



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING PURSUANT TO SEPP (HOUSING) 2021

62-62A COPELAND STREET, LIVERPOOL

**On behalf of
VFC Projects P/L**

15th August 2023

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PROPOSED CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING PURSUANT TO SEPP (HOUSING) 2021

62-62A Copeland Street, Liverpool

Prepared under instructions from

CD Architects



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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of VFC Projects P/L. The proposal seeks approval for the demolition of the site's existing structures followed by the construction of a new twelve storey residential flat building consisting of forty-three (43) residential units and two (2) levels of basement car parking upon land which is known as 62-62A Copeland Street, Liverpool.

The proposal also seeks approval for the consolidation of the subject sites into a single development site.

The subject application is made pursuant to the provisions of both State Environmental Planning Policy (Housing) 2021 and the Liverpool Local Environmental Plan 2008 which both apply to the subject land.

By way of background, DA-566/2019 which sought approval for *Construction of an 11-storey boarding house development comprising 36 boarding rooms and a manager's room above 2 levels of basement car parking pursuant to SEPP (Affordable Rental Housing) 2009* was lodged on the 10th September 2019. The application was withdrawn on the 21st October 2020.

A further DA-82/2022 which sought approval for *Construction of an 8 storey residential flat building comprising of 11 x 1 bedroom and 4 x 2 bedroom apartments, 2 levels of basement carparking to accommodate 16 car parking spaces with associated stormwater and landscape works* was lodged on the 25th January 2022. The application was withdrawn on 13th December 2022. This new application replaces the previous development applications and includes the adjoining site known as 62A Copeland Street and seeks approval for the consolidation of the subject sites, demolition of the existing two storey residential flat upon located at 62A Copeland Street and construction of a new residential flat building.

For the purposes of this assessment the following documents are considered to be relevant to this proposal:

- *Environmental Planning & Assessment Act 1979.*
- *State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Liverpool Local Environmental Plan 2008*
- *Liverpool Local Centres Development Control Plan*

Additional information to support this application includes:

- Survey Plan prepared by Daw & Walton P/L, Job. No. 5839-22, Sheets 1 to 3, Revision 2 and dated 16/01/2023.

- Architectural Plans, Solar Access Plan, Shadow Diagrams, Finishes Schedule and Photomontage prepared by CD Architects, Job No. J22561D, Drawing No's. DA 1001 to DA 7091, Revision P1 and dated 18/07/2023.
- Apartment Design Guide Assessment Report Parts 3 & 4 Compliance Table (State Environmental Planning Policy No. 65) prepared by CD Architects, Revision B and dated 09/08/2022.
- SEPP No. 65 Assessment Report prepared by CD Architects.
- Architectural Design Verification Statement prepared by CD Architects and dated 21/07/2023.
- Landscape Plans prepared by Site Image (NSW) P/L, Job No. SS23-5151, Drawing No's. 000 to 501, Issue C and dated 21/07/2023.
- Arboricultural Impact Assessment prepared by Advanced Treescape Consulting, Ref No. 23-133a-01 62-62A Copeland Street, Liverpool NSW 2170 AIA_docx and dated 19/07/2023.
- Stormwater Concept Plans prepared by Civil & Stormwater Engineering Services P/L, Project No. 230020, Dwg No's. 000 & 105 to 108, Issue A and dated 17/03/2023 and Dwg No's 101 to 104, Issue B and dated 17/07/2023.
- Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L, Ref No. 23019 and dated 01/08/2023.
- Noise Impact Assessment prepared by Acoustic Logic, Project ID. 20230567.1, Revision 0 and dated 11/07/2023.
- Phase 1 Contamination Assessment prepared by GeoEnviro Consultancy P/L, Ref. No. JC19431A-r1 and dated 15/03/2019.
- Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions, Job No. 223007, Issue A and dated 28/07/2023.
- National Construction Code Report prepared by Design Right Consulting and dated 01/08/2023.
- BASIX Certificate No. 1003438M_05 and dated 02/08/2023.
- Amended Waste Management Plan prepared by Dickens Solutions, Ref No. 23012 and dated August 2023.
- Quantity Surveyors Cost Report prepared by RICQS P/L, Reference No. Q2023-CR145 and dated 09/08/2023.
- Letter of Intent prepared by HomeGround Real Estate Sydney and dated 26/07/2023.
- Clause 4.6 Variation - Height of Building prepared by Minto Planning Services and dated 15/8/23.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site comprises two (2) parcels of land known as 62 & 62A Copeland Street, Liverpool.

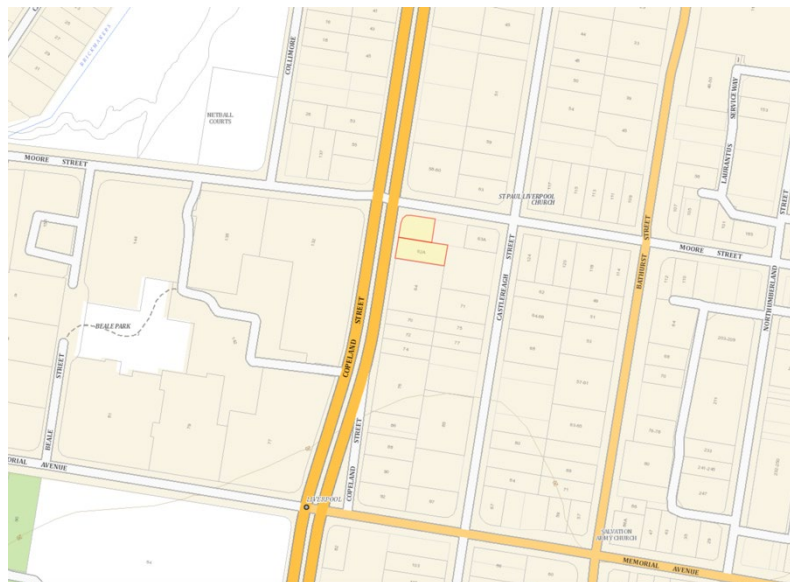
A full description of the development site is detailed below:

Land parcel	Property description	Site area
62 Copeland Street	Lot A in DP 399280	550.5m ² (by survey)
62A Copeland Street	Lot 1 in DP 225465	736.7m ² (by survey)

The development site is located on the south eastern corner of the intersection of Copeland Street (to the west) and Moore Street (to the north).

The subject site once consolidated will result in an irregular shaped allotment with a site area of 1,287.2m².

The site location is depicted in the following street map extract.



Site Location Map

The subject site is a generally flat allotment having a minor fall from the south eastern corner (RL 16.99) through to the north western corner (RL 16.11). The total fall over the site is 880mm. Consistent with the fall of the land all collected surface water is proposed to be drained to the street drainage system in Moore Street.

The portion of the subject site currently known as No. 62 Copeland Street is vacant with three small trees located adjacent to the north western corner of the site. The existing vegetation is proposed to be removed as part of this application. Currently erected upon No. 62A Copeland Street is a two storey brick residential flat building with tiled roof. The existing building is to be demolished as part of this application.

Vehicular access to the property is currently provided from both Moore Street via a concrete crossing located adjacent to the north eastern corner of the site and from Copeland Street via an existing concrete crossing and driveway.

Infrastructure located adjacent to the frontage of the site includes a concrete pedestrian pathway, traffic lights associated with the adjacent intersection with Copeland Street, streetlights and drainage and infrastructure pits.

The existing property is not identified as an item of environmental heritage under the Liverpool LEP and in my opinion is not considered to have any heritage significance which would prevent the proposed development. The site is not located within a Heritage Conservation Area.

The site is however, located adjacent to Heritage Item No. 89 - *Plan of Town of Liverpool (early town centre street layout-Hoddle 1827)* which is of local significance. The proposal is not considered to impact on the heritage significance of the adjoining heritage item that is located within the road reserve of Moore Street.

Vegetation located upon the site is generally comprised of grasses and small shrubs together with a row of trees along Moore Street and Copeland Street.

An assessment of the site's existing vegetation has been undertaken by Advanced Treescape Consulting and is contained within an Arboricultural Impact Assessment Report which accompanies this application.

That report has identified the following outcomes resulting from the proposal in relation to the site's existing and adjoining trees:

- There are a total of 22 trees located on or adjoining the subject site.
- 16 trees are recommended to be removed (12 of which are identified as exempt in the Liverpool DCP).
- 6 trees located in the adjacent site are to be retained and protected.

The proposal as part of the submitted landscape plan provides for the planting of extensive replenishment vegetation.

Subject to compliance with the recommendations of the Arboricultural Impact Assessment Report it is considered that the proposal provides an appropriate outcome in terms of tree retention/removal.



The subject property as viewed from Copeland Street



The subject property as viewed from Moore Street



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject site has a frontage to both Copeland Street and Moore Street. Surrounding properties are typically residential in use and support a range of building types and heights of varying ages.

Properties which front this portion of Copeland Street and Moore Street are typically zoned R4 - High Density Residential (consistent with the subject site) and support a range of residential flat developments of varying heights and ages.

Development located beyond the surrounding residential zone to the east includes the commercial and mixed-use precinct of Liverpool which is adjacent to Liverpool Train Station. To the west of the site are several sports fields and Whitlam Leisure Centre. This area supports a wide range of services and facilities that are likely to be required by future occupants on a daily basis together with direct access to public transport which provides linkages to areas such as the Sydney CBD.

The relationship of the subject property to the surrounding locality is depicted in the following aerial photograph.



An aerial view of the subject site and surrounding locality

4. THE PROPOSAL

The proposal seeks approval for the demolition of the existing residential flat development followed by the construction of a new twelve storey residential flat building consisting of forty-three (43) residential units and a rooftop communal area erected over two (2) levels of basement car parking.

The proposal also seeks approval for the consolidation of the subject sites into a single development site.

The subject application is made pursuant to the provisions of both State Environmental Planning Policy (Housing) 2021 and the Liverpool Local Environmental Plan 2008 which apply to the subject land.

The development which is architect designed will be of masonry construction and is to be finished with facebrick, painted off-form concrete and painted FC cladding.

The proposal is provided with the following setbacks

- | | |
|-----------------|--|
| Front | • Moore Street - 4.5m to the external walls of the development. |
| Setback: | • Copeland Street - 8m to the external walls of the development. |
| | • A hydrant booster is proposed to be located within the front setback of the development. |
| Eastern | • 4.5 to 6m to the ground floor level of the development. |
| Setback: | • 3.5m to 12.515m to the upper level walls of the development. |
| Southern | • 4.5m setback to the ground floor and levels 1 to 3 of the development. |
| Setback: | • 5.09m to 9.135m to the upper level walls of the development. |

The proposed setbacks are considered to be responsive to the setbacks provided to surrounding and adjoining development and are generally consistent with those required for a residential flat building development within the R4 - High Density Residential Zone at located in the Liverpool City Centre.

The proposed development is considered to be of a modern high-quality architectural design comprising of significant articulation and modulation and includes a combination of building finishes including facebrick, painted off-form concrete and painted FC cladding. It is considered that these elements in combination will provide for a high-quality outcome for the site.

The development incorporates fourteen (14) x 1 bedroom units & twenty-nine (29) x 2 bedroom units.

The building configuration of the proposed residential flat building is to comprise of the following:

Basement Level 2:	Vehicular parking for 25 cars, 1 carwash bay, 27 bicycle spaces, plant room x 2, storage, lifts and stairs.
Basement Level 1:	Vehicular parking for 23 cars (including 18 car spaces for residents, 4 visitor car spaces & 1 service space), 3 motorcycle parking spaces, storage, hydrant & sprinkler room, lift and stairs, plant room.
Ground Floor:	Lobby, bulky waste room, waste room, 3 x two bedroom units and 1 x one bedroom unit and lifts and stairs.
Levels 1 to 3:	1 x one bedroom unit, 4 x two bedroom units and stairs and lifts.
Level 4 to 7:	2 x one bedroom units, 2 x two bedroom units and stairs and lifts.
Level 8 & 9:	1 x one bedroom unit, 2 x two bedroom units and stairs and lifts.
Level 10:	2 x two bedroom units and stairs and lifts.
Roof Terrace Level:	Communal open space, lift and stairs.

Vehicular access to the proposed basement levels is to be via a new entry/exit driveway and crossing located in a similar location (north eastern corner of the site) to the existing driveway access to the site. The driveway and basements have been configured so as to allow all vehicles to enter and exit the site in a forward direction. The two levels of basement provide parking for 49 cars (including 4 visitor spaces, 1 car wash space and 1 services space). In addition, the basement provides parking for 27 bicycles.

The proposal provides for two new pedestrian entry pathways to the site to be provided from Copeland Street and Moore Street. The pathways will provide for accessible entry to the site which is located centrally upon the Copeland Street frontage and adjacent to the vehicular entry upon the Moore Street frontage.

In addition to disabled persons access from the street disabled persons access will be provided throughout the proposed residential flat building via the proposed passenger lifts which in addition to linking all levels of the proposed residential flat building also provides access to the proposed basement car parking.

The provision of the proposed lifts will ensure that disabled persons access is provided to all common facilities associated with the proposal including the rooftop communal outdoor open space together with the nine accessible units.

A communal area of open space is proposed at the ground floor and upon the roof terrace level.

Waste collection associated with the proposal is to be made from the proposed bin room via Council's collection team, utilising Council's collect and return service, who will remove the bins from the waste room and transport them to the collection vehicle stationed at the roadside in Moore Street. The bins will be returned to the Waste Room as soon as servicing has been completed.

All waste services will be provided one (1) day per week on a day to be determined by the Council.

The proposal also includes the landscaping of the proposal consistent with the submitted landscape plan. The proposed works detailed on the accompanying Landscape Plan include the removal of 16 trees located upon the site followed by the planting of canopy trees along Copeland Street and Moore Street and a variety of ground cover/shrubs. A variety of ground cover/shrubs which will be planted within planter boxes adjacent to the boundaries of the communal open space on Roof Terrace Level.

The proposal also provides for the collection of all stormwater from built upon areas and which is to be discharged to the street drainage system in Moore Street via separate OSD and water quality control devices in accordance with the Council's Stormwater Management Policy.

The development indices associated with the proposal are detailed below:

Site Area	1,287.20m²
Gross Floor Area	3,442.36m²
Floor Space Ratio	2.67:1
Deep Soil Landscaping	124.83m² or 9.70%
Soft Landscaping Area	388.33m² or 30.17%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Liverpool Local Environmental Plan 2008.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Liverpool City Council.

5.1 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

SEPP No.65 is a State Government policy which applies to residential flat buildings having a height of 3 or more storeys and containing 4 or more units and as such does apply to the proposal.

The primary aim of the policy is to ensure that there is an improvement in the design quality of residential flat development. This is proposed to be primarily achieved by ensuring that in cases where the policy applies that buildings are designed by registered architects and that any design has regard to 9 design quality principles.

An architectural design verification statement addressing each of the 9 design principles has been prepared by the architect in accordance with the requirements of the SEPP form part of the information accompanying this application.

In order to achieve compliance with the design quality principles as contained within the SEPP the Government has produced an Apartment Design Guide. This document provides useful information (including design guidance/suggestions) as to ways of satisfying the design principles of the SEPP.

An assessment of the proposal against the requirements of the Apartment Design Guide forms part of the information accompanying this application. It is my opinion that the proposal achieves appropriate compliance with its requirements.

It is therefore my opinion that the proposal satisfies the requirements of SEPP No.65 and the Apartment Design Guide.

5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of Chapter 4 is to provide a State-wide planning approach to the remediation of land and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

This Chapter requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

A Phase 1 Contamination Assessment Report has been prepared by GeoEnviro Consultancy P/L which in summary provides:

Within the context of the scope of work carried out, we are of the opinion that the site was assessed to have a low risk of gross ground chemical contamination, however some asbestos pieces were encountered on the ground surface within the topsoil/fill profile.

For the proposed unit development, we recommend site remediation to clean up the asbestos impacted topsoil/fill soil and this should include excavation and disposal off-site of all asbestos impacted topsoil/fill to a NSW EPA approved landfill site as Special Waste 'Asbestos'.

We also understand that the proposed development will require basement excavation up to 6m and this will result in surplus fill requiring removal off site. All fill material requiring off-site disposal should be laboratory tested and classified in accordance with NSW EPA guidelines (Reference 9).

Subject to appropriate site remediation and validation works, we would consider the subject site to be suitable for the proposed residential subdivision development.

On this basis the application does not require further consideration under the SEPP.

5.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject site has frontage to Copeland Street and which is a classified road.

The following is an assessment of the proposal against the applicable provisions of the SEPP.

Section 2.119 - Development with frontage to a classified road

Pursuant to Section 2.119 Council is required to ensure that:

- Practical access is not available to the site from a road other than a classified road.
- The safety efficiency and on-going operation of the classified road will not be adversely affected by the development, and
- The development is of a type which will not be impacted by the road.

In response to these criteria reference is made to the accompanying Traffic & Parking Assessment Report prepared by Varga Traffic Planning P/L.

It is my opinion that subject to compliance with the recommendations and findings of this report that the proposal will satisfy the requirements of Section 2.119 of the SEPP.

It is also noted that the proposal is not provided with vehicular access from Copeland Street with all vehicular access to be via Moore Street.

Section 2.120 - Impact of road noise or vibration on non-road development

Pursuant to Section 2.120 of SEPP (Transport and Infrastructure) 2021 Council is required to consider the impacts of road noise or vibration on residential accommodation.

In response reference is made to the accompanying Noise Impact Assessment prepared by Acoustic Logic.

It is my opinion that subject to compliance with the recommendations and findings of this report that the proposal will satisfy the requirements of Section 2.120 of the SEPP.

Section 2.122 - Traffic generating development

It is noted that pursuant to Section 2.122 of the SEPP that the proposal is not of a size whereby it would need to be referred to the Roads & Maritime Authority for their concurrence.

In addition to the above the proposal also proposes for the carrying out of works within the road reserve including the provision of a new driveway crossing. These works will require approval under Section 138 of the Roads Act 1993.

Summary

On the basis of the above the proposal is considered to satisfy the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

5.4 State Environmental Planning Policy (Housing) 2021

The Housing SEPP began on 26 November 2021 and seeks to encourage the provision of affordable and diverse housing including in-fill affordable housing.

The principles of the SEPP are as follows:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing.*

The proposal seeks to rely upon the provisions of Chapter 2 - Part 2 - Division 1 of the SEPP and which relates to In-fill affordable housing.

The following is an assessment of the proposal against the applicable provisions of the SEPP.

Division 1 - In-fill affordable housing

Section 16 - Development to which Division applies

The following is an assessment of the proposal against the applicable requirements of this section of the SEPP.

Section 16	Requirement	Proposal	Compliance
Subsection (1)(a)	<i>(a) the development is permitted with consent under another environmental planning instrument, and</i>	The subject site is zoned R4 - High Density Residential under Liverpool Local Environmental Plan 2008. Residential flat buildings are permitted with consent.	Complies.

Section 16	Requirement	Proposal	Compliance
Subsection (1)(b)	<i>(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</i>	The proposed gross floor area for the purposes of affordable housing is 1,665m ² being 48.37% of the proposed gross floor area.	Complies
Subsection (1)(c)	<i>(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</i>	The subject site is in the Greater Sydney region and is located within 800m walking distance of a public entrance to Liverpool Station.	Complies

On the basis of the above the proposal is considered to satisfy the requirements of Section 16 and is therefore development to which Division 1 of the SEPP applies.

Section 17 - Floor space ratio

This section of the SEPP states:

- (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—*
- (a) if the maximum permissible floor space ratio is 2.5:1 or less—*
 - (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*
 - (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*

In this regard it is noted that the maximum floor space for residential development applying to the land is 2.19:1 pursuant to Clause 4.4 of Liverpool Local Environmental Plan 2008.

The proposal provides for at least 50% of the gross floor area of the building to be used as affordable housing.

On this basis the maximum applicable floor space ratio upon the subject site is 2.69:1. The proposed development provides for an FSR of 2.67:1 and which complies with this requirement.

Section 18 - Non-discretionary development standards - the Act, s 4.15

The object of this section of the SEPP 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.

A summary of the relevant standards is provided below:

Section 18	Standard	Proposal	Compliance
Subsection (2)(a) Site Area	A minimum site area of 450m ²	The subject site area is 1,287.20m ²	Yes
Subsection (2)(c) Landscaped Area	At least 30% of the site area is landscaped area	The proposed landscaped area is 388.54m ² or 30.1%.	Yes
Subsection (2)(d) Deep Soil Zone Area	15% of the site area, with minimum dimension of 3m At least 65% of deep soil zone located to rear (if practicable).	Deep soil zone area is 124.83m ² or 9.70%.	See comments below
Subsection (2)(e) Solar Access	70% of the dwellings of the development receive a minimum of 3 hours direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.	Based upon the assessment contained within the Architectural Plans, 83.7% of the dwellings receive more than 2 hours of solar access.	Yes
Subsection (2)(g) Parking	For each dwelling containing 1 bedroom - at least 0.5 parking spaces, 2 bedrooms - at least 1 parking space or 3 bedrooms - at least 1.5 parking spaces.	The proposal is required to provide a minimum of 34 parking spaces. The proposal meets this requirement with a total of 49 car parking spaces, comprising of 43 residential spaces (including 4	Yes.

Section 18	Standard	Proposal	Compliance
		disabled spaces), 4 visitor spaces, a dedicated courier bay and a car wash bay. Refer to Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L.	
Subsection (2)(h) Internal Area - Residential flat buildings	For residential flat buildings, each type of apartment is to provide the minimum internal area specified in the Apartment Design Guide and is as follows: 1 bedroom - 50m ² 2 bedroom - 70m ² plus 5m ² added for each additional bathroom.	Each type of apartment provides the minimum internal area specified in the ADG. Reference is made to the accompanying SEPP 65 Report & ADG Compliance Report.	Yes

Deep Soil Zone Area

Whilst the proposal does not strictly comply with the numerical requirement of Subsection 2 (d), it is considered that the proposal will continue to provide for adequate deep soil zone area. Furthermore, the proposal also provides deep soil area of 124.83m² or 9.7% in accordance with the ADG requirements.

Section 19 - Design Requirements

Section 19 of the SEPP states that:

(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.

Comment

The proposal involves construction of a residential flat building and therefore subsection (1) does not apply.

(2) Subsection (1) does not apply to development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.

Comment

The proposed residential development involves construction of residential flat building and therefore subsection (1) does not apply as the SEPP No. 65 applies and has been previously addressed in Section 5.1 of this report.

(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.*

Comment

In responding to this requirement reference is made to the SEPP 65 Report, Apartment Design Guide Assessment Report Parts 3 & 4 Compliance Table and Architectural Design Verification Statement prepared by CD Architects which forms part of the information accompanying this application. It is considered that when read in conjunction with this statement that the proposed development is compatible with the character of the local area and the desired future character of the Liverpool City Centre.

In addition to the proposed built form it is considered that the proposal will not result in any unreasonable amenity impacts particularly in relation to a loss of privacy or overshadowing.

On the basis of the above it is my opinion that the proposal provides for a design of development which is compatible with the character of the local area and the desired future character of the precinct in accordance with Section 19 Subclause (3) of the SEPP.

Section 20 - Continued application of SEPP 65

The proposed residential development involves the construction of a residential flat building and therefore SEPP No. 65 applies and has been addressed in Section 5.1 of this report.

Section 21 - Must be used for affordable housing for at least 15 years.

Section 21 of the SEPP states:

(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.

In response to this requirement, Council's attention is directed to the accompanying letter from Home Ground Real Estate Sydney and which it is considered satisfies the requirements of Section 21 of the SEPP.

Section 22 - Subdivision permitted with consent

The proposal does not seek approval for the subdivision of land as part of this application.

Summary

As can be seen from this assessment the proposal is considered to be development to which this Policy applies and achieves appropriate compliance with the applicable development controls.

It is my opinion that the development will provide for development which is compatible with the existing and desired future character of the area.

It is submitted that the proposal will provide for a building form consistent with that anticipated by the controls particularly having regard to its appearance and proposed high quality design.

Based upon the above assessment it is my opinion that the proposal satisfies the requirements of the SEPP (Housing) 2021.

5.5 Liverpool Local Environmental Plan 2008

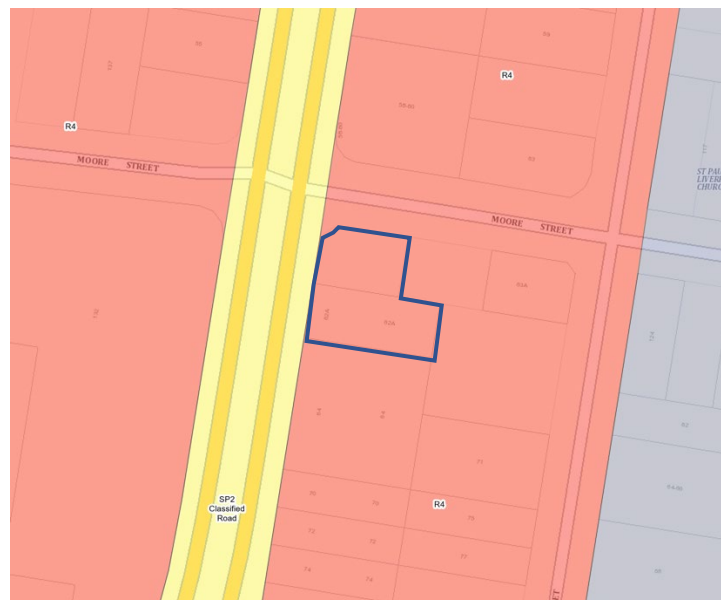
The subject land is zoned R4 - High Density Residential under the provisions of the Liverpool Local Environmental Plan 2008.

The objectives for development within the R4 zone are:

- *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.*

Under the R4 - High Density Residential zone a range of uses including that of a *residential flat building* are permissible with the consent of the Council.

The proposal which seeks to construct a residential flat building upon the site is considered to be consistent with the above objectives and is permissible with the consent of the Council.



Extract from Council Zoning Map

The following provisions of the Liverpool Local Environmental Plan 2008 are considered to be applicable to the subject site.

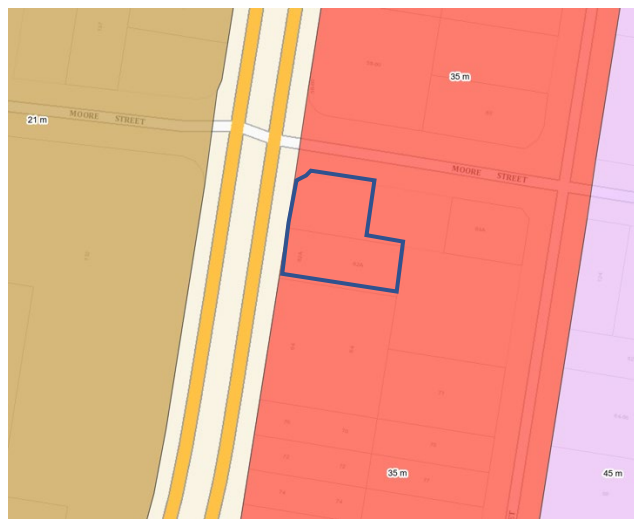
Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “V” and is therefore subject to a maximum building height control of 35m.

The proposal as detailed on the accompanying plans will result in a maximum building height of 37.415m and which exceeds the requirements of this clause.

The proposed non-compliance relates to the proposed lift overrun and a minor portion of the roof top perimeter planter boxes. The extent of non-compliance is considered minor being a maximum of 2.415m.

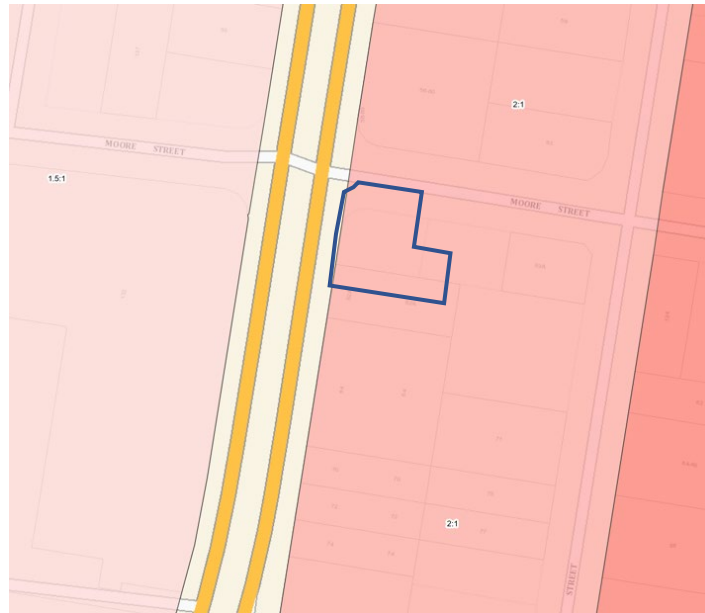
A Clause 4.6 variation has been prepared in support of the non-compliance and accompanies this application. The Clause 4.6 submission is considered to be well founded and is worthy of the support of the Council.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

The subject site is located within the “T” floor space area zone and as such is ordinarily subject to a maximum FSR of 2:1. Despite this and pursuant to Sub-clause (2B) and (2C) the subject site is capable of a maximum FSR of 2.19:1.



Extract from Council Floor Space Ratio Map

The proposal provides for a total floor area of 3,442.36m² or 2.67:1.

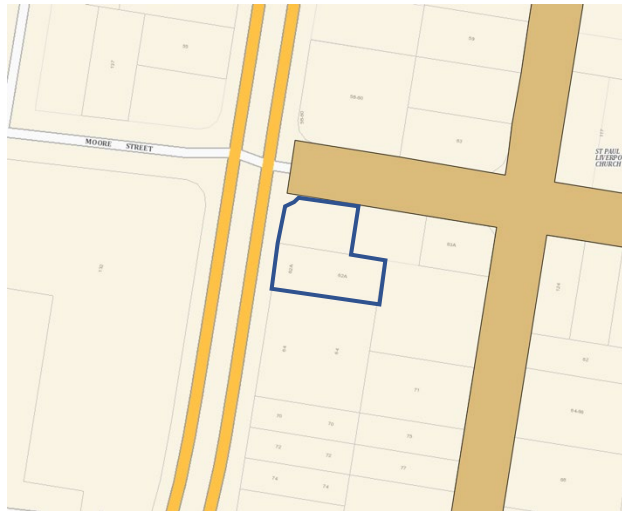
Whilst not compliant with the requirements of this clause, the SEPP (Housing) permits a bonus FSR of 0.5:1 and as such a maximum FSR of 2.69:1 for the purposes of in-fill affordable housing is permissible upon the land.

The proposal therefore complies with the requirements of the SEPP and which overrides any inconsistency with the LEP.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item and is not considered to have any heritage significance which would prevent the subject application.

The site is located adjacent to Heritage Item No. 89 - Plan of Town of Liverpool (early town centre street layout-Hoddle 1827) which is of local significance. The proposal is not considered to impact on the heritage significance of the adjoining heritage item that is located within the road reserve of Moore Street.



Extract from Council's Heritage Map

It is therefore my opinion that the proposal satisfies the heritage requirements of the Council.

Clause 7.1 - Objectives for Development in Liverpool City Centre

The assessment of Clause 7.1 below demonstrates that the proposal is consistent with the objectives for development in the Liverpool City Centre.

Control	Response
(a) To preserve the existing street layout and reinforce the street character through consistent building alignments,	The proposal will not impact the existing street layout and will be accessed from Moore Street, which is consistent with the existing driveway crossing location identified on the Survey Plan.
(b) To allow sunlight to reach buildings and areas of high pedestrian activity,	The adjoining development will continue to receive adequate solar access due to the orientation of the lot.
(c) To reduce the potential for pedestrian and traffic conflicts on the Hume Highway,	The proposed development will be accessed from Moore Street to reduce conflict between motorists and pedestrians along Hume Highway/Copeland Street.
(d) To improve the quality of public spaces in the city centre,	The development will improve the visual appearance of the public domain. The subject site does not adjoin any public recreation or commercial zones.

Control	Response
(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,	The subject site is located over 720m away from the Liverpool railway and therefore this objective does not apply.
(f) To enhance the natural river foreshore and places of heritage significance.	The subject site is located adjacent to Heritage Item No. 89 - <i>Plan of Town of Liverpool (early town centre street layout-Hoddle 1827)</i> which is of local significance. The proposal is not considered to impact on the heritage significance of the adjoining heritage item that is located within the road reserve of Moore Street.
(g) To provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore	The proposal does not interfere with the pedestrian links between the city centre and Georges River foreshore.

Clause 7.5 - Design Excellence in Liverpool City Centre

The assessment of Clause 7.5 below demonstrates that the proposal exhibits design excellence.

Control	Response
(a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>The development comprises of several materials which includes facebrick, painted off-form concrete and painted FC cladding.</p> <p>The 3D views of the development and photomontage illustrate how the design will contribute to the character of the R4 zone.</p>
(b) Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The surrounding locality typically comprises of residential flat buildings of various ages. The proposal and adjoining development at 128 Moore Street will provide a positive precedence for future development as it is considered that the design of the development is aesthetically

	pleasing when viewed from the public domain.
(c) Whether the proposed development detrimentally impacts on view corridors,	The surrounding development can maintain views over the commercial core/mixed use precinct of the Liverpool City Centre. The proposal is not considered to impact properties to the west due to the separation provided by Copeland Street which is an arterial road.
(d) Whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),	The proposal does not overshadow any of the sites identified for consideration.
(e) Any relevant requirements of applicable development control plans	Refer to Section 5.6 of this report.
(f) How the proposed development addresses the following matters: <ul style="list-style-type: none"> 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, 	<p>The proposed residential flat building is located within a R4 - High density residential zone. The site identified as 62 Copeland Street is vacant. 62A Copeland street currently contains a residential flat building to be demolished. The site is surrounded by a variety of residential flat buildings. The site is well serviced by public transport being within close proximity to bus stops.</p> <p>The subject site is located adjacent to Heritage Item No. 89 - Plan of Town of Liverpool (early town centre street layout-Hoddle 1827) which is of local significance. The proposal is not considered to impact on the heritage significance of the adjoining heritage item that is located within the road reserve of Moore Street.</p>

<p>viii. The achievement of the principles of ecologically sustainable development,</p> <p>ix. Pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>x. The impact on, and any proposed improvements to, the public domain.</p>	<p>The orientation of the subject allotment protects the amenity of the surrounding development in terms of overshadowing. The separation of the tower from the development upon 128 Moore Street & 64 Copeland Street does not result in any privacy concerns as demonstrated by the highlight windows and use of frosted glass on the eastern and southern elevations.</p> <p>The proposal facilitates ecologically sustainable development. Reference is made to the accompanying BASIX Assessment together with the responses to Principle 4: Sustainability as per the Design Verification Statement. The subject site is currently vacant with no environmental issues identified.</p> <p>The face brick, painted FC cladding and painted off-form concrete street frontage complies with the DCP requirements and positively contributes to the streetscape when viewed from the public domain.</p> <p>The accompanying Traffic And Parking Assessment demonstrates compliance with the pedestrian, bicycle, vehicular and service access, circulation requirements.</p>
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Clause 7.14 - Minimum Building Street Frontage

The proposed residential flat building is to be erected upon a site with at least one street frontage to a public street of at least 24m and therefore complies with the requirements of this clause.

Clause 7.4 - Building Separation in Liverpool City Centre

The proposal is subject to a building separation control that applies to the Liverpool City Centre.

Clause 7.4 states:

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, 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, and*
- c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential*

The subject site adjoins 128 Moore Street which supports a residential flat building that was approved with a height of 15.8m and 64 Copeland Street which supports a four-storey residential flat building with a height of approximately 13.51m.

Reference is made to the accompanying Architectural Plans which demonstrate that the proposal does not encroach into the building separation requirement between the building height of 12m to 15.8m.

Therefore, it is submitted that the minimum building separation requirements as required by Clause 7.4 are met by the proposal.

Summary

There are no other provisions of the LEP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment, and subject to Council's support of the accompanying Clause 4.6 submission, that the proposal is compliant with the aims and objectives and the prescriptive requirements of the LEP and is therefore worthy of the support of the Council.

5.6 Liverpool Development Control Plan

Council's Development Control Plan applies to all forms of development with Part 4 - Liverpool City Centre being specifically applicable to the proposed development.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part 1 - General Controls for All Development

Section 8 - Erosion and Sediment Control

Stormwater Concept Plans have been prepared by Civil & Stormwater Engineering Services P/L. Reference is made to the Sediment & Erosion Control Plan (Dwg No. 107) which demonstrates compliance with this section of the DCP.

Section 10 - Contaminated Land Risk

A Phase 1 Contamination Assessment has been completed by GeoEnviro Consultancy Pty Ltd and which concludes after carrying out a laboratory test, that the site was assessed to have a low risk of gross ground chemical contamination and is suitable for the proposed development.

Section 20 - Carparking and Access

The accompanying Traffic and Parking Impact Assessment prepared by Varga Traffic Planning P/L has assessed the vehicular and pedestrian access arrangements, parking provisions, internal circulation and manoeuvrability of the proposal.

It is considered, based on the contents of this report and the conclusions contained herein, there are no traffic or parking related issues that should prevent approval of the subject application.

Section 22 - Water Conservation

A BASIX Certificate has been prepared in support of the proposal and forms part of the documentation accompanying this application.

The proposal provides for water conservation measures in accordance with the requirements of BASIX.

Section 23 - Energy Conservation

A BASIX Certificate has been prepared in support of the proposal and forms part of the documentation accompanying this application.

The proposal provides for energy conservation measures in accordance with the requirements of BASIX.

Part 4 - Development in Liverpool City Centre

Section 4.1 - Preliminary

The subject site is located within the Liverpool City Centre.

Section 4.2 - Controls for Building Form

4.2.1- Building Form

The development is located in an R4 - High density residential zone and is identified as being of detached building typology consistent with the controls.

4.2.6 - Building Floor Plates

It is considered that the development is compliant with the ADG standards for building depth and number of apartments sharing a circulation core being less than the maximum of 8.

4.2.7 - Street Alignments and Street Setbacks

The building line along Moore Street is determined by the recent development of the residential flat building upon 128 Moore Street and the existing residential flat building upon 63A Castlereagh Street.

The front building setback for 128 Moore Street is a minimum of 3.27m to the building and a zero front setback to the fire hydrant and booster assembly. Variation to the front setback was granted as the building complied with the objectives of the DCP by providing appropriate building function and character.

The proposed residential flat building is considered to be consistent with the setbacks of the adjoining development whereby the ground floor external wall of the development is provided with a 4.5m setback.

The development which is setback 8m from Copeland Street also maintains consistency with the adjoining development located upon 64 Copeland Street.

4.2.8 - Side and rear boundary setbacks

The proposal is provided with a minimum 4.5m side and rear setback. It is considered that the development generally complies with the ADG and SEPP 65 requirements.

4.2.9 - Minimum Floor to Ceiling Heights

The proposal provides for a ground to floor ceiling heights which exceed the minimum requirements contained in this section of the DCP.

4.2.10 - Housing Choice and Mix

The development provides for fourteen (14) one bedroom units and twenty-seven (29) two bedroom units.

The proposal is accompanied by a Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions which provides details of the adaptable units and disabled parking space requirements.

4.2.11 - Deep Soil Zones and Site Cover

The DCP allows a maximum site coverage of 50% for residential development.

The proposal provides a site coverage of 452.03m² or 35.1% and complies with this requirement.

The proposal also provides deep soil area of 124.83m² or 9.7% in accordance with the ADG requirements.

4.2.11 - Communal Open Space

A roof top space has been provided for the purposes of communal open space and incorporates shade structures and amenity facilities that complement the development.

The roof top communal open space receives in excess of 2hrs of sunlight to 50% of its area between 9am and 5pm on 21 June.

4.2.13 - Landscape Design

The proposed works detailed on the accompanying Landscape Plan include the removal of 16 trees located upon the site followed by the planting of canopy trees along Copeland Street and Moore Street and a variety of ground cover/shrubs. A variety of ground cover/shrubs which will be planted within planter boxes adjacent to the boundaries of the communal open space on Roof Terrace Level.

Section 4.3 - Pedestrian Amenity

4.3.3 - Active Street Frontages

The proposal provides a clear street address and direct pedestrian access off the primary street front and allows for residents to overlook all surrounding streets.

4.3.5 - Street and Building Interface

The ground floor units are provided with adequate landscape screening and fencing to provide privacy.

4.3.8 - Building Design and Public Domain Interface

The development comprises of several materials which includes facebrick, painted off-form concrete and painted FC cladding.

The 3D views of the development and photomontage illustrate how the design will contribute to the character of the R4 zone.

The surrounding locality typically comprises of residential flat buildings of various ages. The proposal and adjoining development at 128 Moore Street will provide a positive precedence for future development as it is considered that the design of the development is aesthetically pleasing when viewed from the public domain.

Reference is made to the SEPP 65 Design Verification Statement prepared by CD Architects which accompanies this application.

4.3.9 - Street Intersections and Corner Buildings

It is considered that the building is appropriately designed having consideration of the corner site noting that the site does not present differing street typologies.

Section 4.4 - Traffic and Access

The accompanying Traffic and Parking Impact Assessment prepared by Varga Traffic Planning P/L has assessed the vehicular and pedestrian access arrangements, parking provisions, internal circulation and manoeuvrability of the proposal.

It is considered, based on the contents of this report and the conclusions contained herein, there are no traffic or parking related issues that should prevent approval of the subject application.

Section 4.5 - Environmental Management

4.5.2 - Noise

Subject to its recommendations, the Noise Impact Assessment prepared by Acoustic Logic demonstrates compliance with the SEPP (Transport and Infrastructure) 2021, Liverpool LEP and DCP.

Adequate setbacks are provided to the external wall of the tower located along Copeland Street.

Conclusion

There are no other provisions of the DCP which it is considered are relevant to the proposal.

The proposal is considered to achieve appropriate compliance with the aims and objectives together with the applicable prescriptive requirements of the Liverpool Development Control Plan and is therefore worthy of the support of the Council.

6. SECTION 4.15 ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned Residential - R4 under the provisions of the Liverpool Local Environmental Plan 2008. The construction of a new twelve storey residential flat building consisting of forty-three (43) residential units and two (2) levels of basement car parking upon land within the R4 zone is permissible under both the provisions of State Environmental Planning Policy (Housing) 2021 and the Liverpool LEP 2008 with the consent of Council.

The proposal has been assessed against the objectives and provisions of the SEPP (Housing) 2021, SEPP (Transport and Infrastructure) 2021, SEPP No 65 and SEPP (Resilience and Hazards) 2021 as detailed within this report and the proposal was found to satisfy the requirements of these Policies.

The proposal has also been assessed against the applicable requirements of the Council including the LEP and DCP. Subject to Council's support of the accompanying Clause 4.6 submission in relation to building height the proposal is considered to comply with the requirements of these documents.

The proposal is considered to achieve appropriate compliance with the aims and objectives together with the prescriptive requirements of the Liverpool Development Control Plan and is therefore worthy of the support of the Council.

Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There are no other environmental planning instruments or draft environmental planning instruments, which are applicable to the proposal and which have not been addressed within this report.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable impacts upon the adjoining properties or the character of the surrounding area. The proposal involves the construction of a new residential development of a height, bulk and scale which is compatible with the existing and desired character of the surrounding locality.

The proposed development has been designed in accordance with the requirements of the Apartment Design Guide as detailed both within this report and the accompanying SEPP 65 Assessment Report and Architectural Design Verification Statement.

The proposal in my opinion results in a high quality design providing adequate levels of internal amenity as well as a positive contribution to the streetscape of the locality.

Suitability of the Site - Section 4.15(1)(c)

The proposed construction of a Residential Flat Building upon land zoned R4 is permissible with the consent of Council under the provisions of SEPP (Housing) and the Liverpool LEP 2008.

Other factors which demonstrate the site's suitability for such a development include:

1. The site partially contains vacant land.
2. The site's proximity to public transport.
3. The site's proximity to the commercial core of the Liverpool City Centre.
4. The proposal's compatibility with existing and proposed forms of medium/high density housing within the locality.

It is not considered that there will be any adverse impacts as a result of the proposal and as such the subject site is considered suitable for the proposed development.

Public Interest - Section 4.15(1)(e)

It is my opinion that the proposal is in the public interest as it seeks to provide for housing including the provision of a significant number of affordable dwellings, on a site well suited to this form of development and in a manner which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding locality.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15 of the Act, SEPP (Housing) 2021, SEPP No 65, SEPP (Transport and Infrastructure) 2021, SEPP (Resilience and Hazards) 2021 and the Liverpool LEP & DCP.

In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives, and subject to Council's support of the accompanying clause 4.6 variation, the applicable prescriptive requirements of the above controls.

It is therefore considered that the proposed construction of a new twelve storey residential flat building consisting of forty-three (43) residential units and two (2) levels of basement car parking upon land at 62-62A Copeland Street, Liverpool is worthy of the support of Council.



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MINTO PLANNING SERVICES PTY LTD
15th August 2023