SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-224
DA Number	DA-50/2021
LGA	Liverpool City Council
Proposed Development (as amended)	Demolition of existing dwellings and the construction of an eight storey residential flat building consisting of 23 apartments to be used for affordable housing.
Street Address :	23 & 25 Charles Street, Liverpool NSW 2170 Lot 1 & 2 DP 500066
Applicant : Land Owner:	Stimson Urban & Regional Planning : Hume Community Housing Association Company Ltd
Date of Lodgement:	21 January 2021
Number of Submissions	1 (in support)
Recommendation:	Approval, subject to conditions of consent
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	The proposal is for an affordable housing development that has a capital investment value of over $5 million, pursuant to Clause 5(b) of Schedule 6.
List of all Relevant s4.15(1)(a) matters	*List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)* o SEPP (Housing) 2021 (Repealed SEPP Affordable Rental Housing 2009 o State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development. o SEPP (Biodiversity and Conservation) 2021 (Repealed Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment). o State Environmental Planning Policy (Resilience and Hazards) 2021 (Repealed Environmental Planning Policy No.55 – Remediation of Land). o SEPP (Transport and Infrastructure) 2021 o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. o Liverpool Local Environmental Plan 2008. *List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the*

	consent authority: Section 4.15(1)(a)(ii) o Nil *List any relevant development control plan: Section 4.15(1)(a)(iii)* o Liverpool Development Control Plan 2008. o Part 1 – General Controls for all Development. o Part 4 – Development in the Liverpool City Centre. *List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia)* o No planning agreement relates to the site or proposed development. *List any relevant regulations: 4.15(1)(a)(iv)* o *Consideration of the provisions of the National Construction Code of Australia.*
List all documents submitted with this report for the Panel's consideration	1. Architectural plans, demolition plan & landscape plans 2. Survey plan and Stormwater Concept Plans 3. Recommended conditions of consent 4. Statement of environmental effects 5. Clause 4.6 variation written justification to height 6. SEPP 65 Design Verification Statement 7. Acoustic Assessment Report 8. Arborist Report 9. Access Report 10. Traffic Report 11. Geotechnical Assessment report 12. Waste management plan and operational Waste Management Plan 13. Preliminary Site Investigation 14. Detailed Site Investigation 15. BASIX certificate and house energy rating 16. DEP Comments
Clause 4.6 requests	The applicant has provided an assessment under Clause 4.6 to vary the maximum height limit under Clause 4.3 of LLEP 2008.
Summary of key submissions	Nil
Report prepared by	Emmanuel Torres – Senior Development Planner
Report date	29 August 2022

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? *Note: Certain Das in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**Yes**

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the development is for affordable housing with Capital Investment Value over $5 million, pursuant to 5(b) of Schedule 6 of the SEPP (Planning Systems) 2021 (Repealed SEPP (State and Regional Development) 2011).

1.2 The proposal

Demolition of existing dwellings and the construction of an eight storey residential flat building consisting of 23 units. All units will be used for the purpose of affordable housing.

1.3 The site

The subject site is identified as No 23 & 25 Charles Street, Liverpool with a legal description of Lots 1 & 2 DP 500066. It has a 19.58m frontage on Mill Street to the north, a 32.615m frontage Charles Street to the east, and a 4.255m splay connecting both front boundaries. Property boundary to the south is 22.66m and to the west is 35.66. It has a total land area of 802 m^2.

1.4 The issues

The design and planning issues includes breach of the maximum building height, carparking non-compliance and drainage.

These issues have been resolved by the applicant through the submission of a Clause 4.6 written variation request to vary Clause 4.3 – height of buildings development standard and an adequate justification for the carparking non-compliance. The stormwater issue that emerged from the referral commentary related to the stormwater concept design. This has been resolved by provision of additional information and conditions of consent recommended to be imposed.

1.5 Exhibition of the proposal

The development application was notified for 14 days between 30 March 2021 to 16 April 2021 in accordance with Liverpool Community Participation Plan 2019. No submission were received raising objection to the proposal.

1.6 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lots 1 & 2 DP 500066 at 23-25 Charles Street, Liverpool. An aerial image of the subject site is provided below.

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

The combined site has a total land area of 802m^2. It is a corner lot with the frontage of 19.58m to the Mill Road and 32.615m to the Charles Avenue. A splay corner of 4.255m.

The site is relatively flat with a crossfall of 6.7% from its highest point at the northwest corner (22.94m AHD) adjoining Mill Road to the southeast corner (21.33m AHD) adjoining Charles Street.

The site is currently occupied by 2 brick clad two storey dwellings and 3 medium to large sized trees.

Figure 2 – Street view of the site from intersection of Charles and Mills Streets. (Source: *Streetview)*

2.2 The locality

The locality within the immediate vicinity is characterised by a number of tall, high density residential and mixed-use development. Older existing dwelling houses, similar to those already on the site, will be developed in the future. Located within the R4 zone, the locality is at the southern edge of the Liverpool CBD area.

The site benefits from being within proximity of major transport links and corridors. Within 400m is a bus stop (ID 2170526) located on the northside of Hoxton Park Road and south of the Woodard Park approximately 398m walking distance from the site. This bus stop is serviced by route 869 – Ingleburn to Liverpool via Edmondson Park & Prestons and provides an hourly service. The Liverpool railway station is an approximately 1km walking distance to the north-east of the site, adjacent to the Liverpool CBD.

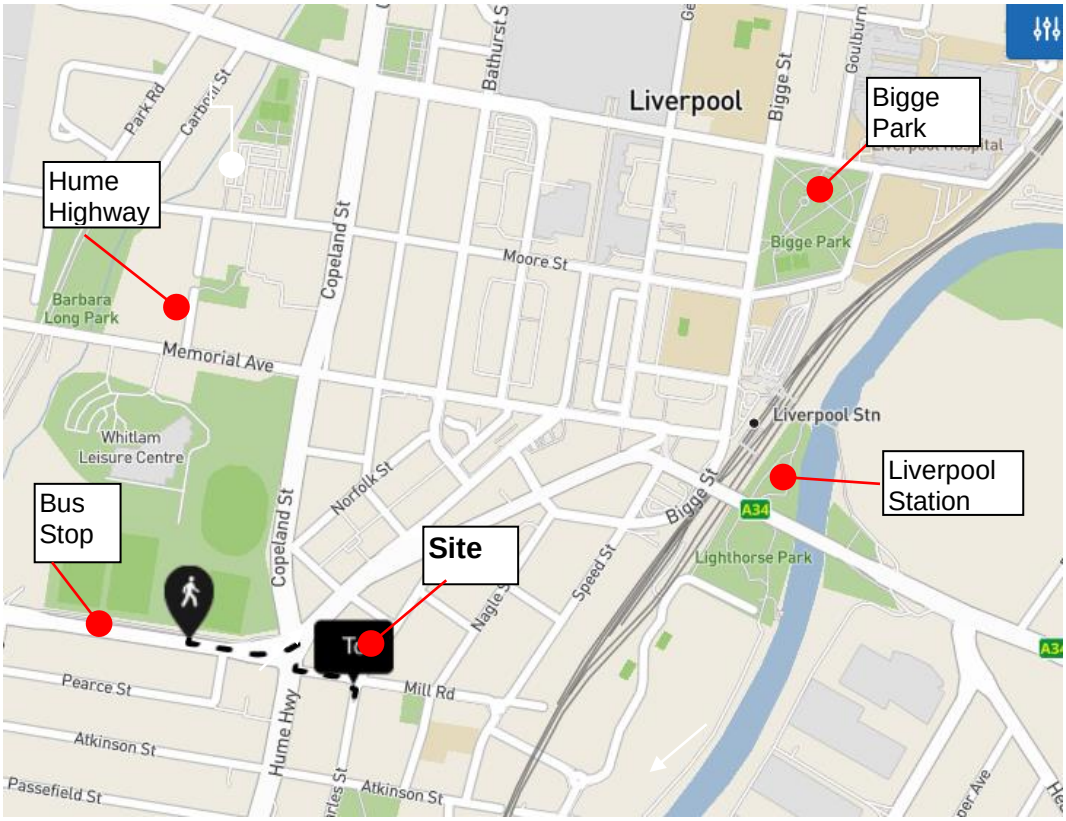


Figure 3: Locality Map (Source: *Nearmap*)

2.3 Site affectations

A Stage 1 Preliminary Site Investigation Report prepared by ENRS dated 22 November 2018 was submitted with the development application. No evidence of previous contaminating activity was identified. However, based on the date of construction circa 1977 there is some potential for asbestos within the existing building fabric which should be considered prior to any demolition works.

3. BACKGROUND

3.1. Design Excellence Panel

The application has been the subject of one pre-lodgement and two post lodgement Design Excellence Panel (DEP) meetings as follows:

- On 11 June 2020, a pre-lodgement DEP meeting was conducted on 11 June 2020. A number of matters were discussed including site amalgamation, increased activation to the ground floor by reducing the carparking spaces by 3, non-compliances on building setbacks, building height (9 storeys), carparking and ventilation among others. The Panel supports the use (affordable housing) subject to successful incorporation of all the comments and recommendations made by the Panel. A review of amended plans was requested by the DEP.

- On 10 September 2020, a fully detailed proposal was presented to the DEP. It was noted that the proposal now meets ADG requirements in relation to building form and setbacks. The building height non-compliance on the lift overrun and communal open space was supported. However, the blank solid wall surrounding the at-grade carparking was not supported. Overall, DEP notes a significant improvement on the original concept and confirmed its support for the project.

- On 10 June 2021, another DEP meeting was conducted. The panel had more design issues on the presented amended plans including the proportions of the ground floor the communal room, street presentation and increased tree canopy. It is noted that the panel supported the reduction of one or more car spaces subject to assist to the improvement to community facilities. The project was supported by the Panel subject to successful incorporation of all the comments.

3.2. Sydney Western City Planning Panel (SWCPP) Briefing

A SWCPP briefing was conducted on 16 May 2022. Key issues discussed at the meeting include the following:

- Council to obtain engineering comments as soon as possible
- Applicant to provide details on waste management during operations
- Applicant to resolve screening of at grade carparking

The above matters have been resolved and incorporated in subsequent the plans and documentation provided by the applicant.

4. DETAILS OF THE PROPOSAL

The application seeks consent for the "*proposed demolition of existing structures and construction of 8 storey residential flat building."*

A detailed description is as follows:

- A summary of the units with the corresponding floor area calculation as is as noted on the submitted architectural plans is summarised on the table below:

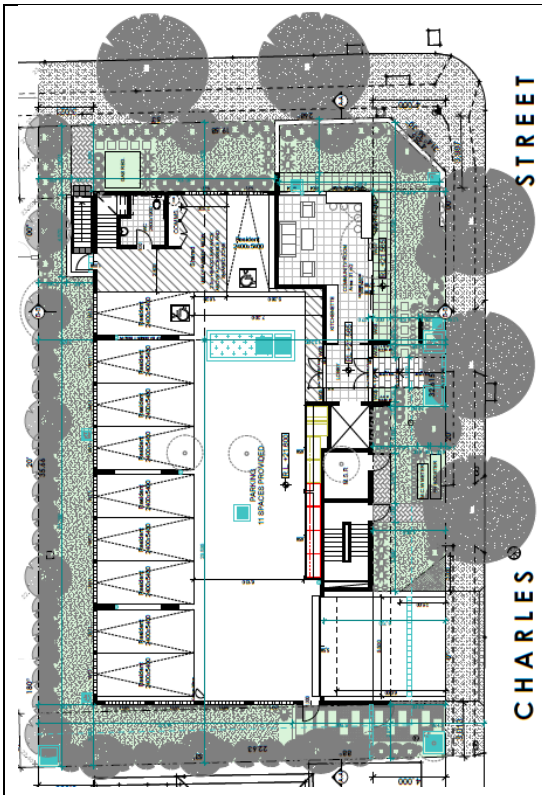
Level	**Unit**	**Unit Area** (m^2)		**POS** (m^2)
		1 bedroom	2 bedroom	
Level 1				
	1		73	13
	2	50		8
	3		71	17
	4		71	15
Level 2				

	5		72	13
	6	50		8
	7		71	17
	8		71	15
Level 3				
	9		72	13
	10	50		8
	11		71	18
	12		71	15
Level 4				
	13	52		9
	14	51		8
	15	50		10
Level 5				
	16	52		9
	17	51		9
	18	50		11
Level 6				
	19	52		9
	20	51		9
	21	50		11
Level 7				
	22		74	10
	23		77	25

- The proposed 8 storey residential flat building is comprised of 3 types of typical residential floor plan layouts defined by varying 1 and 2 bedroom unit combination on each floor level as summarised on the table below:

Floor Level	**1 br Unit**	**2br Unit**	**Total Units per level**
Ground Level	Street entrance, car park for 10 vehicles and bicycle parking, Community Room, Entry Lobby, Access to the subfloor fire pump room, bin storage, and landscaped areas.		
Levels 1 to 3	1	3	4
Levels 4 to 6	3	0	3
Level 7	0	2	2
Level 8	Roof top communal space (including accessible toilet		
	Total dwellings		**23**

- Ground Floor. As shown below, the ground floor consists of the street level pedestrian entrance from Charles Street leading to the foyer and lift lobby, entrance to an at-grade car park for 10 vehicles and bicycle parking. It includes a Community Room, access to the subfloor fire pump room and extensive landscaping.

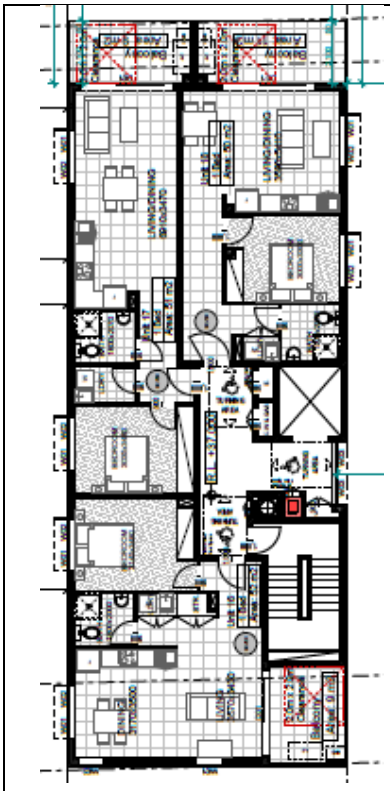


Ground Floor Plan

Typical Levels 1-3

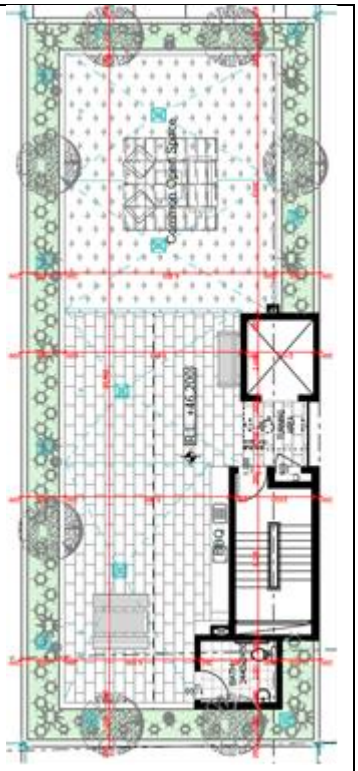
- Typical Levels 1 to 3 contains a combination 3 x 2 bedrooms and 1 x 1 bedroom for each floor level. The 2 bedroom units are provided with generous balcony with northernly aspect.

- Typical Levels 4 to 6 contains a 3 x 1 bedroom unit for each floor level.



Typical Levels 4-6

Level 7



Rooftop

- Typical Level 7 contains a 2 x 2 bedroom unit.

East Elevation & North Elevations – Facing Charles St and Mill Road (Source: Idraft)

Perspective (Source: idraft)

5. STATUTORY CONSIDERATIONS

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

Environmental Planning Instruments (EPI's)

- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021
- Seniors SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development;
- Liverpool Local Environmental Plan 2008

Development Control Plans

- Liverpool Development Control Plan 2008
    - Part 1 – Controls applying to all development

- Part 4 – Development in Liverpool City Centre

Other Relevant Guidance

- Apartment Design Guide 2015

6. ASSESSMENT

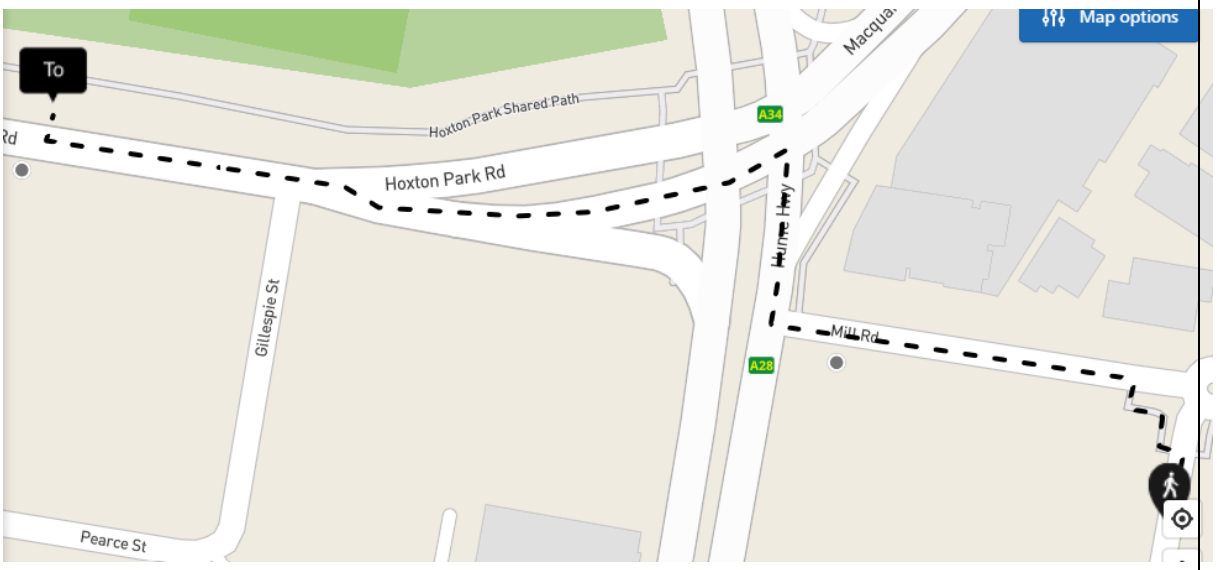
The development application has been assessed in line with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

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

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

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. The SEPP on was repealed on 25 November 2021, after lodgement of the application. The SEPP (Housing) 2021 which replaced SEPP (Affordable Rental Housing) 2009 contains saving provisions wherein the former provisions of the repealed instrument continue to apply if not yet determined on or before the commencement date. An assessment against the relevant provisions is provided in the table below.

Requirement	Provided	Complies
Part 2 New Affordable Rental Housing, Division 1 In Fill Affordable Housing		
Clause 10 Development to which Division Applies		
(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: *(a) the development concerned is permitted with consent under another environmental planning instrument, and* *(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.*	a) The site is zoned R4 High Density Residential and an RFB is a development that is permitted with consent under the LLEP 2008. (b) The site does not contain a heritage item, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.	Yes
(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area. *accessible area means land that is within—* *(a) N/A* *(b) N/A* *(c) c) 400 metres walking distance of*	The site is 400m walking distance from a bus stop used by a regular bus service as shown in the image below. The nearest compliant bus stop (ID 2170526) is located on the northside of Hoxton Park Road and south of the Woodard Park approximately 398m walking distance from the site. This bus	Yes

Requirement	Provided	Complies
a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	stop is serviced by route 869 – Ingleburn to Liverpool via Edmondson Park & Prestons and provides an hourly service from 6am to 10pm Monday to Friday and from 8am to 6pm on Saturdays and Sundays. The bus stop (ID 2170501) on the opposite side, south of Hoxton Park Road is serviced by bus 869 – Liverpool to Ingleburn via Prestons going the opposite direction with the same walking distance.	
 Figure above shows the route from the site to the bus stop (ID 2170526)		
Clause 13 Floor Space ratio		
(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	It is proposed that 100% of the gross floor area (GFA) of the development will be utilised for affordable housing.	Yes

Requirement	Provided	Complies
(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: *(a) if the existing maximum floor space ratio is 2.5:1 or less:* *(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or.*	Maximum permissible FSR under LLEP 2008 is 1.5:1 A bonus FSR of 0.5 is applicable as 100% of the development is being used for affordable housing. The maximum FSR = 1.5 plus 0.5 bonus under the SEPP ARH = 2:1 Proposed FSR = 1604 m^2/802m^2 = 1.99:1 < 2:1	Yes
Clause 14 Standards that cannot be used to refuse consent		
(1) Site and solar access requirements *A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:* *(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,*	The site has an area of 802m^2.	Yes
(c) landscaped area: if: *(i) in the case of a development application made by a social housing provider—a minimum 35m^2 of landscaped area per dwelling is provided, or* *(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,*	(i) The development contains 23 units, which equates to a requirement of 805m^2 of landscaped area which is greater than the site area of 802m^2. In this instance, compliance with the standard is considered to be unreasonable. However, the relevant landscape requirement contained in the ADG and LDCP, stipulates a minimum of 25% of the site area or 200 m^2 (802m^2 x 0.25) (ii)The proposal provides for 352m^2 or 44% of the site area for landscaped area (Design Verification Statement– Principle 5 – Landscape). This amount of landscape area is considered acceptable.	Considered acceptable

Requirement	Provided	Complies
(d) Deep Soil Zones *In relation to that part of the site area that is not built on, paved or otherwise sealed:* *(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and* *(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and* *(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,*	Based on a total site area of 802m^2, a minimum deep soil zone of 120.3m^2 (15%) is required. The proposed deep soil area is 307 m^2 or 38%.	Yes
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The proposal has been designed to comply with the provisions of the ADG which stipulates that the living room and private open space of 70% of units of the development achieve a minimum of 2 hours of solar access. There are 17 apartments (73%) have the required solar access.	Yes
(2) General *A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*		
(a) parking *(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..*	The site is located in an 'accessible area' and following parking requirement applies: - 12 x 1 bedroom requires 4.8 spaces; plus - 11 x 2 bedroom requires 5.5 spaces - Total required = 10.3 parking spaces Total provided is 10 parking spaces	Considered acceptable. See discussion below.
(b) dwelling size *if each dwelling has a gross floor area of at least:* *(i) 35*m^2 *in the case of a bedsitter or studio, or* *(ii) 50*m^2 *in the case of a dwelling having 1 bedroom, or* *(iii) 70*m^2 *in the case of a dwelling having 2 bedrooms, or* *(iv) 95*m^2 *in the case of a dwelling having 3 or more bedrooms.*	There are only 1 & 2 bedroom units: - All 1 bedroom units are greater than 50m^2 - All 2 bedroom units are greater than 70m^2	Yes
(3) A consent authority may consent to development to which this Division	It is noted that the proposed development does not comply with	Yes

Requirement	Provided	Complies
applies whether or not the development complies with the standards set out in subclause (1) or (2)	the standards relating to: - Clause 14(1)(c) in relation to landscaping; and - Clause 14(2) in relation to parking Subclause 3 allows for consent to be granted despite the non-compliance with the above standards relating to landscaping, and parking	
Clause 16 Continued Application of SEPP 65		
Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.	Yes
Clause 16A Character of Local Area		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The current character of the area is generally comprised of RFB development as per the objectives of the R4 – High Density Residential zone. As such, the proposed development is considered to be in accordance with the desired future character of the area.	Yes
Clause 17 Must Be Used for Affordable Housing for 10 Years		
(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:		
(a) for 10 years from the date of the issue of the occupation certificate: *(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and* *(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and* *(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are*	Hume Community Housing is a not-for-profit organisation that provides social and affordable housing to people.	Yes

Requirement	Provided	Complies
met.		

Discussion on carparking:

The site is located in an 'accessible area' and following parking requirement applies:

- 12 x 1 bedroom requires 4.8 spaces; plus
- 11 x 2 bedroom requires 5.5 spaces
- Total required = 10.3 parking spaces

Total of 10 parking spaces is considered acceptable for the following reasons:

- The rounded numerical requirement is closer to 10 rather that 11 spaces
- The DEP supports the numerical non-compliance with the condition that the parking space taken over is for residents benefit which in this case is a common room for leisure and recreation.
- Councils Traffic engineer supports this shortfall being only 1 space. Furthermore, car ownership of future occupants is considered lower than the average household.
- It is for the above reasons that the carparking provision is supported.

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

The DA was accompanied by a SEPP 65 Design Report. The statement provided a full assessment of the proposed development against the 9 key design quality principles of the SEPP and against the guidelines of the ADG.

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

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
Design Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. *Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings 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*	The Architect's SEPP 65 statement in part states " *The site is located at the southern edge of the Liverpool CBD and regular bus services to the town centre.* *The proposed development responds to the existing and future built form in the area. The building addresses the street with a major façade which is aligned with the form of the street. The built form of the development relates to other built forms allowed in the DCP for the precinct. The overall affect is to create a building that presents a very effective and architectural building within the streetscape.."* **Councils Comment** It is considered that the design of the proposed development responds and contributes to the future high-density urban character of the area. The scale of building and type of use are compatible with the envisaged proposed redevelopment of the precinct and recognises and generally complies with the requirements of SEPP 65 and LLEP 2008.

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
change or identified for change.	
Design 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.*	The applicants architect considers that *"The scale of development in the precinct is proposed to be of buildings of variable height primarily low rise in height. The proposed site is in a precinct that is planned for revitalization.* *The site is located at the southern edge of the Liverpool CBD and regular bus services to the town centre* *The proposed development responds and conforms to the height and building form proposed for the precinct and would allow for future developments on adjoining sites to achieve their full potential.* *The building may be termed a "Narrow infill Apartment "type, and relates to the existing built form in the area due to its roof design, recessed bays, fenestration , materials, texture and colour. The building addresses the street with a major façade which is aligned with the form of the street. The built form of the development relates to other built forms allowed in the DCP for the precinct. The overall affect is to create a building that presents a very effective and architectural building within the streetscape.."* **Councils Comment** It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing and desired future character of the street block and surrounding buildings. The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) and is considered to be satisfactory.
Design 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.*	The Architect's SEPP 65 Statement provides that "*The precinct is in the area controlled by Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008* *The density of the development complies with the allowable density in the planning codes for the area. Given the location of the development in relation to the Liverpool town centre, retail facilities and community facilities and the rising demand for housing in the area, the proposed density is appropriate and consistent with the requirements as outlined Liverpool Development Control Plan 2008."* **Councils Comments** The proposal contains a density and mix of units considered appropriate for the location within the City Centre. The proposed density is consistent with the LLEP 2008 and is considered to respond to the demands of the market, availability of infrastructure, public transport,

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
	community facilities and environmental quality.
Design 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.*	The Architect's SEPP 65 Statement states "*The proposed development is consistent in the application of through flow ventilation and solar access to the units. Of the 23 units in the development 17 units (70%) have the required solar access and 14 (60%) have through flow ventilation. There are no units which have a sole southerly aspect; the units which have a southerly aspect have primary living space facing west or east. The orientation of the building on the site and the design of the units all contribute substantially to the solar passive design and energy efficiency of the development.* *The proposed development has been Nathers and Basix assessed and scores well in all required categories of water, thermal comfort and energy. Energy efficiency is aided by the use of water/energy efficient fittings, appliances and lighting.*." **Councils Comments** The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate. Energy efficiency is exemplified by the use of rooftop solar panels and water reuse for irrigation. These strategies are also aided by water/energy efficient fittings, appliances and lighting.
Design 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 useability, privacy*	*The* Architect's SEPP 65 Statement provides that *"The proposed development forms part of the Residential precinct, The current development upon the site provides many areas of landscaping and deep soil promoting healthy growth of large trees.* *The proposed development provides 307sqm (38%) deep soil, 352 sqm (44%) landscaping and communal space of 243 sqm (30%). The landscaped open space which will promote healthy growth of large tress. The landscaping provided will contribute to the enjoyment of these areas."* **Councils Comments** It is considered that the proposal is well designed in terms of employing landscape elements into the building. The design provides deep soil space around the building for planting and landscaping.

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	
Design 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 well being. *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.*	The Architect's SEPP 65 Statement provides that *"Apartments is a mixture of 1- and 2-bedroom apartments. Cross ventilation is achieved for 14 (60%) of the apartments. 17 (70%) of apartments have the required solar access. Where apartments are exposed to direct western summer sun sliding louver/shading panels have been provided.* *There are 3 apartments that have single aspect (west facing)* *Privacy is ensured by the side setbacks to the side boundaries. The building complies with the setbacks as recommended in the SEPP 65 design code and the requirements outline in DCP. Where there are perceived direct observation potentials the design of the building tries to ensure the windows in conflict have the required offset.* *Each dwelling has its own external private open space which is more than adequate. Bathrooms/Ensuite are accessed from the hallways leading to the bedrooms. Kitchens are accessed from the primary living area.* *Visual and acoustic privacy is acceptable and able bodied access is through entry lobbies at the ground floor.* *Disabled access is gained to the ground floor via a pedestrian path (which complies with ASNZ 1428.1-2001) from the street. There are the required number of apartments which are adaptable these are located on levels 1 and 2 all units within the development are accessible via the lifts. The car spaces are located in the basement car parking with easy access to the lift..."* **Councils Comments** The design is considered to be satisfactory as it provides appropriate room sizes, access to natural light and ventilation, visual and acoustic privacy and provision of storage spaces, and indoor and outdoor spaces. In addition to the COS, private open spaces have been provided to all residential units in the form of balconies and ground level courtyards. A mixture of 1 and 2 bedroom units of varying configurations including adaptable units offer a variety of housing choice to the broader community.
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public	The Architect's SEPP 65 Statement provides the following: " *Public and communal spaces are overlooked on all sides*

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
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.*	*by balconies, terraces and windows from primary living rooms of the project. The building addresses the public domain with glazed doors and balconies.* *The communal spaces will be adequately lit and are void of areas that may be subjectable to criminal activities* *The building will have safe and secure access to the carpark. The lifts to the building will be a security lift providing access to the residential levels..*" **Councils Comments** It is considered that the proposal maximises the potential for passive surveillance in the overall design of the building as outlined above by the Architect.
Design 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 and providing opportunities for social interaction among residents.*	The Architect's SEPP 65 Statement provides that "*The proposed residential use is appropriate to the location of this site, as it is located within close proximity to Bus routes that service the Liverpool CBD, transport interchange and community facilities such as local clubs, baby health centre and community centre.* *The proposed development has an appropriate mix of 1 and 2 bedrooms apartments of varied size, As the development is to be delivered in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 as a result it provides a social mix which is well suited and appropriate to the area..*" Councils Comments It is considered that the proposal responds to the demographics, social needs and preferences of the social and affordable housing sector which is in great demand in the LGA. The floor layout of the building encourages social interaction along the common corridors and lift lobbies as well as a COS on the Ground Floor Level.
Design 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 a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the*	The Architect's SEPP 65 Statement provides that "*The form and composition of this design relate to proposed developments in the precinct in terms of its roof type, modulation of facade, fenestration, materials, texture and colour.* *The use of detail and texture and the high degree of articulation in the façade composition has the result of creating an interesting and high quality building which sits well in the precinct and compliments the existing streetscape."* **Councils Comments** The proposal is considered responsive to the environment in terms of composition and use of materials, responding to

SEPP 65 Design Quality Principles	
Design Quality Principle	**Comment**
streetscape.	the streetscape within the vicinity of the site. The overall aesthetics is considered to be a suitable response to the existing character of the area.

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

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>2E Building Depth</td><td></td><td></td></tr>
<tr><td>Suggested maximum of 12-18m</td><td>Levels 1 to 3 = 13 & 14m
Levels 4 to 7 = 9.5m</td><td>Yes</td></tr>
<tr><td>2F Building Separation</td><td></td><td></td></tr>
<tr><td>Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):
• 6m between non-habitable rooms
• 9m between habitable and non-habitable rooms
• 12m between habitable rooms / balconies
Five to eight storeys (approximately 25m):
• 9m between non-habitable rooms
• 12m between habitable and non-habitable rooms
• 18m between habitable rooms / balconies
Nine storeys and above (over 25m):
• 12m between non-habitable rooms
• 18m between habitable and non-habitable rooms
• 24m between habitable rooms / balconies
Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance</td><td><table><tr><th>Level</th><th>West (side)</th><th>South (side)</th><th>Complies</th></tr><tr><td>Ground (parking)</td><td>3m</td><td>3m</td><td>Yes</td></tr><tr><td>Levels 1 to Level 4</td><td>12m (full)</td><td>2.98 & 3.317 m (half of 6m)</td><td>Yes</td></tr><tr><td>Level 5, 6, 7 & 8</td><td>18m</td><td>6m *</td><td>No</td></tr></table>
*Note: The building separation on the Ground Level to Level 4 complies with the setback of approximately 3m brings the building separation to 6m.
The non-compliance on building separation is on the southern boundary from Levels 6, 7 and 8 where the required building separation is 18m or 9m to the boundary. Only 6m is provided to the boundary See discussion below:</td><td>Yes, by merit</td></tr>
</table>

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
Discussion on Building Separation: There is currently a single storey building complex on the adjoining property to the south. There is no current building separation issue on Levels 6,7, & 8. This adjoining building complex do not reach the equivalent level and strictly do not contravene building separation requirements. Even if the adjoining lot redevelops into an RFB, a compliant building can still be designed as depicted on the image in this report entitled: Future street view along Charles St. Overall, residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook are not compromised. In addition, the breach does not constitute the entire length of the boundary.		
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The proposed development is considered appropriate for its context.	Yes
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development *Overshadowing of neighbouring properties is minimised during mid-winter*	The proposal meets the objectives as demonstrated in the submitted shadow diagram study. The site and the proposed building are ideally oriented on a north-south axis which maximized solar exposure to most units and at the same time allows for sufficient solar access to properties on the southeast and southwest in mid-winter.	Yes
3C Public domain interface		
Key components to consider include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. *Design can influence safety and security, opportunities for social interaction and the identity of the development when viewed from the public domain*	The proposal meets these objectives as the proposed treatment of street frontages on Charles Street and Mill Rd will benefit the wider community including the addition of 5 mature street trees and footpath upgrades. The landscape plan shows significant planting along the street frontages comprising of medium sized trees, shrubs and ground cover. The design minimise the prominence of services and service areas such as the water meter and gas regulator that has been relocated way from the prominent street corner.	Yes
3D Communal and public open space		
Communal open space has a minimum area equal to 25% of the site	The proposal provides 33% (or 262m^2) of site area for communal open space.	Yes

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting

Communal open space is designed to maximise safety

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>The proposal will achieve the percentage requirements for communal open spaces (COS) receiving a minimum 2 hours of mid-winter sun. A series of quiet reflective spaces are located on the north and east portion of the ground floor level. In addition, the roof top common open space offers informal play and deck seating with all day solar access provided.

Good passive surveillance of the communal open space on the ground floor is afforded by the community room located on the northeast corner fronting both Charles and Mills Rd. The roof top communal open space will have limited access to building residents and their guests.</td><td></td></tr>
<tr><td colspan="2">3E Deep soil zones</td><td></td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:
<table><tr><td>Site area</td><td>Minimum dimension</td><td>Deep soil Zone</td></tr><tr><td>Greater than 1,500m^2</td><td>6m</td><td>7%</td></tr></table>7% of the site area is to be for Deep Soil zone.</td><td>The designated deep soil zones are along the 3m building setbacks on the periphery of the site. A total 307m^2 or 38% is provided.</td><td>Yes</td></tr>
<tr><td colspan="2">3F Visual Privacy</td><td></td></tr>
<tr><td>Minimum separation distances from buildings to the side and rear boundaries are as follows:
<table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non Habitable Rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>12m to 25m (5-8 storeys)</td><td>6m</td><td>4.5m</td></tr><tr><td>Over 25m (9+</td><td>12m</td><td>6m</td></tr></table></td><td>The proposal generally meets the objectives as discussed in 2F Building Separation above.

The building separation to the south is approximately 3m which is what is provided (half of 6m) for habitable rooms and balconies. Note that the proposed balconies from Levels 1 to Level 3 predominantly face the east. Windows to the south have high sills to provide privacy to the south adjoining property.</td><td>Yes</td></tr>
</table>

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
storeys)		
3G Pedestrian Access and Entries		
Building entries and pedestrian access connects to and addresses the public domain. Objective 3G-2 *Access, entries and pathways are accessible and easy to identify* *Large sites provide pedestrian links for access to streets and connection to destinations*	The proposal meets the objectives. The main pedestrian entry on Charles Street is highlighted by an architectural entry feature prominent from the street and leads directly to the lobby.	Yes
3H Vehicle Access		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The proposal meets the objectives. The car park entry point is located as far as possible from the road intersection to allow for safe and smooth ingress of traffic and to avoid conflicts with pedestrian routes. The servicing and car entry is combined due to the limited street frontage. Passing bays provided to avoid traffic clashes. Pedestrian and vehicle access points to and from the buildings are kept separate.	Yes
3J Bicycle and Car Parking		
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, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre* *The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.*	A total of 10 car spaces are provided off street, of which 2 are accessible. 14 bicycle parking are provided for alternate transport choice. Car park access is secured and car parking is on ground level and accessed off Charles Street. Landscaping is provided to soften the appearance of the at grade parking which is only visible for parts of Mill Rd. The entry to the parking area is minimised in width and appearance where possible while complying the development standards.	Yes

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
The car parking needs for a development must be provided off street.		
Parking and facilities are provided for other modes of transport		
Car park design and access is safe and secure		
Visual and environmental impacts of underground car parking are minimised		
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimise		
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	The submitted plans (Solar Diagrams – dwg 4005) indicate that living spaces of 70% (17 Units) of apartments receive a minimum of 2 hours direct sunlight at mid-winter. The private open spaces of 100% (23 units) of apartments receive a minimum of 2 hours direct sunlight at mid-winter.	Yes
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter		
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	As above all units receive direct sunlight between 9am – 3pm on the winter solstice.	
4B Natural Ventilation		
All habitable rooms are naturally ventilated to create healthy indoor living environments	Windows and doors are provided to habitable rooms. The submitted plans (Cross Ventilation Diagrams – dwg 4006) indicate that living spaces of 100% of apartments achieve the cross-ventilation requirement Cross-through apartments do not exceed 18m glass line to glass line. The building orientation and proposed design layout allows for all units to	Yes
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		

<table>
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<tr><th>Provisions</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>natural ventilation and cannot be fully enclosed</td><td rowspan="3">maximize natural ventilation.</td><td rowspan="3"></td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td></tr>
<tr><td>The layout and design of single aspect apartments maximises natural ventilation</td></tr>
<tr><td colspan="2">4C Ceiling Heights</td><td></td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.</td><td>A minimum floor-to-floor height of 3.1m on residential units is used to allow the ADG recommendation of 2.7m ceiling height to be achieved in living, dining and bedroom areas.

Where required, ceilings in kitchen areas are proposed at a minimum of 2.4m high to allow the integration of services.

As the kitchen is typically located at the rear of the living areas, the reduced ceiling height above the kitchen has a minimal effect on the access of daylight from the façade and natural ventilation.</td><td>Yes</td></tr>
<tr><td colspan="2">4D Apartment Size and Layout</td><td></td></tr>
<tr><td>1. Apartments are required to have the following minimum internal areas:

<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td>The proposal achieves the design criteria. Where the 1 bedroom units internal areas range between 50m^2 to 52m^2.
Similarly, 2 bedroom units range between 71m^2 to 74m^2.</td><td>Yes</td></tr>
</table>

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>2. 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</td><td>Windows are visible and within 8m from the furthest point within habitable rooms.</td><td></td></tr>
<tr><td>4D-2 Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.7m x 2.5 = 6.75m)

Note : For single aspect open plans with combined living, dining and kitchen = 8m</td><td rowspan="2">Living areas and bedrooms are all located on the external face of the building. Maximum habitable room depths from windows is 8m.</td><td rowspan="4">Yes</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td></tr>
<tr><td>4D-3 Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td rowspan="3">Minimum areas and widths for habitable rooms are provided or exceeded.

All bedrooms allow a minimum length of 1.5m for robes.

The main bedroom of an apartment is provided with a wardrobe of a minimum 1.8m in length.</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td></tr>
<tr><td>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</td></tr>
<tr><td colspan="2">4E Private Open Space and Balconies</td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows:

<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m^2</td><td>2.4m</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony</td><td>Minimum areas and depths of balconies and private open space meet or exceed the minimum requirements of the ADG.

Private open spaces and balconies predominantly face north, east or west.

Primary balconies open directly from Living spaces.

Balconies are both solid and translucent glass to allow privacy and screening of balcony furniture but still permitting openness and district</td><td>Yes</td></tr>
</table>

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>area is 1m</td><td rowspan="2">views. These are designed to enable clothes lines and encourage potted plants and vegetation by residents.

Balconies allow passive surveillance of the street while maintaining visual privacy.</td><td rowspan="2"></td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m</td></tr>
<tr><td colspan="2">4F Common Circulation and Spaces</td><td></td></tr>
<tr><td>The maximum number of apartments off a circulation core on a single level is eight</td><td>1 (one) lift is provided to service 23 apartments.

The proposal features one circulation core that services a maximum of 4 apartments per level.</td><td rowspan="2">Yes</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>The proposed building does not exceed 10 storeys.</td></tr>
<tr><td>Common circulation spaces promote safety and provide social interaction between residents</td><td>Common circulation spaces are designed to provide secured, safe, legible spaces to foster interaction and harmony between residents.

The ground floor lobby entry is well defined and legible with direct access to the community room.

Upper level circulation spaces (lift lobby and hallways) are provided with natural light and ventilation.

Communal open space is easily accessible from the Ground Floor and on the roof top.</td><td>Yes</td></tr>
<tr><td colspan="2">4G Storage</td><td></td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr><tr><td>2 bedroom</td><td>8m^3</td></tr><tr><td>3 bedroom</td><td>10m^3</td></tr></table>
At least 50% of the required storage</td><td>100% of apartments accommodate the entire storage volume within the units.

A variety of storage types will be provided, accessed off living rooms and circulation corridors within the apartments.

Storage locations will be allocated within the basement level as part of the proposal.</td><td>Yes</td></tr>
</table>

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
is to be located within the apartment.		
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout	Adequate building separation is provided from neighbouring buildings/adjacent uses. – Walls, glazing, and roofs are designed to meet the requirements of the acoustic report for sound mitigation, particularly from the Hume Hwy. Noisy areas within the proposed development including building entries and corridors are generally located above each other and quieter areas above quieter areas. – Where possible, bedrooms of adjacent apartments will be located next to each other and likewise with living area. – Storage, circulation areas and non-habitable rooms will be located to buffer noise from living areas and common areas. – The party walls (walls shared with other apartments) are designed to meet the requirements of the acoustic report.	Yes
Noise impacts are mitigated within apartments through layout and acoustic treatments		
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types are provided. Contains a total of 23 units with a mix of 52% one bedroom, 48% two bedroom apartments, allowing a mix of typologies and living patterns. All of the apartments are liveable and feature both silver and gold level design elements as outlined in the Liveable Housing Australia 2017 guideline.	Yes
The apartment mix is distributed to suitable locations within the building		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located.	The are no ground floor units proposed.	N/A

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
Direct street access should be provide to ground floor apartments.		
Design of ground floor apartments delivers amenity and safety for residents		
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	Shadow is created on the façade throughout the day by building articulation, texture of precast, recessed balconies and portions of projecting balconies. Residential apartments are clearly identifiable and distinguishable from the services.	Yes
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	Roof treatments are integrated with the building design and materials to compliment the architectural aesthetic.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	Building performance is enhanced by incorporating a diverse planting including appropriately planted shading trees and street trees to meet DCP requirements.	Yes
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	Diverse planting that is low in maintenance and suited to the site are incorporated to enhance the performance of the landscaped areas.	Yes
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	100% of the total apartments incorporate the Liveable Housing design. A breakdown of adaptable design levels are as follows: Platinum: 11 Silver: 12	Yes
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Awnings are well located and complement and integrate with the building design.	Yes
Signage responds to the context and desired streetscape character		
4U Energy Efficiency		
Development incorporates passive environmental design	Natural light will be provided to all habitable rooms. The massing, internal layouts and orientation have been organised so as to provide good natural daylighting and solar access into the primary living spaces and external living areas. The massing also allows a greater proportion of apartments to have a northern aspect. eastern and western aspects are then prioritised over south aspect apartments. Photovoltaics will be included on the roofs to provide energy to common area lighting.	Yes
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	The development will incorporate water efficient fittings, and rain-water re-use. Plant selections are designed for the microclimate and are typically low-	Yes

Apartment Design Guide		
Provisions	**Proposed**	**Complies**
	water use.	
Urban stormwater is treated on site before being discharged to receiving waters	WSUD principles are incorporated; on site detention tank is located underground.	
Flood management systems are integrated into site design	Not Applicable.	
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	A bulk-waste area for residents is provided at Ground Level. Garbage collection will be on site via the driveway access. Communal waste room is be provided at Ground Level for residents. Waste and recycling storage areas will be well ventilated and have durable and washable finishes All dwellings will be designed to have sufficient internal space for the holding of waste and recycling as required under DCP.	Yes
Domestic waste is minimised by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	Building materials are selected to weather gracefully. Painted and applied finishes are minimised. Suitable access for cleaning will be provided by appropriately controlled roof access. The majority of windows can be cleaned from inside or from balconies. The use of applied finishes is minimised.	Yes
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

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

(d) State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use with the potential under the former

SEPP 55 guidelines to be a site that could be potentially contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

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

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Stage 1 Preliminary Site Investigation Report prepared by ENRS dated 22 November 2018 was submitted with the development application. No evidence of previous contaminating activity was identified. However, based on the date of construction circa 1977 there is some potential for asbestos within the existing building fabric which should be considered prior to any demolition works. As discussed within this report, the site is suitable for development, subject to remediation should contaminated soil be found during demolition and construction.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	As above.

The proposal has provided satisfactory information to demonstrate that the site is suitable for residential use and is in accordance with SEPP (Resilience and Hazards).

(e) State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below

Clause 11.6 General Principles	**Comment**
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposed works are unlikely to significantly impact on the Georges River.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal seeks consent for the use of the site as a residential flat development. The proposed works are unlikely to significantly impact on the Georges River
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.

(e) the *Georges River Catchment Regional Planning Strategy* (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The site is not located within 40m of a waterway. The application was not required to be referred to the Natural Resource Access Regulator (NRAR).
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for residential development.
When this Part applies the following must be taken into account:	The site is located in an area nominated for R4 High Density Residential development and the proposal is consistent with this zoning.

Clause 11.7 Specific Principles	**Comment**
(1) Acid sulfate soils	The land is not identified as containing acid sulfate soils (ASS). The detailed site investigation report noted that no visual ASS were observed during the geotechnical field investigations and therefore unlikely that ASS was present and the need for ASS management was not required.
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation. An erosion and sedimentation plan was submitted with the application and conditions of consent will be provided.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater matters have not yet been satisfied by the development.
(10) Urban development areas	The area is within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable

It is considered that the proposal satisfy all the relevant provisions of the SEPP (Resilience and Hazards) 2021.

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

A BASIX certificate (No. 1006073M_03 dated 03 September 2019) and report has been submitted with the development application.

(e) State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject site is within 90m of Hume Highway – a classified road, therefore the provisions of the Transport and Infrastructure SEPP 2021 are to be considered.

Considerations	Comments
2.120 Impact of road noise or vibration on non-road development	
(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration— (a) residential accommodation,	An Acoustic Assessment Report prepared by Acoustic Logic dated 26.11.2020 was submitted with the application. The report recommends façade requirements to achieve required indoor noise levels. All external windows and doors listed are required to be fitted with Q-lon type acoustic seals. It recommends 6.38mm thick laminated glazing on all living rooms and bedrooms. In addition, the Rw rating of the glazing fitted into open-able frames and fixed into the building opening should not be lower than 31 Rw. Other treatment for walls, ceilings, mechanical and ventilation systems have been incorporated in the conditions of consent.
(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	As above.

The proposed development is considered to be consistent with the relevant provisions of the SEPP Transport and Infrastructure (2021).

(f) Liverpool Local Environmental Plan 2008

i. Permissibility

The proposed development is defined as a 'Residential Flat Building', which is permissible within the R4 Zone.

ii. Objectives of the zone

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

Objective	Comment
To provide for the housing needs of the community within a high density residential environment.	It will provide for housing needs within a high density residential environment. It is noted that development in the immediate vicinity of the site consists of high density residential development
To provide a variety of housing types within a high density residential environment.	It will contain a number of different sized units and adaptable units thereby providing 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.	It will not hinder the opportunity for 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.	The site is within close proximity to transport facilities which include Bus routes and the railway station
To minimise the fragmentation of land that would prevent the achievement of high density residential development.	The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

iii. Principal Development Standards and Provisions

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

Clause	Provision	Comment	Complies

Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1000m^2	No subdivision is proposed.	N/A
Clause 4.3 Height of Buildings	Maximum height of 24m	The current proposal seeks a maximum building height of 27.796m (to the top of the roof top solar panels (49.078m AHD). The greatest variation is therefore equivalent to 3.796m or 15.8%. Required = 21.282 + 24.0 = 45.282m AHD Provided = 21.282 + 27.796 = 49.078m AHD Non compliance = 49.078 - 45.282 = 3.796m	Considered acceptable. See discussion below.
Clause 4.4 Floor Space Ratio	The LEP requires a maximum FSR of 1.5:1 for the site. Additional bonus of 0.5 is provided under the SEPP ARH or a total of 2:1	The site area = 802m^2 Maximum GFA = (802m^2 x 2) 1604m^2 Proposed GFA = 1596 m^2	Yes
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	A written request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below.	Yes
7.1 Objectives for Development in Liverpool City Centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development. (a) to preserve the existing street layout and reinforce the street character through consistent building alignments, (b) to allow sunlight to reach buildings and areas of high pedestrian activity, (c) to reduce the potential for pedestrian and traffic conflicts on	The proposed development will assist in preserving the existing street layout and will help reinforce the street character through the redevelopment of the site within the Liverpool city centre. The proposed residential flat building is of a high quality design and is consistent with the surrounding building typologies. The proposed development will assist to enhance the streetscape along Charles Street and Mills Road. The design of the building, internal layouts and orientation have been purposefully designed to provide good natural daylighting and solar access into the primary living spaces, external living areas and courtyard. The massing enables a greater proportion of apartments to have a northern aspect. Eastern and western aspects are prioritised over south aspect apartments	Yes

<table>
<tr>
<td></td>
<td>the Hume Highway,
(d) to improve the quality of public spaces in the city centre,
(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,
(f) to enhance the natural river foreshore and places of heritage significance,
(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</td>
<td>It is considered that the proposal satisfies the objectives of clause 7.1.</td>
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<td>7.4 Building separation in Liverpool city centre</td>
<td>(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

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

(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential,</td>
<td>
<table>
<tr><th>West</th><th>Req’d</th><th>Prov’d</th></tr>
<tr><td>12m to 25m</td><td>9</td><td>9</td></tr>
<tr><td>25m to 35m</td><td>12</td><td>18</td></tr>
</table>
<table>
<tr><th>South</th><th>Req’d</th><th>Prov’d</th></tr>
<tr><td>12m to 25m</td><td>9</td><td>N/A</td></tr>
<tr><td>25m to 35m</td><td>12</td><td>N/A</td></tr>
</table>
As shown above, the building separation is achieved to the western building (approved DA). The southern adjoining building, as discussed in 2F Building Separation section of the ADG, building separation between towers is not applicable as there is no existing or proposed building on the site. Existing structures are single storey cottages.
</td>
<td>Yes</td>
</tr>
</table>

	and (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential,		
Clause 7.5 Design Excellence in Liverpool City Centre	(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development will exhibit a high standard of architectural design, materials and detailing appropriate to its location within Charles Street and Mills Road. The overall design concept provides an approach that considers both the detail of the building at the scale of an individual person interacting with their immediate environment and provides consideration to the overall building form within the immediate context and how the material and treatment of the façade give character and definition in the context of Liverpool. A mix of high quality, durable materials, colours and textures have been chosen to respond to and enhance the existing and future local context of this part of the Liverpool City Centre.	Yes
	(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposed development will facilitate the redevelopment of the site and will greatly assist in enhancing and improving the area from the public domain. The public domain interface between the site and Charles Street/Mills Road has been carefully considered and the proposed development ensures a seamless junction is provided from the public domain. It is considered that the proposal offers a high standard of architectural design that express each use housed within into the external façade.	Yes
	(c) whether the proposed development detrimentally impacts on view corridors,	The proposed development will not detrimentally impact on significant view corridors or limit any views of existing development.	Yes

	(e) any relevant requirements of applicable development control plans,	A detailed assessment of compliance with the LDCP 2008 is undertaken further in this report. It is considered that the proposed development is consistent with the requirements of the LDCP 2008.	Yes
	(f) how the proposed development addresses the following matters (i) the suitability of the site for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain.	(i) The NSW Government and Liverpool City Council have implemented changes to the LLEP 2008 which will aim to revitalise the Liverpool City Centre. The proposed development will contribute to the delivery of the updated plans. (ii) The proposal is a residential development which reflects the predominant use of adjoining properties. (iii) The site is not listed as a heritage item in any statutory instrument and is not within any Heritage Conservation Area (HCA). (iv) The site has been designed in conjunction with future development of adjoining lots. (v) The proposed building has been designed to taper from a larger floor plate at the base levels and getting smaller as it rises above. (vi) The proposal complies with the podium concept in the LLEP 2008 (vii) Specialists reports have been prepared that appropriately addresses the matters relating to sustainable design, overshadowing, and reflectivity. The outcome of each is that the proposed development is considered to be consistent with and able to achieve all relevant standards and requirements for development. (viii)The design makes efficient use of natural resources, energy and water throughout its full life cycle including construction methods. An energy efficient building response is developed through	Yes

		passive design and sun control elements on the façade design. (ix) A Parking and Traffic Impact Assessment prepared by Stanbury Traffic Planning has been submitted and has been assessed against the various traffic, parking and access requirements for the site and proposed development. The report has found that the proposed development is compliant with Council's requirements. (x) Street lighting and tree planting been identified by Council to be undertaken along Charles Street and Mull Road.	
Clause 7.7 Acid Sulfate Soils	Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The subject site is not affected by Class 5 - acid sulfate soils.	Yes
7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m (2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres - (b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or (c) any residential flat building.	The site has a total frontage of 35.66m to Charles Street which is the primary road frontage and 19.58m to Mill Road, the secondary street frontage.	Yes
7.17 Airspace Operations	The objectives of this clause is to protect airspace around airport.	The site is not located in the contour for the Bankstown Airport Obstacle Limitation Surface (OLS).	Yes

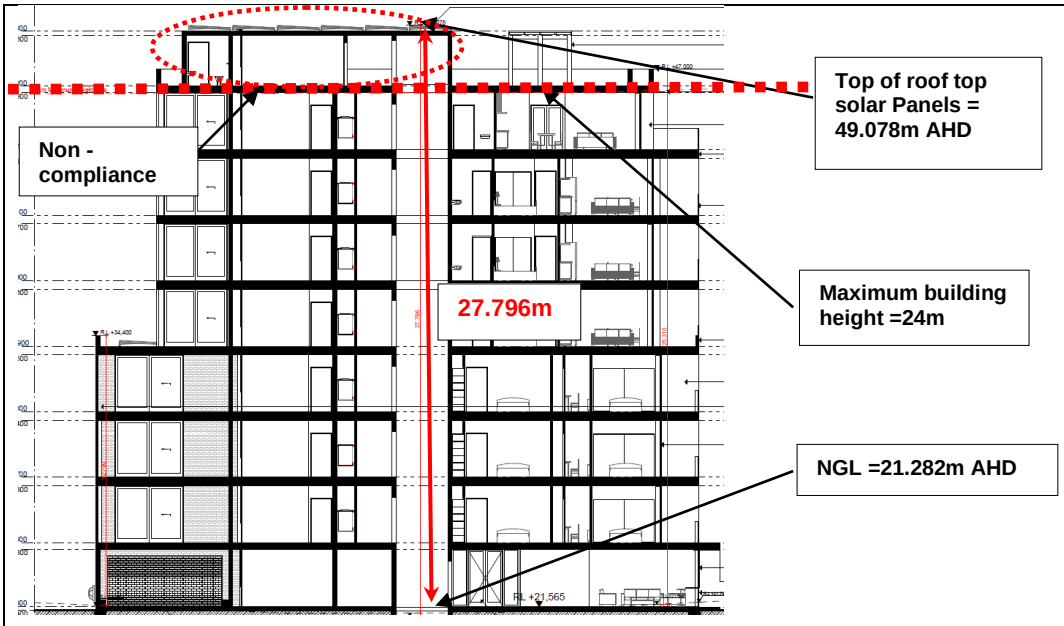
Clause 4.6 – Exceptions to development standards (Variation to Clause 4.3 Height of Buildings

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

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 24m for the site. The majority, of the proposed development complies with the exception of the ancillary structures that include the lift overrun, fire exit stairway, toilet and the parapet around the rooftop common some parts of the roof top Common Open Space. Clause 4.3(2) of the LLEP 2008 states;

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

The current proposal seeks a maximum building height of 27.796m (to the top of the rooftop solar panels @ 49.078m AHD). The greatest variation is therefore equivalent to 3.796m or 15.8%.



Building Section: Extract of the architectural plans showing the building elements which exceed the height limit.

Consequently, the applicant has provided an assessment under Clause 4.6 to vary the maximum height allowed on this proposal.

The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone. These are discussed below.

The objectives of Cl 4.3 – Height of Buildings are 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."

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

The applicant submitted a Clause 4.6 Request to Vary Development Standard, in order to justify the variation described above. In conjunction with an examination of case law regarding 4.6 Variations, this document provides the following justifications based on the merits of the proposal:

Assessment of Clause 4.6 Variation

1) Is the planning control a development Standard that Cn be varied?

The building separation development standard prescribed by Clause 7.4 of the LEP is a development standard capable of being varied under Clause 4.6(2). The variation is not excluded from the operation of Clause 4.6(2) as it does not comprise any of the matters listed within Clause 4.6(6) or Clause 4.6(8).

2) Is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in Wehbe v Pittwater Council [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [16]-[17]. Similarly, in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34] the Chief Judge held that "*establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary*".

This Request addresses the first method outlined in Wehbe v Pittwater Council [2007] NSWLEC 827. This method alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement.

The Request also addresses the third method, that the underlying objective or purpose of the development standard would be undermined, defeated or thwarted if compliance was required with the consequence that compliance is unreasonable (Initial Action at [19] and Linfield Developments Pty Ltd v Cumberland Council [2019] NSWLEC 131 at [24]). Again, this method alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement.

The Request also seeks to demonstrate the 'unreasonable and unnecessary' requirement is met because the burden placed on the community by not permitting the variation would be disproportionate to the non-existent or inconsequential adverse impacts arising from the proposed non-complying development. This disproportion provides sufficient grounds to

establish unreasonableness (relying on comments made in an analogous context, in Botany Bay City Council v Saab Corp [2011] NSWCA 308 at [15]).

a) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

The specific objective of the maximum building height development standard specified in Clause 4.3 of the LLEP is detailed in below. An assessment of the consistency of the proposal with the objectives is provided.

Objective	*Comment*
(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,	The breach of the standard does not result in an inconsistency with this objective. The proposed development achieves the maximum building height for its habitable storeys. There is no blanket height breach and the elements that are higher than the permissible height including rooftop structures. The anticipated built form is consistent with the floorspace controls. The proposed development has a floor space ratio of 2:1, which is the permissible floor space ratio for the site, in accordance with LLEP 2008 and State Environmental Planning Policy (Affordable Housing) 2009. The proposal is consistent with the existing and desired future character of the immediate area and is not incongruous with the locality, with a number of multistorey residential flat buildings adjacent to the site.
(b) to permit building heights that encourage high quality urban form,	As above, the breach of the standard does not result in an inconsistency with this objective. The overall built form (including the height) of the proposal has been carefully designed, along with its bulk and scale to improve residential amenity and provide an attractive and carefully articulated building. The articulation and quality of materials proposed in the built form will result in a modern and desirable development. The rooftop structures which marginally exceed the permissible height limit are undiscernible from the intervening streetscape and adjoining dwellings below. Despite the minor variation, the proposed built form is appropriate to the site and is contextually in keeping with the scale of the future character of the area.
(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,	The breach of the standard does not result in an inconsistency with this objective. The building is centrally located on the site and the building is largely consistent with the required DCP setbacks for the site. An area of communal open space for residents is integrated around the perimeter of the building to provide a buffer between the building and the boundary line. This allows for good building separation between adjoining properties, which in turn results in good amenity and solar access. The area of non-compliance will cause minimal overshadowing to adjoining properties, as confirmed in the shadow diagrams provided.

	Additional overshadowing as a result of the breach considered to be marginal.
(d) to nominate heights that will provide an appropriate transition in built form and land use intensity."	The breach of the standard does not result in an inconsistency with this objective. The rooftop structures which exceed the height standard are largely indiscernible from the intervening streetscape below and from adjoining dwellings. When viewed from the streetscape below and adjoining roads, the proposed building will read as a well defined and appropriately scaled residential building which is compatible with its locality and adjoining development. The building incorporates setbacks at levels four, five and seven which reduce the perceived size and bulk of the building. The locality includes a range of tall developments. As such, there is very little opportunity for the additional height to protrude above the established height or dominate the built form in the locality.

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

The Land & Environment Court judgment in Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

"…in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

…there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development"

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development. As detailed above, it is demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard in this instance.

(b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

4) Has the written request adequately addressed the maters in sub-clause(3) – Clause 4.6 (4)(A)(I)?

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with the development standard is

unreasonable or unnecessary in the circumstances of the case. This request also provides sufficient environmental planning grounds, including matters specific to the proposal and the site to justify the proposed variation to the development standard.

5) Is thee proposed development in the public interest – Clause 4.6(4)(b)(II)

a) Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.

The consistency of the proposal with the objectives of the development standard is demonstrated before and the proposal is also consistent with the land use objectives that apply to the site which is zone R4 High Density Residential Use as follows"

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

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for 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

6) Has the concurrence of the planning secretary been obtained - Clause 4.6(4)(b) and Clause 4.6(5)?

The Secretary can be assumed to have concurred to the variation under Department of Planning Circular PS

18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under the Environmental Planning and Assessment Regulation 2021.

The Secretary can be assumed to have given concurrence as the matter will be determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

The matters for consideration under Clause 4.6(5) are considered below.

- *Clause 4.6(5)(a) – does contravention of the development standard raise any matter of significance for State or regional environmental planning?*

The proposed non-compliance with the maximum building height development standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

- *Clause 4.6(5)(b) - is there a public benefit of maintaining the planning control standard?*

The proposed development achieves the objectives of the maximum building height development standard and the land use zone objectives despite the technical non-compliance.

The built form has been refined through detailed engagement with Council and the Design Excellence Panel. These refinements have mitigated built environment impacts and ensures the proposal provides a high quality, positive contribution to the architectural character and amenity of the CBD.

There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

- *Clause 4.6(5)(c) – are there any other matters required to be taken into consideration by the Secretary before granting concurrence?*

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the variation request prior to granting concurrence, should it be required

Council Assessment of variation proposed

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

- It is noted that the breach in height limit is associated with the rooftop ancillary structures including the lift overrun, fire exit stairway and bath. In addition, the entire parapet of the roof top common open space also exceeds the height limit.

  Given the location of the site relative to recently constructed RFB's in the vicinity as well as the topography of the site, it is considered that the height breach is minor as there is no blanket height breach and the elements that are higher than the permissible height includes minor portions of the parapet and lift overrun.

- In order to negate any breach in the maximum height limit, the applicant would need to significantly excavate the natural ground floor level at the front of the site to reduce the height of the ground floor level. It is considered that such a design is not ideal as excavation of the natural ground level would result in a development whereby the ground floor level is significantly lower than the street level, which is considered to detract from the streetscape. In the circumstances, it is considered that the height of the ground floor level is suitable for the purpose of achieving adequate stormwater drainage of the proposed development and so that the ground floor adequately addresses the streetscape.

- The plans show that the proposed development has a tapered built form and the bulk is confined to the centre of the site. Therefore, the development has been designed so as to reduce the bulk adjoining existing residential properties to the south and west. As a result, the development minimises any additional length in shadow cast to adjoining neighbours. Shadow diagrams have been submitted which shows that the impacts of the proposal to the southern neighbour is minimal. It can also be seen from the shadow diagram that exceedance of the height limit as a result of the roof top structures does not result in additional shadow impacts.

- The development accommodates one lift located towards the east closest to Charles Street frontage. Considering this, the lift overrun is a breach of the height limit that is considered to be reasonable and compliance is not necessary in this instance.

- The subject site accommodates an 8 level building (including roof top common open space) which is an anticipated built form in a zone that permits a height of buildings of 24m. In order to achieve a compliant building height, it would be necessary to remove at least the roof top common open space or at worst Level 7. In the first instance, residents it will be deprived the residents of an important amenity and in the other case reducing the dwelling yield of the development and the amount of affordable housing onsite. On both occasions, the resulting building design may result in an inferior design outcome. In consideration of the above reasons, it is considered that there is adequate environmental grounds to support a variation.

- The proposed non-compliant building height was reviewed by the DEP. The panel raised no objections with the additional height of the proposed development.

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

quality development within the locality and in turn represents a design outcome that is suitable for the locality.

As a result of the assessment, it is considered that compliance with the maximum building height is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 *"height of buildings"* has satisfied the provisions of Clause 4.6 and is in the public interest, therefore is supported in this instance.

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

There are no draft Environmental Planning Instruments that apply to the site.

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

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

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

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Complies**
2. Tree Preservation	Controls relating to the preservation of trees	Three (3) trees within the will be removed and replaced.	Yes
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	As noted in the submitted Preliminary Tree Inspection Report prepared by Treehaven Environscapes dated 18/11/2020, all existing trees on site are proposed for removal to accommodate the building works of the development. The trees are located within the footprint of the proposed development and are not suitable to be considered for retention. 5 trees are proposed to be planted on the nature strip to the North and East of the Site and another 15 trees on the Site as complimentary plantings	Yes
4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable	N/A
5. Bush Fire	Controls relating to	Not Applicable	N/A

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Complies**
Risk	development on bushfire prone land		
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Drainage from the site is intended to connect directly to Council's drainage network. Stormwater Plans have been reviewed and supported by Council engineer subject to conditions of consent.	Yes
7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable	N/A
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development.	Yes
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not affected by flood planning and therefore flood related development controls are not applicable.	N/A
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	A Stage 1 Preliminary Site Investigation Report prepared by ENRS dated 22 November 2018 was submitted with the development application. No evidence of previous contaminating activity was identified. However, based on the date of construction circa 1977 there is some potential for asbestos within the existing building fabric which should be considered prior to any maintenance or demolition works. As discussed within this report, the site is suitable for development, subject to remediation should contaminated soil be found during demolition and construction.	Yes
11. Salinity Risk	Provisions relating to development on saline land.	The Stage 1 Preliminary Site Investigation Report conducted a desktop assessment was for Potential Acid Sulphate Soil (PASS). It concludes that the Site	Yes

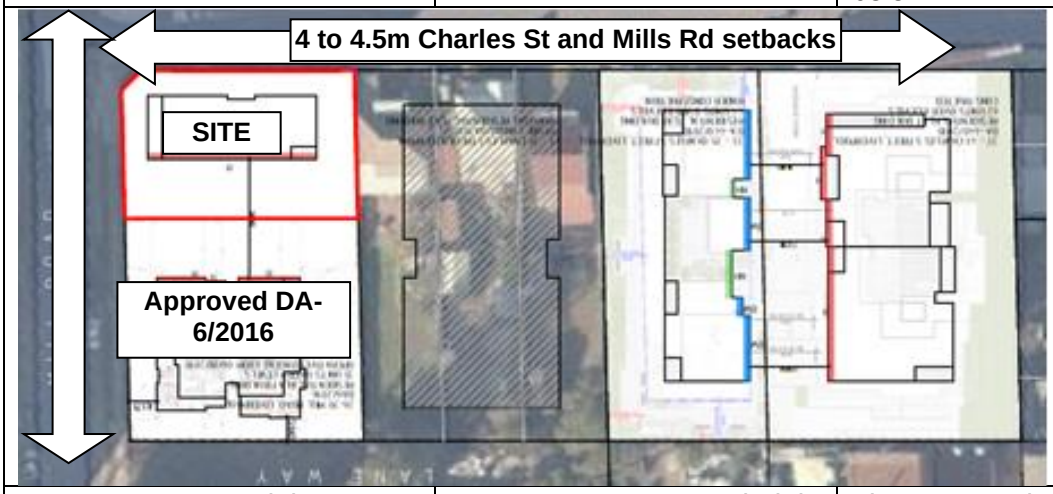
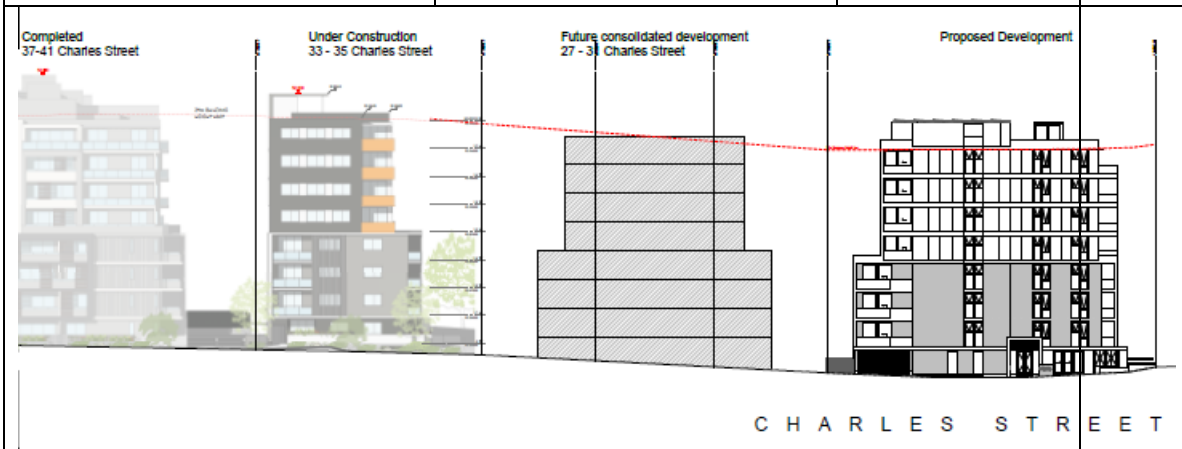
LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Complies**
		is not located in a PASS area. The nearest mapped PASS is 400m east of the site. associated with alluvial deposits on the Georges River system. Hence, no further investigation or soil testing is considered Conditions relating to erosion and sediment control measures will be implemented to prevent further spread of potentially saline soils.	
12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	As above	Yes
13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable	N/A
14. Demolition of Existing Development	Provisions relating to demolition works	The site is currently occupied by 2 dwelling houses that will be demolished to accommodate the proposed development. A Demolition Management Plan and Waste Management Plan prepared by Civil 1 is submitted with the application. Waste generated from the excavation and construction of the building will be re-used where possible, with the remainder of the waste disposed of to appropriate facilities.	Yes
15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is unlikely that it would contain Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including excavation, work is to cease immediately.	N/A
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site is not identified as a heritage item or within the immediate vicinity of a heritage item.	N/A
19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	N/A
20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per one	Car parking has been provided in accordance with the SEPP (Affordable Housing) 2009.	N/A

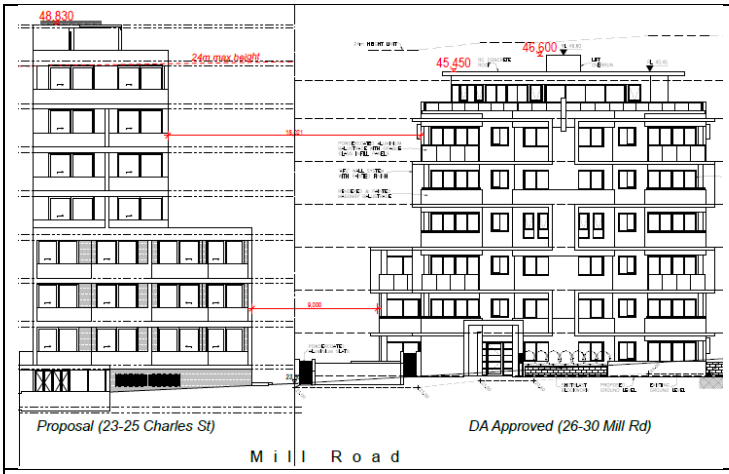
LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Complies**
	bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay		
21. Subdivision of Land and Buildings	Minimum Subdivision Lot Size: 1000m^2	No Subdivision is proposed.	N/A
22. and 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Conditions of consent will be imposed to ensure compliance with the BASIX commitments.	Yes
25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	In addition to the WMP noted above, an Operational Waste Management Plan prepared by Elephants Foot dated 8.6.2022 have been submitted. The proposed development will require 4 x 660L for general waste and the same amount for recycled waste, with collections occurring once per week. During operation, it is the responsibility of the building manager to monitor the number of bins required for the development. Each apartment will have an area allocated within the kitchen (generally in a cupboard beneath the worktop), where residents can store general waste and recycling. This should be suitable to hold receptables large enough for at least two days' worth of waste. 40L receptacles are expected to be large enough for this purpose. A single waste chute will be installed (for the disposal of general waste only), with access	Yes

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Complies**
		provided on each residential level of the building. Residents will deposit bagged general waste from the receptacle in their apartment into the chute. Bagged waste should not exceed 3kg in weight, or 35cm x 35cm x 35cm. The general waste will discharge from the chute into a single 660L MGB in the waste room on the ground level. It is not intended to be compacted at this site. A separate cupboard for the storage of a 240L MGB will be provided next to each waste chute for the storage of commingled recyclables. Residents will be responsible for emptying and cleaning recyclables, before decanting them from the receptacle in their apartment into the 240L MGB on their level. Recyclables must not be bagged.	
26 Outdoor Advertising and Signage	Provisions relating to signage.	The DA does not propose any signage.	N/A
27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 200 units or affordable rental housing.	The proposal contains a total of 23 affordable housing units. A Social Impact Comment prepared by Think Planners dated 16.12.2021 has been provided with the application.	Yes

LDCP 2008 Part 4: Development in the Liverpool City Centre:

Development Controls	Required	Provided	Complies
4.2 Controls for Building Form			
4.2.1 Building Form			
Specific Alignment and Street Setbacks	The required front setback is 4.5m (Figure 4-10 - Street Setbacks)	The proposed setback on the Ground Level is as follows: Charles St = 4m Mill Rd = 4m The proposed setback aligns with the approved RFB	Yes, by merit

		to the west and further down Charles St as shown on the image below both with 4 to 4.5m setbacks. See Figure below.	
			
Street Frontage Height	Street Frontage height required between 15m-25m (5-7) storeys	The emerging predominant street frontage height along this part of Charles St and Mill Rd. is established by the approved adjoining properties to the south and west. The four-storey street frontage height is considered appropriate in the site's context.	Yes
			
Future street view along Charles St			

			
Future street view along Mill Road			
Building Depth and Bulk	1. The maximum floor plate sizes and depth of buildings are specified and illustrated in Figure 6 and Table 1. 2. Notwithstanding the above, the component of a building above the maximum specified street frontage is not to have a building length in excess of 45m. 3. Maximum floor plate sizes only apply above street frontage height levels. The proposed development is allowed a maximum GFA of 500m² per floor above the street frontage height.	1. The proposed development exhibits a street wall for 4 storeys with the 5 storeys above setback an additional 1.5m. This works to "break-down" the bulk and scale of the building, allowing the proposal to appear more human scale in massing when viewed from the street. The component of the proposed development above the specified street frontage does not have a street frontage building length greater than 45m. According to Table 1. 2.Street frontage is no more than 45m 3.Levels 1,2 & 3 (being those above the street frontage height), have GFA's of 289m² for each floor and	Yes

		thereby complying with this control.	
Boundary Setbacks and Building Depth and Bulk	Note: For the purposes of this section, commercial uses means all non-residential buildings (including hotel accommodation, but not serviced apartments). 1. The minimum building setbacks from the front, side and rear property boundaries are specified in Table 2 and illustrated generically in Figure 7. 7. In exceptional circumstances where the required setback distances are not possible, the portion of a building over 45m in height may be considered on merit by the consent authority so long as the following minimum separation distances between tall buildings, or potential future tall buildings are adhered to: - 20m applies between commercial uses and - 28m between residential uses.	The proposal is compliant with the required upper level building separation of 12m to the west (side setback) and south (side setbacks A 9m setback is provided above 25m, however, it is considered acceptable given the objectives of the DCP can be achieved. The objectives of the boundary setback controls seek to ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy is achieved. There are no detrimental impacts on adjoining dwellings and none anticipated for future occupants as there are minimal window openings orientated to the southern side boundary and the majority of windows	Yes

		orientated to the northern side boundary are associated with bedrooms rather than primary living spaces. It is therefore considered that the small breach to the setback control is acceptable.	
2.3 Site Cover and Deep Soil Zones			
Maximum cover	1. The maximum site cover for development is specified in the following table: All other zones = 50% 2. Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone. 3. The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m. 4. Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.5. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff. 5. Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of	The site has an area of 802 m². The site therefore has a maximum allowable site cover of 50 % or 401m². The ground floor GFA is 395m², thereby complying with DCP requirements for site coverage. A deep soil zone of 307 m2 or 38%. of the total site area, is provided to the rear of the development.	Yes, by merit

	trees/ shrubs that will grow to be mature plants. 6. No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).		
2.4 Landscape Design			
	1. Landscaped areas are to be irrigated with recycled water. 2. Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species. 3. Commercial and retail developments are to incorporate planting into accessible outdoor spaces. 4. Remnant vegetation must be maintained throughout the site wherever practicable. 5. A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development. 6. Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	A Landscape Plan has been prepared by Sydney Design Collective. The proposed landscaping satisfies minimum performance standards and is both sustainable and appropriate to the site through the use of native vegetation. Landscaping provides natural amenity to the site and its surrounds and assists in promoting the usability of communal open space. A variety of native trees will be planted as a result of the proposed development, ensuring that the current level of canopy cover is maintained and enhanced. The new trees have been selected to	Yes

		ensure species diversity which enhances the urban character of the locality and to enhance biodiversity in the area	
2.5 Planting on Structures			
Planting on Structures	1. Areas with planting on structures are to be irrigated with recycled water. 2. Design for optimum conditions for plant growth by: -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, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by: - ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. 3. Increase minimum soil depths in accordance with: - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality. 4. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended: a. Large trees (over 8m high) minimum soil depth	The proposed landscaped areas will be irrigated with recycled water. The landscape plan identifies the required conditions for plants and trees growth including and not limited to drainage requirements, soil depth, soil volume and soil area appropriate to the size of plants to be established.	Yes

	1.3m, minimum soil volume 150m3 b. Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m3 c. Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m3 d. Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.		
3. Amenity			
3.2 Active Street Frontages & Address			
	Street Address 1. Street address is defined as: - a building that is not raised more than a weighted average of 700mm above street level, up to a maximum of 1.1m (refer to Section 3.3 Front Fences), and - contains entries, lobbies, and habitable rooms with clear glazing overlooking the street, and - excludes car parking areas. 2. Street address is required on ground level of all areas identified in Figure 14. 3. Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets. 4. Provide multiple entrances for large developments including an entrance on each street frontage. 5. Provide direct 'front door' access to ground floor residential units. 6. Residential buildings are to provide not less than 65% of the lot width as street address	The proposed development has oriented its main building entry and lobby towards the Charles Street frontage. Horizontal and vertical design elements as well as various landscaping species have been implemented to further activate the existing street frontage. Pedestrian access to the site from Charles Street is clearly delineated through paving. The windows of ground floor and upper level dwellings have been situated to enhance passive surveillance of the public domain on Charles Street.	Yes

3.3 Front Fences			
	1. Front fences include fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment. 2. Front fences are to be designed in accordance with Figures 14 and 15, and must not present a solid edge to the public domain greater than 1.3m above the footpath/public domain level (refer to Section 3.2 regarding Street Address). 3. The use of varied materials is preferred. The use of sheet metal is not permitted as a front fence material.	The proposed development contains a fence in the front setback, comprising a horizontal visually permeable steel fence and includes an integrated gate for residential access. The front fence acts to maintain visual and acoustic privacy for the residents.	Yes
3.4 Safety and Security			
	1. Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles). 2. Ensure that the building design allows for passive surveillance of public and communal spaces, accessways, entries and driveways. 3. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks. 4. Maximise the number of residential 'front door' entries at ground level. 5. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	The proposal ensures a high level of security for residents and visitors. The entrance to the building is oriented towards Charles Street and is easily visible from the public domain. The building lobbies on each level are compact, with clear lines of site from all levels provided to both the communal areas as well as those within the development itself, thereby encouraging passive surveillance.	Yes

	6. Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc. 7. Provide adequate lighting of all pedestrian access ways, parking areas and building entries. 8. Provide clear lines of sight and well-lit routes throughout the development. 9. Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.	Clear design features, lighting and materials have been utilised to distinguish public, semi-private and private domains. Access to and from private areas is restricted and controlled to allow only residents and visitors.	
3.5 Awnings			
	1. Street frontage awnings are to be provided for all new developments as indicated in Figure 16. 2. Awning dimensions should generally be: - horizontal in form, - minimum 2.4m deep (dependent on footpath width), - minimum soffit height of 3.2m and maximum of 4m, - steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm, - low parole, with slim vertical fascias or eaves (generally not to exceed 300mm height), and - 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements. - In consideration of growth pattern of mature trees 3. Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity. 4. Wrap awnings around corners for a minimum 6m from where a building is	The proposal requires awnings for the purpose of weather protection to entrances. The building entrance for the development is recessed within the envelope of the building, thereby ensuring that it is located undercover and is protected from the elements. The proposed building entry is also similar to those of surrounding development.	Yes

	sited on a street corner. 5. Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage. 6. Provide under awning lighting to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building. 7. Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement. 8. All residential buildings are to be provided with awnings or other weather protection at their main entrance area.		
3.6 Vehicle Footpath Crossings			
Location of Vehicle Access	1. No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified in Figure 18 (edged in blue). 2. In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. 3. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow). 4. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	There are no restrictions on vehicular access for the site. The design of carparking and vehicular access to the development responds to the layout of the site and its surrounds. Vehicular access from Charles Street to the at-grade parking level is provided via a single driveway situated near the southern boundary of the site.	Yes

	5. Vehicle access may not be required or may be denied to some heritage buildings.		
Design of Vehicle Access	1. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 6m may be permitted for safety reasons (refer to Figure 18). 2. Vehicle access ramps parallel to the street frontage will not be permitted. 3. Ensure vehicle entry points are integrated into building design. 4. Doors to vehicle access points are to be roller shutters or tilting doors set back from the building facade. 5. Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	As mentioned above, vehicular access from Charles Street to the at grade parking level is provided via a single driveway situated near the southern boundary of the site. The proposed vehicular access ramp is perpendicular to the kerb alignment. The design of the car parking enables vehicles to ingress and egress in a forward direction. Pedestrian and vehicular access into the site is clearly delineated and are provided separate from each other.	Yes
3.8 Building Exteriors			
	1. Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: - appropriate alignment and street frontage heights, - setbacks above street frontage heights, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis, and - the provision of enclosed corners at street intersections. 2. Balconies and terraces	The proposed residential flat building integrates with the existing street alignment, frontage height and materials of surrounding developments. The building façade to Charles Street and Mill Road is modulated and articulated through	Yes

	should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged. 3. Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design. 4. 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. 5. Finishes with high maintenance costs, those susceptible to degradation due to a corrosive environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. 6. To assist articulation and visual interest, expanses of any single material is to be avoided. 7. Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage. 8. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass 9. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (refer to Section 5.3).	horizontal and vertical design elements to reduce the appearance of building bulk and to enhance positive elements of the building's architecture. A variety of high quality materials and finishes have been incorporated into the design of the development.	
4.4 Traffic and Access			
	1. Main building entry points should be clearly visible from primary street	Entry to the building is clearly defined	Yes

	frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. 2. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended). 3. Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas. 4. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. 5. The development must provide accessible internal access, linking to public stress and building entry points. 6. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	through articulated materials and is easily accessible from Charles Street. The pedestrian access and entryway is located separate from the driveway, which is situated towards the southern end of the site's frontage to Charles Street so as to maximise pedestrian safety. Pedestrian access to the site is provided from Charles Street via a paved pathway to the main building entrance of the residential flat building. An Access Report has been prepared by Vista Access Architects. The report finds that there is an acceptable path of travel to the main entrance of the building lobby area, providing ease of access to all dwellings. The design of the development also complies with the relevant Australian Standards.	
4.2 Vehicular Driveways and Manoeuvring Areas			
	1. Driveways should be: - provided from lanes and	Vehicular access to the at	Yes

	secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 2. Vehicle access is to be integrated into the building design so as to be visually recessive. 3. All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn. 4. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval. 5. Driveway widths must comply with the relevant Australian Standards. 6. Car space dimensions must comply with Australian Standard 2890.1. 7. Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1). 8. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	grade parking level within the proposed residential flat building is provided via a driveway situated to the southern side of the building. The design of the driveway and internal circulation enables vehicles to ingress and egress in a forward direction. The Traffic and Parking Assessment Report prepared by Stanbury Traffic Planning demonstrates that the design of the driveway is in accordance with all relevant Australian Standards. A proposed turntable is also recommended to allow vehicles to leave the site in a forward position. This was reviewed and supported by Councils Traffic engineer.	
4.3 On Site Parking			
	General (All Development) 1. Except as separately provided for in the Liverpool LEP 2008, on site vehicle and bicycle parking is to be provided in accordance with	The proposed development includes the provision of 23 affordable housing units	Yes

	Table 3. -1 Space per two studio apartment -1 space per two bedroom or three bedroom -1 space per 10 units for visitors -1 motorcycle per 20 spaces -2% disabled person parking 1 bycle per 200sqm GFA Notes: ▪ Required car parking should be provided on site with the balance of any required car parking spaces subject to a contribution under an adopted Contributions Plan, or as set out by the terms of a Voluntary Planning Agreement. ▪ Required parking for service and delivery vehicles must be provided onsite unless Council is satisfied that adequate dedicated on-street 'loading zones' space(s) are available in the vicinity. 2. Car parking and associated internal manoeuvring areas provided over and beyond that required by this Part is to be calculated towards gross floor area. 3. Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. 4. Onsite parking must meet the relevant Australian Standard (AS 2890.1 2004) – Parking Facilities or as amended. 5. To accommodate people with disabilities provide a minimum of 2% of the required parking spaces, or minimum 1 space per development (whichever is the greater) as an appropriately designated and signed disabled parking space. 6. Bicycle parking is to be in	with a total GFA of 1,604 m². According to provisions of this control, the proposed development requires 8 bicycle spaces and 14 bicycle parking spaces are provided for alternate transport choice. A total of 10 car parking spaces (inclusive of 2 disabled parking spaces), are to be provided as part of this development. Therefore, the proposal complies with the provisions of the SEPP Affordable Housing 2009.	

	secure and accessible locations with weather protection. 7. Required parking for service and delivery vehicles must be provided on site unless Council is satisfied that adequate dedicated on street 'loading zone' space(s) are available in the vicinity. Developments in all other zones 9. Onsite parking for residential flat buildings (or residential flat building component of a mixed use development) is to be wholly in basement parking unless Council is satisfied that unique site conditions prevent achieving all parking in basements. Council may require provision of a supporting geo-technical report or other supporting documentation, prepared by an appropriately qualified professional as information to accompany a development application to Council. 10. The impact of any on grade car parking must be minimised by: - Locating parking on the side or rear of the lot, away from the street frontage - Provision of fencing or landscaping to screen the view of cars from adjacent streets and buildings - Incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas) 11. Natural ventilation should be provide to underground parking areas, where possible, with ventilation grills and		

	structures: - Integrated into the overall façade and landscape design of the development - Not located on the primary street façade and - Oriented away from windows of habitable rooms and private open space areas Bicycle Lockers and shower facilities 12. For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be located conveniently close to bike storage areas.		
5 Environmental Management			
5.1 Energy Efficiency and Conservation			
Residential	Residential 1. New dwellings, including dwellings within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	A BASIX Report and Certificate has been prepared by Taylor Smith Consulting issued on 09 December 2020. Certificate number: 1159630M.	Yes
5.2 Water Conservation			
	Residential 1. 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	As above	Yes
5.3 Reflectivity			
	1. New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers. 2. Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%. 3.	The materials and finishes for the proposed development have been designed to reduce glare. The incorporation of	Yes

	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	spandrel panelling within the front façade of the building minimises the appearance of glass.	
5.4 Wind Mitigation			
	1. To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: - 10m/second in retail streets, - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets. 2. Site design for tall buildings (towers) should: - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre,	Noted. The proposed development has a four-storey podium which sets back the upper levels, thereby mitigating the potential adverse wind effects that may be generated by the development. Habitable rooms within the development are located below 35 metres and as such the DA does not require a Wind Effects Report.	Yes
5.5 Noise			
	1. An acoustic report is required for all noise affected locations, as identified in Figure 25. This report is to demonstrate that appropriate noise attenuation and barrier planning is to be implemented. 2. Sites adjacent to noise sources identified in Figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site. Depending on the type and scale of development, acoustic assessment may be	An Acoustic Assessment Report prepared by Acoustic Logic is provided. The acoustic report finds that the noise impacts of the proposed development will comply with the requirements of this DCP, SEPP (Transport and Infrastructure) 2021 and the relevant Australian Standards.	Yes

	required for sites outside the noise source 3 areas. Fig. 5.1 3. An 8m setback is to be provided to any residential component of development located fronting onto Terminus Street. 4. An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	Noise attenuation measures have been incorporated within the building design to minimise any acoustic impacts from the Hume Highway.	
5.6 Waste			
	3. Provision must be made for the following waste generation General – 80lts/week/dw Recycling – 80lts/week/dw Green Waste - communal 5. In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas 6. Wherever a rear lane is present and waste removal is available, the rear lane is to be utilised for the removal of waste. 7. Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient	An Operational Waste Management Plan has been prepared by Elephants Foot for this application. A waste storage area, is provided at within the Ground Level of the building and is capable of containing the waste generated by the proposal. Residents will be supplied with a collection area within each unit where they can deposit garbage and collect recyclable material suitable for one day's storage. All waste generated by this development will be collected by Council with both garbage and recycling being collected once weekly basis. A building manager/ caretaker will be	Yes

	larger bins with the following minimum dimensions: 8. The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	responsible for transporting the bins to and from the garbage holding room bins for collection at an area adjacent to the driveway, for ease of servicing.	
6. Controls for Residential Development			
6.1 Housing Choice and Mix			
	(a) In addition to the provisions for apartment mix as per Part 3 of the Residential Flat Design Code, the following additional controls apply. (b) 1. To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: - studio and one bedroom units must not be less than 10% of the total mix of units within each development, - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and, 2. For smaller developments (less than six dwellings) achieve a mix appropriate to the locality. 3. For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department 4. For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed	The proposed development provides a housing mix of one and two bedroom units to accommodate a variety of residents. 12 one bedroom units (52%) and 11 two bedroom units (48%) are provided within the development. All apartments have been designed as adaptable units. No 3or 4 bedrooms are proposed as the targeted occupants of the affordable housing units are for smaller households.	Cosidered acceptable

	to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visitability is achieved. 5. Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities. (g) 6. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995). (h) 7. Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces		

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

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

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the National Construction Code (NCC). If approved, appropriate conditions of consent will be imposed requiring compliance with the NCC.

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

(a) Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The temporary removal of vegetation will be replaced trees and shrubs in new landscaping for the site. Proposed excavation is minimal as there is no basement parking.

(b) Built Environment

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

The impacts of the development on the built environment have been assessed and as the proposal represents the desired character for development in the R4 zone, is considered to be acceptable.

(c) Social Impacts

The development is considered beneficial from a social aspect as it will be providing 100% of the dwellings within the development as affordable housing. Further to this, the applicant is attempting to increase housing variety in the locality by providing a diverse unit mix.

(d) Economic Impacts

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

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

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed building would not result in any unacceptable impact on any adjoining landowners or buildings.
The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the R4 zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses which include similar high density residential development.
- The proposal represents an increase of the supply of affordable housing in the Liverpool LGA.

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

(a) Internal Referrals

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

Internal Department	Response
Natural Environment & Landscaping	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions
Waste Management	No objection, subject to conditions
Landscape	No objection
Environmental Health	No objection, subject to conditions
Community Planning	No objection

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
Endeavour Energy	No objection. Recommendations provided.

(c) Community Consultation

The development application was notified for 14 days between 30 March 2021 to 16 April 2021 in accordance with Liverpool Community Participation Plan 2019. No submissions were received raising objections to the proposed development.

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

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

7 SECTION 7.12 CONTRIBUTIONS

The Liverpool Contributions Plan 2018 is applicable to the proposed development. Accordingly, the payable Section 7.12 Contribution fee for the development proposed is **$106,114.00**, subject to the Consumer Price Index (CPI) increases applicable at the time of payment.

8 CONCLUSION

In conclusion, the following is noted:

- The subject DA has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- The proposal is consistent with the desired character for the area.

- The proposal provides an appropriate response to the context of the site and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form are consistent with the desired character of the area envisaged under the LLEP 2008 and LDCP 2008. There are variations proposed to the height and building separation, however these are considered acceptable on merit.

- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of Liverpool LEP 2008 including the provisions of Clause 7.5 relating to design excellence.

- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings and facilities.

- The development will generate a social benefit for the community, given the provision of affordable rental housing.

9 RECOMMENDATION

That DA-50/2021for the demolition of existing dwellings and the construction of an eight storey residential flat building consisting of 23 units, be approved.

10 ATTACHMENTS

1. Architectural plans, demolition plan & landscape plans
2. Survey plan and Stormwater Concept Plans
3. Recommended conditions of consent
4. Statement of environmental effects
5. Clause 4.6 variation written justification to height
6. SEPP 65 Design Verification Statement
7. Acoustic Assessment Report
8. Arborist Report
9. Access Report
10. Traffic Report
11. Geotechnical Assessment report
12. Waste management plan and operational Waste Management Plan
13. Preliminary Site Investigation
14. Detailed Site Investigation
15. BASIX certificate and house energy rating
16. DEP Comments