Attachment B – Tables of Compliance

ENVIRONMENTAL ASSESSMENT

Statutory Framework

Environmental Planning and Assessment Act 1979

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act.

State Environmental Planning Policy No. (Resilience and Hazards) 2021

i. Clause 4.6 Contamination and remediation to be considered in determining development application

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been considered in the assessment of the development application. Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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.

Each of the two allotments comprising the development site are currently improved by detached dwellings and this existing residential use has been the case prior to 2002. As this is the case and with the absence of illegal dumping or contaminations issues on the site there is no reason to suspect that the land is contaminated. Therefore, the land is considered suitable for the proposed continued residential use of the site.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

i. Chapter 2 – Vegetation in non-rural Areas

The site is currently occupied by two dwelling with associated domestic landscaping with no significant native vegetation.

ii. Chapter 6: Water Catchments

The subject land is located within the Georges River catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable, in particular Part 6.2 – Development in regulated catchments. Part 6.2 of the SEPP generally aims to protect the environment of water catchments by ensuring that impacts of future land uses are considered in a state, regional, and local context.

When determining a development application, consideration shall be given to the matters listed in Division 2 and 3 of Part 6.2. Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such is provided below.

Division 2 Controls on development generally	**Comment**
6.6 Water Quality and Quantity	The proposed stormwater management plan illustrates a standard water quality treatment device has been incorporated into the design, as well as appropriate erosion and sedimentation controls during construction.

6.7 Aquatic ecology	As noted above, a standard water quality treatment device is required to be incorporated into the design, which would reduce water pollution and improve the quality of water entering the waterway and catchment.
6.8 Flooding	The site is not affected by flooding, and the proposed development will have no impact on flood behaviour within the catchment.
6.9 Recreation and public access	Not applicable
6.10 Total catchment management	It is considered unlikely that the proposal will have any adverse impact upon the catchment.

It is considered that the proposed development is not in conflict with the objectives of Chapter 6 of the SEPP which seeks to promote the protection of the Georges River Catchment. It is considered that appropriate conditions can be imposed relating to erosion and sediment control and storm water runoff mitigation.

State Environmental Planning Policy (Housing) 2021

The development provides for 15 affordable housing units or 50.09% of the GFA and thus the development falls under Chapter 2 of the Housing SEPP, entitled 'Affordable housing'

Pursuant to the provisions of Schedule 7A Savings and transitional provision of the SEPP, the version of the SEPP at the time of lodgement is applicable to the assessment of the development.

Compliance with the relevant provisions for affordable housing as provided in the SEPP is demonstrated in Table 1 below.

Table 1 – Compliance with SEPP (Housing) 2021

SEPP (Housing) 2021		
Clause	**Provided**	**Complies**
Chapter 2 Affordable housing		
Part 2 Division 1 In-fill affordable housing		
16 Development to which this Division applies (1) This Division applies to residential development if— (a) the development is permitted with consent under another environmental planning instrument, and	Residential flat buildings permitted within R4 zone pursuant to the Liverpool LEP 2008.	Yes
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	1,181sqm (50.09%) of gross floor area is proposed to be dedicated as affordable housing, which equates to 15 units.	Yes

(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	The site is located within an accessible area as there are bus services within 400m of the site in accordance with the definitions in the SEPP.	Y
(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone— (ia) Zone E1 Local Centre, (ib) Zone MU1 Mixed Use, (i) Zone B1 Neighbourhood Centre, (ii) Zone B2 Local Centre, (iii) Zone B4 Mixed Use.	N/A	N/A
17 Floor space ratio		
(1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an ***additional floor space ratio*** of—	The site is zoned R4 High Density Residential pursuant to the Liverpool LEP 2008, where development for the purposes of residential flat buildings is permitted.	Yes
(a) if the maximum permissible floor space ratio is 2.5:1 or less—	The maximum permitted FSR pursuant to the LLEP 2008 for the site is 1.2:1.	
(i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or	50.09% of gross floor area is proposed to be dedicated as affordable housing.	Yes
(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where— ***AH*** is the percentage of the gross floor area of the building that is used for affordable housing. ***Y***= AH ÷ 100 or	0.5:1 bonus applies, which equates to a total maximum FSR of 1.7:1. The proposed FSR is 1.63:1.	Yes

(b) if the maximum permissible floor space ratio is more than 2.5:1— (i) if at least 50% of the gross floor area of the building will be used for affordable housing—20% of the maximum permissible floor space ratio, or (ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Z% of the maximum permissible floor space ratio, where— ***AH*** is the percentage of the gross floor area of the building that is used for affordable housing. ***Z***= AH ÷ 2.5	N/A	N/A
(2) The additional floor space ratio must be used for the purposes of affordable housing.	Noted. This requirement is to be made as condition of consent.	
18 Non-discretionary development standards—the Act, s 4.15		
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	Noted
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—		
(a) a minimum site area of 450m^2,	The site has an area of 1,365.8sqm.	Yes
(b) for a development application made by a social housing provider—at least 35m^2 of landscaped area per dwelling,	N/A	N/A Yes

(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	30.5% of the site is dedicated as landscaped area.	Yes
(d) a deep soil zone on at least 15% of the site area, where—	210.3sqm or 15.4% deep soil zone provided, which complies with ADG requirements of 7%.	Yes
(i) each deep soil zone has minimum dimensions of 3m, and	Only areas with a width of 3m or greater included in deep soil area assessment.	Yes
(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	78% of the deep soil is located on the rear of the site	Yes – ADG prevails.
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	24/28 (85.7%) achieves at least 2 hours, as per ADG requirements.	N/A
(f) for a development application made by a social housing provider for development on land in an accessible area— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	N/A	
(g) if paragraph (f) does not apply— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Affordable component: - 9 x 1bdm at 0.5 = 4.5 - 18 x 2bdm at 1 = 18 - 1 x 3bdm at 1.5 = 1.5 Total required = 24 Total provided = 29 plus 3 visitor spaces	Yes

(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment,	Minimum internal areas achieved.	Yes
(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	N/A	N/A
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m^2, or (ii) for each dwelling containing 2 bedrooms—90m^2, or (iii) for each dwelling containing at least 3 bedrooms—115m^2 plus 12m^2 for each bedroom in addition to 3 bedrooms.	N/A	N/A
19 Design requirements (1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy— (a) the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004, (b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide.	N/A	N/A

(2) Subsection (1) does not apply to development to which *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* applies.	Chapter 4 SEPP Housing applies in this instance.	Yes
(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The initial design was reviewed by the DEP and not supported following an amended design was provided addressing the concerns raised which were highly commended by the DEP. The design is in keeping with the R4 zoning of the local area and with similar approved and constructed developments in the immediate vicinity. A Design Verification Statement provided, which is considered satisfactory.	Yes
20 Continued application of SEPP 65 Nothing in this Policy affects the application of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* to residential development to which this Division applies.	The ADG prevails over the Housing SEPP in relation to a number of design requirements, most notably the provision and location of deep soil zones and the provision of solar access. It is noted that SEPP 65 is now located in Chapter 4 of SEPP Housing	Yes
21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued— (a) the affordable housing component of the residential development will be used for affordable housing, and (b) the affordable housing component will be managed by a registered community housing provider.	Standard conditions are to be imposed requiring the requiring that the affordable housing component of the building will be used for affordable housing and that these units will be managed by a registered community housing provider.	Yes
(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.	N/A	N/A

(3) In this section— ***affordable housing component***, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).	Noted	
22 Subdivision permitted with consent Land on which development has been carried out under this Division may be subdivided with development consent.	Noted	Yes

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal seeks to construct a 6-storey residential flat building comprising 28 units. The provisions of SEPP 65 apply to the proposed development, as it has a height greater than 3 storeys and contains more than 4 residential apartments.

SEPP 65 requires:

- A Design Verification Statement from a qualified designer, verifying he/she completed the design of the residential apartment development, and that the design quality principles set out in Part 4 of SEPP 65 — Design Quality of Residential Apartment Development are achieved; and

- In determining a development application for consent to carry out residential apartment development, the consent authority is to take into consideration the Apartment Design Guide (ADG).

Following is a table summarising the nine design quality principles outlined in SEPP 65, and compliance with such.

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. *Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed*	The challenges of the subject site are: the irregular-shaped nature of the development site which is the main contributing factor to the non-compliance with setbacks in order to achieve higher internal amenity to the units. The site is within a high density R4 zone and is one of the last blocks to be developed in the immediate locality. The area has been undergoing a transition to higher density apartment buildings over the last few years. The proposed built form is considered to be consistent with the evolving character of the locality. The site is opposite a public school and safe access to the development has been considered with regard to an existing pedestrian crossing. The development is

Design Quality Principle	Comment
buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	proposing left in left out arrangements in order to minimise any potential impacts. This aspect has been reviewed and supported by Councils' traffic management section.
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.*	As noted, the height, bulk and scale of the development is considered to fit within the approved buildings that adjoin the site, and this the proposal is considered to be consistent with the future desired character of the area. Due to the irregular shape of the site, the building DCP setbacks and ADG building separations have been designed to improve the internal amenity of the units when compared to a fully compliant design which is the reason for the minor encroachments. While the building design includes a 25.5% exceedance of the maximum height permitted by the LLEP 2008, this has done in order to incorporate improved amenity of the building through a rooftop communal open space area as well as 3.1m & 3.3m floor to floor heights. The impact of this exceedance in minimised by the location of the rooftop communal open space in the centre of the which would not be seen by pedestrians. Additionally, due to the location of the site, the additional height does not create additional overshadowing issues.
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 proposed development is located adjacent to the business centre of Moorebank and local schools. The Council has strategically increased height and density for this area in order to sustain the role of the area as a local centre. The proposed density of the building itself is complaint with the prevailing FSR (and the additional density permitted by SEPP Housing and is therefore considered to be appropriate for this locality. The site is well positioned in terms of access to transport, community, and economic infrastructure.

Design Quality Principle	Comment
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 site is ideally placed with access to northern sunlight, and the design takes advantage of this with a high percentage of units achieving direct sunlight and a low number of units facing south. The design provides good natural ventilation as well as appropriate shading devices, and the building is compliant with respect to Basix requirements. Conditions of consent will include the provision of ceiling fans as well as rain water collection & reuse elements. The proposal includes a high percentage of affordable units, which will assist in alleviating housing stress for lower income earners. The site is also ideally located in close proximity to Moorebank local centre and has good access to public transport to access Liverpool CBD.
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*	Landscaping of private and communal open spaces wrap around the building at ground level, which is similar in nature to surrounding developments. The proposal also takes advantage of the rooftop for communal open space and provides well in excess of the minimum requirements for deep soil area. The proposal also provides for a number of spaces which are conducive for passive enjoyment, as well as communal activity.

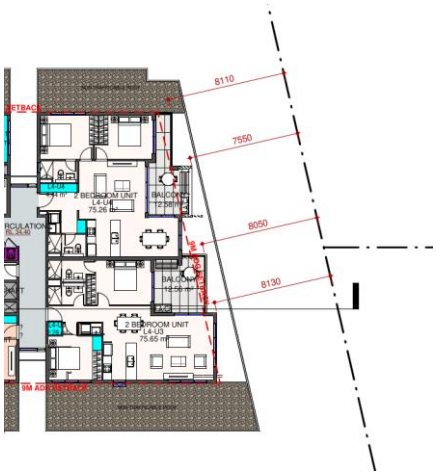
Design Quality Principle	Comment
and preserving green networks. *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*	
Design Principle 6 – Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*	As noted, the site faces north, and therefore has good access to direct sunlight. The units are designed to maximise direct sunlight, but also employs techniques to reduce harsh summer sun. The design of units also maximises natural cross-ventilation. The ground floor and roof top communal spaces facilitate easy access to outdoor spaces that are well designed and encourage outdoor use for personal and communal activity. The building is also appropriately serviced with 1 lift core, internal and external storage areas, and waste facilities. Direct and level access is provided to all areas of the building. It is noted that during the assessment of the application, a development application for a 99 place childcare centre has been lodged and approved on the two sites to the west of the subject site. In consideration of mitigating any potential visual privacy impacts on that use from the proposed building, a condition of consent will require the provision of amended plans that include fixed site screens to the windows and balconies of the relevant units on the north western side of the building prior to the issue of a Construction Certificate.
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.	The proposal has been designed such that safety and security is ensured for residents through the following: - Passive surveillance of the street and communal areas. - Secure car parking - Intercom system - Appropriate lighting through-out - Clear demarcation of the private domain along the front setback area.

Design Quality Principle	Comment
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.	
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 proposal includes a variety of dwelling sizes and layouts, with 15 out of 28 units dedicated as affordable housing, and 3 adaptable units. As noted above, the ground floor and roof top communal spaces facilitate easy access to outdoor spaces that are well designed and encourage outdoor use for personal and communal activity.
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 streetscape.*	The proposed height and tiered nature of the development provides for some differentiation in architectural form within the immediate locality. It is considered that the building is balanced in form and presents well to the street. The colour scheme is varied and vibrant, with a variety of external materials used. The external facades are appropriately articulated and create visual interest. Further elements are to be conditioned to incorporate recommendations of the Design Excellence Panel to refine the appearance and environmental sustainability of the building.

Clause 30(2) of SEPP 65 requires that residential flat development be designed in accordance with the ADG. The following table outlines compliance with the ADG:

Provisions	Comment
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	**Complies** The proposed development is considered appropriate for its context. The building is consistent in scale to surrounding developments and appropriate building setbacks have been provided, notwithstanding that ADG separations have not been met in full.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development 3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	**Complies** The building layout has been designed to address McKay Ave. Solar access to units is maximised having regard to the site's orientation, in particular, the longer width of the site facing directly north. The development includes roof top communal open space to optimise solar access for this purpose. Having regard to the site orientation, overshadowing of neighbouring properties is minimised as shadowing is mainly to McKay Ave to the south of the site. It is not anticipated that overshadowing would be greater than that for a building fully compliant with the height of buildings controls.
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security 3C-2 Amenity of the public domain is retained and enhanced	**Complies** Where practical, ground floor units have been provided with direct street entry, thus contributing to safety and passive surveillance of the street. Mailboxes are located perpendicular to the street within the entry way. Bin storage is located in the basement. There is no temporary bin storage area provided, however, Council's Waste Management Section considers the waste storage and pick-up arrangements to be satisfactory. The location of the potential substation has been shown at the front of the site which is unavoidable. Hydrant is shown and located adjacent to

	driveway on western side of the development which reduces its visual impact on the streetscape.
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. 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)	**Complies** A minimum of 493.1sq.m of communal open space is provided (36.1%) comprising of a ground floor courtyard (314.8sq.m) and rooftop terrace (178.3sq.m). The proposed communal spaces are of an adequate size and dimension to allow for a range of activities. Both the grade level and rooftop COS areas receive at least 2 hours direct solar access in mid-winter. Safety to both areas is considered satisfactory.
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
Site Area – 650m² -1500m^2 Min. Dimensions 3m Deep soil zone (% of site area) - 7%	**Complies** The development is required to provide a total of 95.6sq.m of deep soil. 208.8sq.m (15.3%) of deep soil has been provided and is of appropriate dimensions.
3F Visual Privacy	
Requirement: **Building Height** / **Habitable Rooms and Balconies** / **Non Habitable Rooms** Up to 12m (4 Storeys) — 6m — 3m Up to 25m (5-8 Storeys) — 9m — 4.5m Over 25m (9+ storeys) — 12m — 6m	Front / south to street (McKay Ave) - greater than 9m to centre of road reserve — Yes <u>Side / Rear</u> **Up to 4 storeys:** <u>G/F, Levels 1, 2, 3</u> - 6m to sides / rear habitable — Yes **5 to 8 storeys:** <u>Level 4</u> - 9m to side east and west — Yes - 8.13m to rear habitable — No - 7.55m to rear balcony — No <u>Levels 5</u> - 9m to side east and west — Yes

	- 8.48m to rear habitable No - 7.55m to rear balcony No The above encroachments are considered to be minor in their impact on surrounding development as the required ADG separations for the development are generally compliant, with the encroachment being 'point' encroachments due to the irregular nature of the site. The design was amended on the recommendation of the Design Excellence Panel to provide improved internal amenity to the units which had odd angles within the rooms making some of the space unusable in the applicants' original design which complied with the separation requirements. The variation therefore allows for greater functionality of this affordable housing development. The encroachments will not have any impact on solar access to adjoining development and will not demonstrably increase any visual privacy impacts which gives support for the variation which improves the quality of the development. Given the minor nature of the variations, it is not considered that additional privacy screening is warranted. Given the compliance with all other controls of the ADG and its overarching objectives, this minor variation is supported in this instance. <u>Level 4</u>  <u>Level 5</u>

	 <u>Rooftop COS</u> - Min. 9m to east habitable Yes - Min. 9m to west habitable Yes - 9m to rear habitable Yes
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	**Complies** The proposal provides 3 pedestrian entries at the street frontage, which are easily identifiable.
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	**Complies** Vehicle access is also via the primary street frontage. The vehicle access driveway is located in close proximity to an existing pedestrian crossing. To minimise safety impacts, the design includes a median strip across the entrance to the driveway which will only permit left in left out movements. Councils' traffic engineers have reviewed the design and note that while there is sufficient space, amended plans are to be provided that include appropriate driveway gradients and width to comply with the relevant Australian Standards to ensure safety is maintained. A condition of consent will require that the design of the fence at the end of the basement

	driveway is constructed of a visually permeable material.
3J Bicycle and Car Parking	
3J-1.Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	**Complies** Car parking has been reviewed by Council's traffic management section who conclude that the developments' proposed parking complies with the SEPP for the affordable component and the non-affordable component. Vegetation is proposed to be included above the garage entrance to improve its appearance. As mentioned, conditioned of consent will be imposed to improve the safety aspects of the underground car parking entrance.
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3.J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. 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. 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	**Complies** 24 / 28 (85.5%) of the proposed apartments achieve a minimum of two hours solar access between 9am and 3pm in mid-winter. 4 / 28 units (14.2%) receive no direct sunlight.
4A-2 Daylight access is maximised where sunlight is limited	**Complies** The site provides optimum solar access to apartments given the orientation and long frontage to north. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings. Further design elements will be conditioned to be provided to incorporated the recommendation of the last Design Excellence Panels minutes
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	**Complies** 24/28 (85.7%) apartments will receive natural cross ventilation.

4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable Rooms 2.7m Non-Habitable 2.4m If located in mixed use areas 3.3m for ground and first floor	**Complies** All habitable and non-habitable rooms will have ceiling heights of exceeding 2.7m. All floors have 3.1m floor to floor heights with the top level having a floor to floor height of 3.3m to accommodate roof infrastructure.
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.	
4D Apartment Size and Layout	
4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity 1. Apartments are required to have the following minimum internal areas: • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m²	**Complies** As per the schedule in the architectural drawings, all apartments complying with the minimum internal areas. All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 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.	
4D-2 Environmental performance of the apartment is maximised. 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m. 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	**Complies** As the ceiling height is 2.8m, no habitable room depth will exceed 8m from a window.
4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs 1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 3. 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 4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	**Complies** All master bedrooms and other bedrooms achieve the minimum required areas. All apartments achieve the minimum dimension requirements to living/dining rooms.
4E Private Open Space and Balconies	

Commented [GM1]: There are a couple of rooms that exceed this by about 500mm is this something that we can vary?

Commented [GM2R1]: Refer to Unit 3 and 4 on levels 1 - 3 Refer to Plan DA-214

4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity 1. All apartments are required to have primary balconies as follows: Dwelling type Minimum Area Minimum Depth Studio 4m² N/A 1 bedroom 8m² 2.0m 2 bedroom 10m² 2.0m 3+ bedroom 12m² 2.4m 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	**Complies** All apartments comply with or exceed the minimum numeric requirements. Private open space is directly accessible from the living area of each dwelling and can be used in conjunction with these. The balconies are integrated into the overall design of the development and form part of the detail of the building. All balconies include balustrades of a sufficient height to ensure safety is maintained.
4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	
4E-4 Private open space and balcony design maximises safety	
4F Common circulation and spaces	
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments. 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	**Complies** No more than 5 apartments are proposed of a circulation core on any single level. The proposal is 6 storeys in height, 28 units sharing one lift. Common circulation spaces are provided.
4F-2 Common circulation spaces promote safety and provide for social interaction between residents	
4G Storage	
4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling Type** **Storage volume** Studio 4m³	**Complies** Compliant storage provided internally and externally apart from one unit (L5-U2) that can and will be conditioned to comply by providing 1.5 cubic metre of storage in the basement.

1 bedroom 6m³ 2 bedroom 8m³ 3+ bedroom 10m³ At least 50% of the required storage is to be located within the apartment	
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	
4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	**Complies** The layout and materials used in the apartments design will ensure that noise impacts will be minimised. The apartments have been configured so that quiet spaces (e.g. bedrooms) are co-located.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic Treatments	
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	**Complies** Where appropriate, windows and door openings have been oriented away from noise sources. There are no know external noise sources.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	**Complies** - Studios = 0 - 1 bdm = 9 / 32% - 2 bdm = 18 / 64% - 3 bdm = 1 / 4% Three of the units are designed to be adaptable. A range of unit types have been provided and they are distributed throughout the building.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	**Complies** Ground floor units have been provided with front courtyards and direct access to the street, as encouraged.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	**Complies** The articulation of balconies and walls adds visual interest and results in a quality design outcome consistent with other modern

4M-2 Building functions are expressed by the facade	residential buildings in the locality. Further refinement to reflect the recommendations of the Design Excellence Panel will be conditioned to be provided for approval prior to the issue of a construction certificate.
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	**Complies** The proposed roof form is of a modern flat roof which will integrate with the style of other mixed use and residential flat buildings in the area. The proposal incorporates a rooftop COS area for use by all residents which will achieve good levels of solar access.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	**Complies** A comprehensive landscape plan has been provided for the communal open space at the ground floor and on the rooftop. Appropriate species have been selected for the environment.
4O-2 Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	**Complies** As demonstrated in the landscape plan, the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	**Complies** 3 / 28 (10%) of units have been identified as being adaptable, in accordance with the requirements of the DCP 2008.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	**Not Applicable** The development does not propose new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are	**Not Applicable**

provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The development is for a residential flat building.
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
4T-1 Awnings are well located and complement and integrate with the building design	**Complies** Awning have been provided above building entrances.
4T-2 Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	**Complies** The proposal satisfies the thermal targets of BASIX. The majority of apartments are cross ventilated.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	**Complies** Portable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on-site prior to being discharged to Council's stormwater drainage system.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	**Complies** A garbage storage area is located within basement and an adequate storage area is provided within the apartments to accommodate a day's waste.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	**Complies** The proposal incorporates overhangs to protect walls and openings. Centralised maintenance, services and storage will be provided for communal open space areas within the building.

	The proposed external walls are constructed of robust and durable materials.

Liverpool Local Environmental Plan 2008

The site is zoned R4 High Density Residential pursuant to the Liverpool Local Environmental Plan 2008.

The Liverpool Local Environment Plan 2008 Land Use Table for the R4 High Density Residential zone is replicated below:

Zone R4 High Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; ***Residential flat buildings****; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing*

4 Prohibited

Any other development not specified in item 2 or 3

Comment:

The site is zoned R4 High Density Residential under the provisions of the Liverpool Local Environmental Plan 2008. The proposed residential flat building is permitted within the zone and would meet the objectives of the zone as it would provide for the housing needs of the local community.

Compliance with the relevant provisions of the Liverpool LEP 2008 is outlined in Table 2 below.

Table 2 – Compliance with Liverpool LEP 2008

LIVERPOOL LEP 2008			
Clause	**Required**	**Provided**	**Complies**
Part 1 Preliminary			
1.3 Land to which this Plan applies	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land application map.	Yes
Part 2 Permitted or prohibited development			
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	The site is zoned R4 High Density Residential.	Yes
Part 4 Principal development standards			
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	N/A	N/A
4.3 Height of buildings	(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. - Max. 18 metres	The overall height of the building is 22.6m (i.e. max. ridge height RL45.1m – NGL RL22.5m).	No. Refer to Clause 4.6 variation assessment in report.
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. - Max. 1.2:1 - Bonus 0.5:1 pursuant to SEPP (Housing)	FSR for the proposed development is calculated as follows: - Site area = 1,365.8sq.m - Proposed GFA = 2,223.02sq.m - FSR (2,223.02sq.m / 1,365.8sq.m) = 1.63:1	Yes
Part 5 Miscellaneous provisions			

5.1 Relevant acquisition authority	(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	N/A	N/A
5.2 Classification and reclassification of public land	(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.	The site is not identified as land to be classified or reclassified as operational land or community land.	N/A
5.10 Heritage conservation	(5) **Heritage assessment** The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The land is not identified as a heritage item or land within a heritage conservation area.	N/A

5.11 Bush fire hazard reduction	Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent. **Note—** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.	The subject site is not bushfire prone land.	N/A
5.21 Flood planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion,	The site is not identified within LEP maps as being affected by flood.	N/A

	siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.		
Division 2 Other provisions			
7.6 Environmentally significant land	(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant— (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.	The site is not identified as environmentally significant land.	N/A
7.7 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause	The subject site is not affected by acid sulfate soils.	N/A

	on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.		
7.9 Foreshore building line	2) Subject to the other provisions of this Plan, development may be carried out, with development consent, for the purposes of a building on land in the foreshore area only if— (a) the levels, depth or other exceptional features of the site make it appropriate to do so, or	The subject site is not identified on the foreshore building line map.	
7.11 Minimum dwelling density	(2) Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.	The subject land is not identified on the dwelling density map.	N/A
7.12 Maximum number of lots	The total number of lots created by the subdivision of land in an area of land identified as "Restricted Lot Yield" on the Dwelling Density Map must not exceed the number shown on that map for that area.	The subject land is not identified on the dwelling density map.	N/A
7.14 Minimum building street frontage	(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— (a) any building on land in Zone B3 Commercial	 N/A	 N/A

	Core or B4 Mixed Use, or (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 proposed building has a height of 6 storeys and is located within the R4 zone. N/A	Yes N/A
7.18 Development in areas subject to potential airport noise	(5) In this clause— ***ANEF*** means Australian Noise Exposure Forecast as shown on the Airport Noise Map.	The subject land is not identified on the airport noise map.	N/A
7.31	(3) Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	 Council's Engineers raised no concerns. The proposed development is unlikely to affect any future use or redevelopment of the site. There is no reason to expect that the land is contaminated, and standard conditions of consent will be imposed to control the disposal of excavated material. Privacy is maintained, and it considered that the extent of overshadowing is acceptable having regard to the circumstances. A	 Yes Yes Yes Yes

		condition of consent will be imposed that requires privacy screening to the relevant units on the north western corner of the development to minimise privacy impacts to the childcare centre to the west of the site.	
	(e) the source of any fill material and the destination of any excavated material,	Considered satisfactory by Council's Waste Management Section.	Yes
	(f) the likelihood of disturbing relics,	The site is not affected by any known aboriginal or European archaeology.	N/A
	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The proposed development is unlikely to have any adverse impact on any nearby watercourses, drinking water catchments or environmentally sensitive areas.	N/A

Liverpool Development Control Plan 2008

The Liverpool Development Control Plan 2008 supports the Liverpool Local Environmental Plan 2008 by setting additional development controls for development located in the Liverpool LGS.

Compliance with the relevant provisions of the Liverpool Development Control Plan 2008 is outlined in Table 3 below:

Table 3 – Compliance with Liverpool Development Control Plan 2008

Liverpool Development Control Plan 2008			
Clause	**Required**	**Provided**	**Complies**
Part 1 General Controls for all Development			
2. Tree Preservation			
	Consideration shall be given to the potential impact of development on existing vegetation.	All vegetation has been removed.	N/A

3. Landscaping and Incorporation of Existing Trees			
	Incorporate existing trees where appropriate.	All vegetation has been removed. Extensive landscaping will be provided to complement the proposed development. Refer to submitted landscape plan. Council's Landscape Section considers the design to be satisfactory.	N/A Yes
4. Bushland and Habitat Preservation			
	Consideration shall be given to the potential impact of the development on surrounding bushland and animal habitat.	The development site is not identified as containing any native flora or fauna, nor is there any potential for threatened ecological communities.	Yes
5. Bushfire Risk			
	Any development on or adjacent to bushfire prone land to comply with RFS requirements.	The site is not identified as bushfire prone land.	N/A
6. Water Cycle Management			
	Consideration shall be given to the impacts associated with stormwater.	This aspect has been reviewed by Council's Development Engineering Section, who has raised no objections, subject to conditions.	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.	The development site is not within close proximity to a water course.	N/A
8. Erosion and Sediment Control			
	Erosion and sediment control plan to be submitted.	Erosion and sediment control plan submitted and considered satisfactory. Standard conditions of consent recommended to be incorporated in the draft conditions of consent.	Yes
9. Flooding Risk			

	Consideration shall be given to the potential of flood affectation on the development, and the potential for the development to affect flood behaviour and impact to surrounding properties.	The site is not identified as being affected by flooding.	N/A
10. Contaminated Land Risk			
	The potential for site contamination shall be considered having regard to previous land uses and the requirements of SEPP.	Contamination and remediation has been considered in the DSI Contamination Report and the proposal is satisfactory subject to conditions.	Yes
11. Salinity Risk			
	Salinity Management response required for affected properties.	The site is located in an area of 'Moderate Salinity Potential'. Standard conditions recommended to be incorporated in the draft conditions of consent.	Yes
12. Acid Sulfate Soils Risk			
	This section applies to any development that is located in an area identified as having an acid sulfate soil potential within the Liverpool LEP 2008.	The subject site is not affected by acid sulfate soils.	N/A
14. Demolition of Existing Developments			
Demolition	All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures A Waste Management Plan (WMP) is to be submitted with the Development Application. The WMP must include realistic estimates of the volume or area of all types of waste material to be generated from the demolition and excavation activities. Details of how each of those materials will be re-used, recycled or disposed of is to be provided, including the locations to which the materials will be taken.	N/A Submitted and considered satisfactory by Council's Waste Management Section.	N/A Yes

17. Heritage and Archaeological Sites			
	This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.	The site is not identified as having any archaeological potential.	N/A
20. Car Parking and Access			
Off-Street - Car Parking Provision other than Liverpool City Centre	Off street car parking provision and service and loading provision shall be provided in accordance with Table 11.	Car parking complies with the SEPP for the affordable component and the RMS Guidelines for the remainder. - Required: 22 car parking spaces - Provided: 23 spaces	Yes
20.4 Car Parking Design			
		Council's Traffic Section ok	Yes
20.7 Driveway Crossings			
		Council's Engineering Section ok	Yes
23. Reflectivity			
	New buildings and facades must not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Standard conditions recommended to be incorporated in the draft conditions of consent. Recommendations from the DEP will also be imposed as conditions of consent.	Yes
25. Waste Disposal & re-use Facilities			
Residential development	Provision must be made for on-site waste storage and collection by private contractor.	Council's Waste Management Section raise no objections subject to conditions of consent.	Yes
Waste Management Plan	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: Liverpool Development Control Plan 2008 Waste Disposal and Re-use Facilities Part 1 115 - Demolition; - Construction; and - On-going waste management.	A WMP submitted which addresses waste reuse and disposal for demolition, construction and on-going waste. Council's Waste Management Section raise no objections subject to conditions of consent.	Yes
26. Outdoor Advertising and Signage			

		The application does not propose the erection of any signage.	N/A
27. Social Impact Assessment			
		Council's Community Planning Section has raised no objection.	Yes
29. Safety and Security			
	Address 'Safer-by-Design' principles in 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	It is considered that the four (4) main principles of CPTED have been satisfactorily incorporated into the design.	Yes

Part 3.7 – Residential Flat Buildings in the R4 Zone		
Controls	**Comment**	**Compliance**
Frontage and Site Area Minimum frontage of 24m	A frontage of 37.5m is provided.	Yes
Site Planning		
The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Other than excavation the basement levels under the footprint of the building, minimal earthworks are proposed. A geo-technical report has been provided that confirms that the proposed excavation can be undertaken on the site.	Yes
Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	The building is sited on the block in accordance with the orientation of the street frontage and the adjoining developments. The application is accompanied by a BASIX certificate.	Yes
Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Safe access is provided by the segregation of vehicular and pedestrian entrances. Councils' Traffic Management Section has raised no objection to the development subject to conditions of consent.	Yes

Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The development is in accordance with the objectives of the zone. The 6 storey structure is setback at the top most level to reduce bulk and scale impacts to the street.	Yes
Storm water from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council storm water system. Where storm water drains directly to the street, there may also be a need to incorporate on-site detention of storm water where street drainage is inadequate	This aspect has been reviewed by Council's Development Engineering officers, who have recommended approval subject to conditions.	Yes
The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	The amended plans demonstrate general compliance with the now Chapter 4 SEPP(Housing) 2021 and ADG controls.	Yes
Setbacks		
Front Setback Front building setback of 5.5m is required from the street. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m	A minimum front setback of 4.72m (this is a 800mm variation) provided to the building. This is the largest encroachment on the front setback and results from the reorientation of the proposed units to provide better internal amenity of the apartments from the previous compliant design. This was on the request of Council's DEP. The encroachments on the front setback are point encroachments on the corner of the units into the diagonal front setback caused by the orientation of the site. The encroachments are considered to have a minor impact on the streetscape and are supported in this instance.	Considered acceptable on merit.
	There is an encroachment of 2.6m (1.6m beyond what is permitted) by the glass covering to the entrance courtyard into the front setback at the first floor level. This is a horizontal 2m wide element approximately 3.7m above ground level. The impact of this non-compliance is considered to be minimal in comparison to the benefit in amenity provided by it to the residents. It is not anticipated that there will be significant impact on the streetscape by its retention and by this the variation is supported in this instance.	Complies by merit.

<table>
<tr><td rowspan="2">Side Setback
Boundary to land in R4 zone:
3m building setback required for a building height up to 10m
Boundary to land in R4 zone:
8m building setback required for a building height greater 10m.</td><td>A 6m side setback is provided to the building for a height of 10m (Ground to Level 2)</td><td>Yes</td></tr>
<tr><td>A 9m setback is provided to the building for the upper storeys (levels 4 - 6).
Level 3 building height is more than 10m and is setback 6m, ADG Section 2F Building Separation applies. Level 3 and above complies with ADG with 6m and 9m separations provided.</td><td>Yes – Compliance with ADG is achieved</td></tr>
<tr><td>Rear Setback
Boundary to land in R4 zone:
8m building setback required for all building heights</td><td>Rear setback is encroached by minimal amounts due to the same reasons as outlined in the front setback variation though to a lesser extent. The maximum encroachment of the proposed building into the required 8m rear setback is 1.65m to a balcony on level 1m. The following are the encroachments caused by the orientation of the units to provide better amenity for the occupants as recommended by Councils' DEP:
<table>
<tr><th>Unit</th><th>Building Façade</th><th>Balcony</th></tr>
<tr><td>GL-U5</td><td>0.40m</td><td>-</td></tr>
<tr><td>GL-U4</td><td>0.39m</td><td>-</td></tr>
<tr><td>GL-U3</td><td>0.50m</td><td>-</td></tr>
<tr><td>L1 to L3-U5</td><td>0.40m</td><td>1.65m</td></tr>
<tr><td>L1 to L3-U4</td><td>0.39m</td><td>1.03m</td></tr>
<tr><td>L1 to L3-U3</td><td>0.50m</td><td>0.80m</td></tr>
<tr><td>L4-U4</td><td>-</td><td>0.45M</td></tr>
<tr><td>L4-U3</td><td>-</td><td>-</td></tr>
<tr><td>L5-U4</td><td>-</td><td>0.5M</td></tr>
<tr><td>L5-U3</td><td>-</td><td>0.1m</td></tr>
</table>
The largest encroachment is the 0.5m to the corner of Unit 3 for GF to L3 which represents a floor area of 0.5sqm. It is considered that this encroachment would be imperceptible and does not present overshadowing issues for the neighbouring properties to the north. While having a higher numerical value, the balcony encroachments are considered to have less</td><td>Complies on merit.</td></tr>
</table>

	of an impact as they are more open in nature. Notwithstanding, the building separation required by the ADG takes precedence.	
Landscaped Area and Private Open Space		
Landscaped area A minimum of 25% of the site area shall be landscaped area. Site area = 1365.8sqm Required Landscape area = 341.45sqm	Proposed = 415.8 (30.5%) > 25%	Yes
Front setback landscaped area A minimum of 50% of the front setback area shall be landscaped area.	Front setback area = 206.1sqm (using 5.5m setback across frontage) Minimum required = 103.0sqm (50%) Proposed = 78.6sqm (38.12%) More than 50 of the frontage is landscaped and the maximum area for landscaping has been provided. The area not landscaped includes driveways, pedestrian entrances and the POS areas for the ground floor areas. Notwithstanding, the above landscaping provided complies with the requirements of the ADG which takes precedence.	N/A
Optimise landscaped area Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Landscaped areas are generally consolidated within the front, rear and side setbacks. The basement carpark is located as far as possible within the footprint of the building to the rear of the site to permit as much effective landscaping as possible and the required deep soil area. The side setbacks incorporate 1m deep planter boxes to facilitate substantial landscape features above the basement parking.	Yes
Plant variety Promote landscape health by supporting for a rich variety of vegetation type and size	A variety of native plant species are provided.	Yes
Communal open space		Yes

Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Communal open space is provided to the rear which maximizes the northern aspect of the site. Additional roof top communal open space has been included to provide a variety of open space options for the residents.	
Provide range of activities Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	The communal open space areas are well located in terms of colocation with landscaping and varied facilities. The design provides a range of options for use and have been supported by Councils' Design Excellence Panel. The development also incorporates a landscaped rooftop communal open space area to utilize this space and to provide an alternate outdoor space for the residents. Having an orientation to the street on the sites' southern boundary, the impact of overshadowing is minimal to surrounding developments.	Yes
Location of POS Locate open space to increase the potential for residential amenity.	The private open space areas provide external access to fresh and sun and allow natural light into the rooms and are generally larger than the minimum requirement of the ADG providing improved amenity for the occupants. Additionally, the communal open space is located to the rear of the site as well as additional rooftop location and is accessible to residents via pathways along the east side boundary and from internal lift in the case of the rooftop space.	Yes
POS provision Private open space shall be provided as follows: - 10m^2 for a dwelling size less than 65m^2 - 12m^2 for a dwelling size over 65m^2	Private open space requirements are provided in accordance with the requirements of the ADG.	Yes
Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Private courtyards are provided for units on the ground floor and balconies on the upper floors.	Yes

Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	The POS areas act as an extension of the internal living rooms.	Yes
Private open space should be clearly defined for private use.	The POS areas are clearly defined.	Yes
Building Design, Style and Streetscape		
Building Appearance and Streetscape Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	The composition of building elements, materials, textures and colours is satisfactory. The building addresses ADG requirements and is in keeping with the likely future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site. The final design was commended by Councils' DEP.	Yes
Roof Design Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	The proposed roof incorporates a rooftop communal open space at the recommendation of Councils' Design Excellence Panel and design contributes positively to the design of the building.	Yes
Building Entry Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor.	The main entry is centrally located which among other considerations: • Provide a desirable residential frontage and identity to the building. • Contribute to the street activation	Yes

c) To contribute positively to the streetscape and building facade design.		
Balconies Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Balconies are integrated into the architectural form of the development and will complement the facade and are fit for purpose.	Yes
Daylight Access Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	The previous table (ADG - 4A Solar and Daylight Access) shows that the proposed development provides 24 units of 28 or 85.71% receiving sufficient solar access on 21 June which complies with the required 70%. Solar access is available to the communal open space areas and landscape areas of the development which are located on the northern side of the development or on the rooftop.	Yes
Internal Design Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	The amended design shows that the living spaces and identified numerical deficiencies to the ADG standard have been rectified including minimum room sizes, solar access, habitable room depths and the like.	Yes
Ground Floor Dwellings Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets.	The two ground floor units that adjoin the street are provided with direct street access and contribute to the activation, surveillance and front facade treatment that interacts with the street.	Yes

b) To increase the housing and lifestyle choices available in dwelling buildings.		
Security Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	The main entrance to the building is clearly defined and identifiable from the street. There are two side entrances to the building accessed by security gates. This contributes to causal surveillance opportunities in addition to the balconies already provided.	Yes
Natural Ventilation Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	The level of natural ventilation meets ADG requirements. A BASIX certificate has been provided.	Yes
Building Layout Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Generally, the proposed building layout with an open common linear corridor optimise natural light and ventilation. The floor plates are considered to be set out to maximise the separation of the dwellings in the building.	Yes
Storage Areas A secure storage space is to be provided for each dwelling with a minimum volume of $8m^3$ (minimum dimension $1m^2$). This must be set aside	Storage spaces are provided within individual units in addition to storage areas proposed in the basement.	Yes

exclusively for storage as part of the basement or garage.		
Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Storage areas within the basement will be adequately lit.	Yes, by conditions
Landscaping and Fencing		
Landscaping Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.	Yes
Fence height Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	No front fencing proposed	Complies by condition
Surveillance Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	No front fencing proposed	N/A

Transparency The front fence must be 30% transparent.	No front fencing proposed	N/A
Fence materials Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	No front fencing proposed	N/A
Height at side boundary front of setback The maximum height of side boundary fencing within the setback to the street is 1.2m.	Details to be provided.	To be conditioned
Boundary fences Boundary fences shall be lapped and capped timber or metal sheeting.	Details to be provided.	To be conditioned.
Car Parking and Access		
Visitor parking Visitor car parking shall be clearly identified and may not be stacked car parking.	Visitor parking for 4 cars are in the basement. The parking spaces have been reviewed by Councils' Traffic Management section with no objection.	Yes
Visitor parking location Visitor car parking shall be located between any roller shutter door and the front boundary.	The required number of visitor places have been nominated in the basement and will also have the option to park in the street noting entry to the building will require passing security doors.	N/A
Separation of access Pedestrian and driveways shall be separated.	Pedestrian and driveways are separated.	Yes
Accommodate removalist Driveways shall be designed to accommodate removalist vehicles.	On-street parking is available for larger removalist vehicles that cannot access the basement. The period of time untilsed for this purpose is not expected to create significant impact on the amenity of the site. The driveway width accommodates two cars passing and provides for better safety and visibility if unencumbered by other purposes.	Complies on merit.
Vehicular entrance Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may	The site is located in a midblock location and which would mean the entrance is not possible from the side of the building. It is considered he proposed driveway is the best option in this case and no objection to the location was raised by either Council's Traffic Management section or the Design	Complies on merit.

be considered if the entrance is not readily visible from the street.	Excellence Panel. The basement entrance is below street level which will minimise the visual impact of the entrance on the streetscape.	
Underground parking Give preference to underground parking	Underground parking is provided.	Yes
Pedestrian Access Objectives of the controls are: a) To proComplemote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	The main pedestrian entry is clearly defined from the street as it is located to the mid portion of the front façade. Another pedestrian entry to the eastern side of the building provides a compliant disabled access ramp.	Yes
Amenity and Environmental Impact		
Overshadowing Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Shadow diagrams of the proposed development have been prepared for 21June (winter solstice). The shadow diagrams shows that the main impact will be on McKay Street to the south.	Yes
Privacy Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Consideration has been given to privacy having regard to disparity in permitted height and density compared to the height and density of existing development. While it is recognised that initially there will be potential for existing adjacent residents to feel they are being overlooked and for new RFB residents to feel they are visually exposed, the expectations of various residents are expected to change as the locality transitions from low to high density. In the meantime, it is considered that the design of the proposed development has given appropriate consideration to preserving residential privacy.	Yes

Acoustic Impact Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	As discussed previously within this report, no acoustic report was submitted. Appropriate residential development noise mitigation conditions will be imposed.	Yes
Site Services		
Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	All required site services will be provided to the site and maintained.	Yes