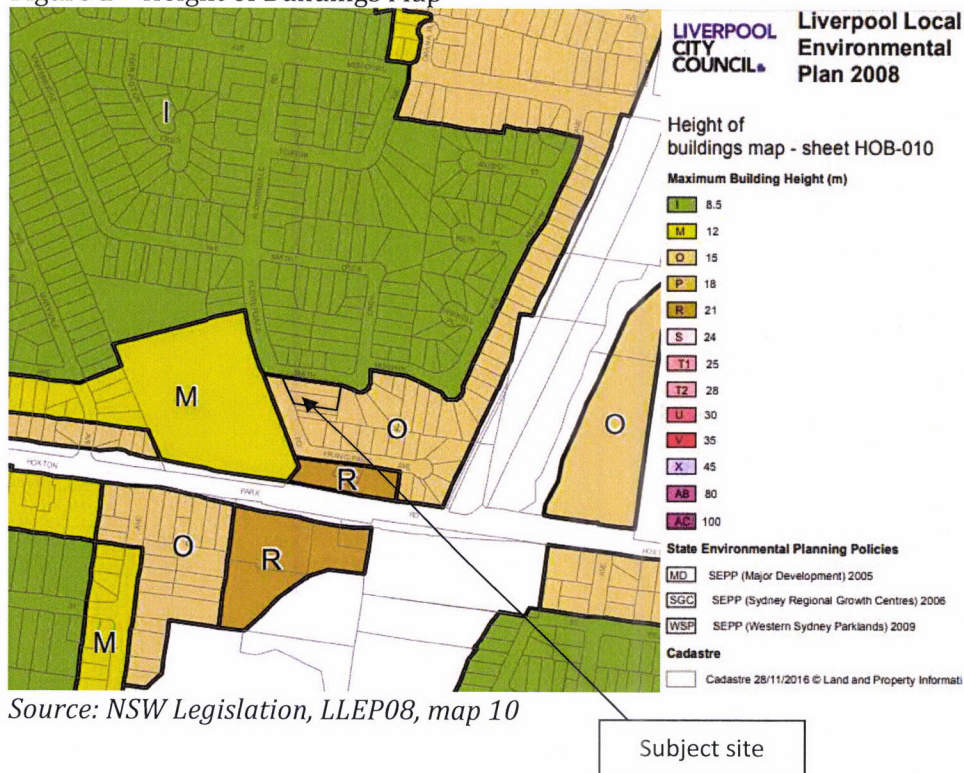
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note. *Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map”.*

As demonstrated in Figure 1 below, the subject site is limited to a maximum building height of 15m.

Figure 1 – Height of Buildings Map



The proposed residential flat building will exceed the standard with a proposed building height of 17.9m as measured from ground level existing to the top of the lift overrun. The variation is equivalent to 2.9m or 19.3%.

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 08.

4. Extent of Non-Compliance

As noted above Clause 4.3 of the LLEP 08 states that the maximum building height for the site is 15m.

The current proposal seeks a maximum building height of 17.9m to the lift overrun. The proposal therefore exceeds the standard by 2.9m² or 19.3%.

It is our submission that the breach to the building height control, will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

A degree of flexibility is considered reasonable in this instance.

5. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable, established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*, are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

"(1) The objectives of this clause 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".*

With respect to objective (a), the subject site is afforded a maximum building height limit of 15 metres and floor space ratio control of 1.0:1 under LLEP08. As the current proposal is made under State Environmental Planning Policy (Affordable Rental Housing) 2009, a bonus 0.5:1 is afforded, enabling a maximum floor space ratio of 1.5:1 to be achieved on the site.

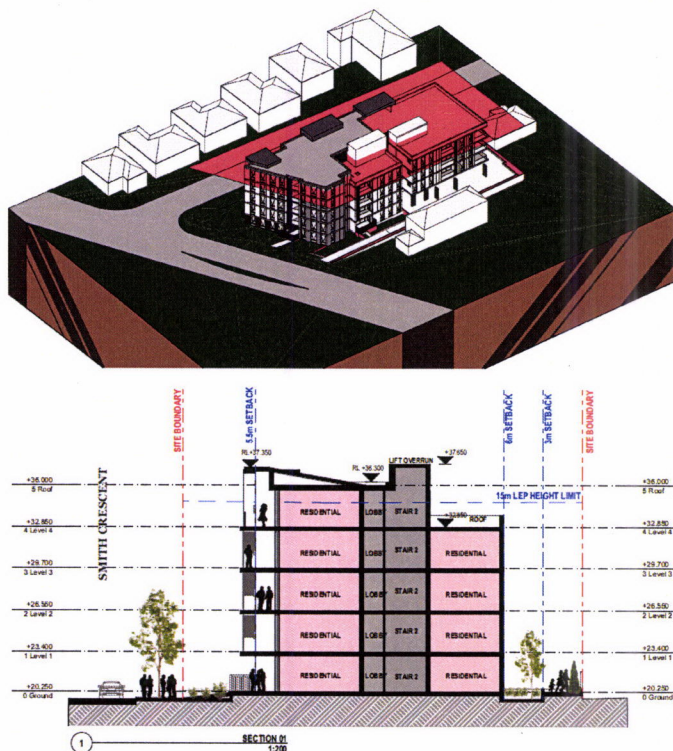
The proposal is notably compliant with the maximum floor space ratio control, however seeks a variation to the maximum height control as described in this letter. In a decision of the Land Environment Court, *Abdul-Rahman v Ashfield Council* [2015] NSWLEC 1122, Commissioner O'Neil stated,

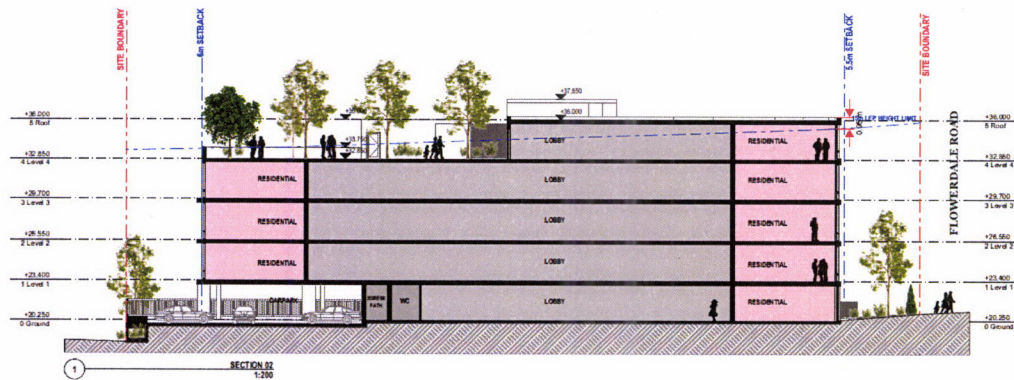
"I accept the argument put by the applicant that the consequence of the SEPP ARH incentives, which seek to facilitate the effective delivery of new affordable rental housing by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, is to expand the permissible building envelope for a site in some way, although pursuant to cl 16A of SEPP ARH, any increase of the building envelope has to be compatible with the character of the local area. In this matter, the proposal complies with the FSR development standard in LEP 2013 and does not seek the benefit of the FSR incentive of SEPP ARH at cl 13, however the principle of an expanded building envelope in recognition of the contribution of affordable rental housing made by the proposal is still relevant".

In keeping with the above, we submit that the proposed variation is attributable to the increased density available on the site. In view of the context of the site, it was not considered feasible to further encroach upon the setbacks of the adjoining developments and consequently the proposed height has exceeded the maximum standard.

It is worthy to note, that the greatest variation to the height control is achieved only over the lift overrun with only minor variations equalling a maximum of 0.95m sought in respect to Level 4 itself. This is demonstrated in the images below.

Figure 2 – LEP Height Diagrams





Source: DKO Architecture

The tallest component of the building therefore spans a relatively short area of the proposed building, and relates to an element of the design (lift overrun) that has been centred over the site to reduce its visual prominence. Where the greatest variation is sought in relation to habitable floor area at level 4, we note that the largest breach is contained at the centre of the site where the fall of the land is at its greatest.

The proposed development has been carefully designed to project a highly articulated appearance to each of the facades. The depth of the units has been limited allowing for breaks in each elevation and steps in the overall design. The use of balconies to the front and rear of the building provides for visual relief from solid external walls and aids to break up the building mass. The proposal therefore satisfies objective (b).

The proposed development has also been designed to maximise solar access with 61.5% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 74% of units across the development will be naturally cross ventilated in keeping with objective (c).

In addition, the proposed development has been well articulated to the street frontage and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

6. Are there Sufficient Environmental Planning Grounds?

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.

7. Is the Variation in the Public Interest?

Clause 4.6 states that development consent must not be granted for development that contravenes a development standard unless 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 to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

Zone R4 High Density Residential

Objectives of zone

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

In response to the above the following is provided:

The proposed residential flat building will replace the existing two dwellings on the site with 39 proposed units to provide for the housing needs of the community within a high-density environment.

The proposal comprises of a mix of 1 and 2-bedroom units, including adaptable designs ensuring a variety of housing types are available.

No other land uses are proposed.

The site is readily accessible by public transport with proximate bus stops located along Flowerdale Road.

The proposal will not result in the fragmentation of land.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality residential development which as stated above meets the desired objectives of the standard.

Housing affordability in Sydney is becoming increasingly difficult. Our client is a not for profit organisation seeking to address a prevalent issue in Sydney's housing market. Our client is committed to providing a development that is 100% affordable housing far surpassing the requirements of State legislation. The additional height sought on the site will enable additional units to be provided to the benefit of the local government area. The area can support an increase in density and this is encouraged by Council.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the LLEP 08 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the LLEP 08 in that:

- ☐ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- ☐ There are sufficient environmental planning grounds to justify the departure from the standards;
- ☐ The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R4 High Density Residential zoning of the land;
- ☐ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ☐ The breach does not raise any matter of State of Regional Significance; and
- ☐ The development submitted aligns with the revitalisation of the formerly low-density precinct.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2

Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include any of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate was provided for the development.

Clause 5.4 of the LLEP 08 does not apply to the proposal.

Clauses 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30. of the LLEP 08 do not apply to the site.

11. Conclusion

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the LLEP 08. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP 08 are satisfied as the breach to the controls does not create any adverse environmental impacts.

As reiterated throughout this report, the proposal seeks to provide for a development comprising of entirely affordable housing. The development will address a rising social issue in Sydney's housing market whereby rising prices are making affordable accommodation increasingly difficult to come by.

The proposed development will be managed by our client, St George Community Housing with all units used for the purposes of affordable housing for at least a 10 year period.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the LLEP 08 to vary this development controls is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Melissa Rodrigues
GAT & Associates
Plan 3416

Appendix G Design Excellence Panel Meeting Minutes

**MINUTES OF DEP MEETING
Thursday 13th December 2018**

DEP PANEL MEMBERS PRESENT:

Rory Toomey	Chairperson
Alf Lester	Panel Member
Caroline Pidcock	Panel Member

OTHER ATTENDEES:

Gerard Turrisi	GAT & Associates
Peter Peng	DKO Architecture
Ian Lim	DKO Architecture
Matt Ballam	SGCH
Matthew Ryan	SGCH

APOLOGIES:

N/A

OBSERVERS:

Michael Oliveiro	Team Leader Development Assessment – Liverpool City Council
Robert Micallef	Development Assessment Planner – Liverpool City Council
Scott Sidhom	Coordinator Urban Design – Liverpool City Council

AGENDA:

Property Address:	127-129 Flowerdale Road, Liverpool, NSW 2170
Application Number:	PL-121/2018
Item Number:	1

1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Liverpool Design Excellence Panel (the Panel), comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

2. DECLARATIONS OF INTEREST

N/A

3. PRESENTATION

The applicant presented their proposal PL-121/2018 – 127 Flowerdale Road, Liverpool, NSW 2170. The overview was comprised of the following items:

- Demolition of all existing structures.
- Redevelopment of the site as a 5 storey residential flat building.
- A total of 39 apartments including 15 x 1 bedroom units and 24 x 2 bedroom apartment layouts.
- Car parking (at grade) within the eastern setback, with a total of 19 car spaces, including 4 accessible spaces.
- Communal open space at ground level (along the south western boundary), and at roof level.
- Two central lifts (to service all levels of the building) and one set of fire stairs.
- All of the proposed residential apartments will be nominated as affordable housing.
- The site is zoned as R4 High Density Residential Zoning.
- Proposed maximum height of 17.39m.
- Site Area is 1907m².
- Proposed GFA is 2858m² or 1.498:1.
- Street frontage of 34 metres to Flowerdale Road.

4. DEP PANEL COMMENTS

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context**, 2] **Built Form+ Scale** 3] **Density** 4] **Sustainability** 5] **Landscape** 6] **Amenity**, 7] **Safety** 8] **Housing Diversity +Social Interaction** 9] **Aesthetics**.

The Design Excellence Panel makes the following comments in relation to the project:

- The Panel commends the revised design and noted that the scale, typology and massing work well for the site.
- Review the material palette and propose a calmer and less busy palette.
- Review the car parking design to better accommodate accessible car spaces and shared zones (i.e. no columns in between the accessible car spaces and shared zones). This will result in a reduced car park footprint and therefore allow for increased landscape area.
- The Panel recommends that the primary building entrance is located off Smith Street (i.e. rather than Flowerdale Street), as Smith Street is a quieter street.

- The Panel supports the inclusion of a secondary pedestrian entrance on the southern side of the building.
- The Panel acknowledges and supports the fact that both pedestrian entrances to the building are accessible.
- The Panel recommends including a sheltered waiting space at the pedestrian entrance (Smith Street entrance), to provide protection from the northern sun.
- The Panel recommends including respite places along the pathways.
- Bicycle parking to be included, near the southern building entrance.
- Extend the fencing along Flowerdale Street to increase privacy of the ground floor units.
- Review apartment layout to avoid locating bedroom doors off living rooms (where possible), to increase privacy.
- 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.
- The Panel recommends engaging a good Landscape Architect. Ensure that landscaping is low maintenance and invest in making the southern open space an engaging retreat area.
- 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).
- Maximise greening opportunities on the rooftop garden through including climbing and creeping plants and capitalise on open space opportunities located on the northern side of the site to increase visual amenity along Smith Street.
- The Panel supports the inclusion of a fence along Flowerdale Road, and recommends that a landscape buffer is included between the footpath and fence, to increase visual amenity and give back to the public domain.
- Include a clothes drying area (e.g. include clothes drying racks/communal laundry on rooftop).

5. CLOSE

The proposal is supported but has not been finalised and must be referred back to the Design Excellence Panel Again.