Attachment 1 – 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. In order to consider this, a Detailed Site Investigation ('DSI') has been prepared for the site.

The Detailed Site Investigation report accompanying the development application concluded that the site is suitable for its intended purpose. Council's Environmental Health Officer has reviewed the report and considers the findings to be satisfactory.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

i. Chapter 2 – Vegetation in non-rural Areas

The site is partially a vacant lot but contains a number of trees that are proposed to be removed. The trees are proposed to be replaced by more trees than what is proposed to be removed.

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 (Transport and Infrastructure) 2021

Clause 2.119 – Development with frontage to a classified road

The application is subject to Clause 2.119 of the SEPP as the development has frontage to a classified road. Clause 2.119 relevantly provides:

2.119 Development with frontage to classified road

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment

In addition to the above considerations, Section 138 of the Road Acts 1993 states that *consent may not be given with respect to a classified road except with the concurrence of TfNSW.* Accordingly, the application was referred to TfNSW for their concurrence.

Having regard to the consideration provided above in Clause 2.119, it is firstly noted, that vehicular access to the site via a road other than the Classified Road has been provided hover, the access is off Moore Street and is in close proximity to the Classified road intersection and also include a bus lane. In consultation with TfNSW, the applicant was able to demonstrate that the entrance to the development would not have an adverse impact on the operation of the Classified Road. The roads authority subsequently granted their concurrence on 23 July 2024 with conditions.

Point (c) regarding traffic noise is discussed below.

Clause 2.120 – Impact of road noise or vibration on non-road development

The application is subject to Clause 2.120 of the SEPP as the Hume Highway has an average daily traffic volume of more than 20,000 vehicles per day and the proposed residential development is identified as a sensitive land use. In this regard, the consent authority is required to ensure that the design of the development can meet the relevant noise criteria as stated. In order to achieve the required noise criteria, an acoustic report was prepared by a qualified acoustic consultant demonstrating that the design can meet the stated environmental noise criteria as provided within the SEPP.

State Environmental Planning Policy (Housing) 2021

The development provides for 1,545.54m^2 of affordable housing GFA and thus the development falls under Chapter 2 of the Housing SEPP, entitled 'Affordable housing'

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	1,545.50m² (45.5%) of gross floor area is proposed to be dedicated as affordable housing, which equates to 9 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.	Yes
(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. The max permitted FSR for the site is 2:1.	Yes
(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	45.5% of gross floor area is proposed to be dedicated as affordable housing. 0.5:1 bonus FSR will not apply to the proposal.	No N/A
(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	0.45:1 bonus applies, which equates to a total max FSR of 2.64:1. The proposed FSR is 2.64:1.	Yes
or		
(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 (2) The additional floor space ratio must be used for the purposes of affordable housing.	N/A Noted. To be made as a 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. (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, (b) for a development application made by a social housing provider—at least 35m^2 of landscaped area per dwelling, (c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	Noted The site has an area of 1,287.20m². N/A 30% of the site is dedicated as landscaped area.	 Yes Yes

(d) a deep soil zone on at least 15% of the site area, where—	124.83m² or 9.70% deep soil zone provided, which complies with ADG requirements of 7%.	Yes – ADG prevails.
(i) each deep soil zone has minimum dimensions of 3m, and	Only areas with a width of 3m or greater included.	Yes
(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Due to basement levels, it is not practicable to provide 65% at rear.	Considered satisfactory.
(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,	32/40 (83%) achieves at least 2 hours, as per ADG requirements.	Yes – ADG prevails.
(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	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: - 8 x 2b/r at 1 = 8 - 1 x 3b/r at 1.5 = 1.5 Total required = 9 Total provided = 9 Minimum internal areas achieved.	Yes
(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the		Yes

Apartment Design Guide for each type of apartment, (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, (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 N/A	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. (2) Subsection (1) does not apply to development to which *State Environmental Planning Policy No*	N/A SEPP 65 applies in this instance.	N/A Yes

65—Design Quality of Residential Apartment Development applies. (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.	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.	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. (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. (3) In this section— ***affordable housing component***, in relation to development to which this Division applies, means the dwellings used for the	Std conditions to be imposed. N/A Noted	Yes N/A

purposes of affordable housing in accordance with section 16(1)(b).		
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 10-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 buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*	The challenges of the subject site are: the high traffic nature of the Hume Highway (Classified State Road); the east-west orientation of the site, and the consequent overshadowing to the southern neighbours; and the irregular-shaped nature of the development site. The site is within a high density R4 zone and is a prominent corner block. The area has been undergoing a rapid transition to higher density apartment buildings over the last few years, and the northern periphery of the Liverpool Town Centre in particular has undergone a rapid transformation. However, the site nearby has not yet been a dramatic changes aside from the site to the east. The proposed built form is considered to be consistent with the future prevailing character of the locality. The site is provided with a slip lane, however, more importantly this slip lane is a left-hand turn for the signalised intersection which is in close proximity to the site. Vehicular access will need to be designed such access to the site does not disrupt this left-hand turn lane.

Design Quality Principle	Comment
Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	Whilst the DCP requires a greater landscaped setback to the Hume Highway, it is noted that the existing buildings on adjoining lots also do not achieve this setback requirement.
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 greater than the immediate developments, However, the development proposes transitions in scale in the development and has attempted to addicted address amenity issues by not providing any south-facing units that may overlook the southern development. Architectural elements are proposed to define the prominent site and the scale of the development is considered to fit within the desired future character of the area. Given the irregular nature of the development site, the building adopts a narrower form than adjoining developments, and provides for a tiered effect to the upper levels, which is an outcome of the required separation distances under the ADG. Notwithstanding the non-compliances with the ADG separation and setback requirements, the upper levels are considered to be appropriate from an internal and external design perspective. The upper levels are standard in terms of their size, and whilst they could have been removed in order to achieve compliance with building separation requirements, it is considered that privacy is maintained, and the main overshadowing concerns are not exacerbated by the upper levels. It is considered that height and form of the building provide for some variety in this locality. The tiered nature of the development maintains an appropriate level of outlook from the southern-adjoining buildings, as well as allowing appropriate access to light and air.
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*	The proposed development is located on the northern periphery of the Liverpool CBD. The Council has strategically increased the height and density for this area in order to sustain the role of the CBD as a regional centre. The proposed density of the building itself is compliant with the prevailing FSR and generally complies with the height controls, therefore is considered to be appropriate for this

Design Quality Principle	Comment
existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	locality. The site is well positioned in terms of access to transport, community, and economic infrastructure.
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. 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 the Liverpool CBD and has good access to public transport.
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 2 lift cores, internal and external storage areas, and waste facilities. Direct and level access is provided to all areas of the building.
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. *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*	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
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 9 out of 40 units dedicated as affordable housing, and 9 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.

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 with surrounding developments in the CBD and the future desired character. 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	**Complies** The building layout has been designed to address the Hume Highway. Solar access to units is maximised having regard to the site's orientation, in particular, the longer width of the site facing directly north. Having regard to the site orientation, some level of overshadowing of neighbouring properties is inevitable. When the proposal is considered in isolation, direct sunlight to neighbouring properties is maintained to at least 2 hours at mid-winter. However, when considering the cumulative impact of the proposed building together with existing buildings, some north-facing units and north-facing landscaped areas of the southern-adjoining developments are affected by overshadowing. It is important to note that the southern-adjoining buildings also affect their southern neighbours. As noted above, this level of overshadowing is inevitable in this situation. It is considered however, that the design changes made to the building minimises these impacts to a level that is considered acceptable in the circumstances.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	**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 foyer. Bin storage is located on ground floor with direct access to the street. There is a 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 any potential substation has still not been shown. Details of proposed location of
3C-2 Amenity of the public domain is retained and enhanced	

<table>
<tr><td></td><td>substation (if required) to be submitted prior to issue of CC.

Hydrant now shown and located adjacent to the secondary pedestrian entry.</td></tr>
<tr><td colspan="2">3D Communal and public open space</td></tr>
<tr><td>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)</td><td rowspan="4">Complies
A minimum of 411m² of communal open space is provided (31.9%) comprising of a ground floor courtyard (91m²) and rooftop terrace (320m²). 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 of direct solar access in mid-winter.

The COS has been located toward the rear (south-east corner) and on the rooftop away from the Classified Road and to the rear of the site which maximizes safety. Safety to both areas is considered satisfactory.

The public open space is positioned to be consistent with the public areas on Copeland and Moore Street and align with the existing street pattern.</td></tr>
<tr><td>3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</td></tr>
<tr><td>3D-3. Communal open space is designed to maximise safety</td></tr>
<tr><td>3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td></tr>
<tr><td colspan="2">3E Deep soil zones</td></tr>
<tr><td>Site Area – 650m² -1500m²
Min. Dimensions 3m
Deep soil zone (% of site area) - 7%</td><td>Complies
The development is required to provide a total of 90.104m² of deep soil. 127.83m² (9.70%) of deep soil has been provided and is of appropriate dimensions.</td></tr>
<tr><td colspan="2">3F Visual Privacy</td></tr>
<tr><td>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</td><td><u>Front / North to Street (Moore Street)</u>
4.5m to the road reserve Yes

<u>Front /West to Street (Hume Highway)</u> No

Ground Floor – 8m (Habitable)
Level 1 to 10 – 6.8m to 8m – (Habitable)

<u>Rear (South)</u>
Ground Floor – 4.660m (Habitable)
Levels 1 to 4 – 4.515m to 6.705m (Habitable)
Level 5 to 7 - 5.095m to 61.50m (Habitable)
Levels 8 to 10 – 7.350m to 7.450m (Habitable)

<u>Side (East)</u></td></tr>
</table>

	Ground Floor – 4.5m to 11m (Habitable) Levels 1 to 3 – 3.5m to 6m (non-habitable) Levels 4 to 7 - 4.5m to 9m (non-habitable) Levels 8 to 9 – 4.5m to 17.140m (non-habitable Level 10 – 4.5m to 18.290m (non-habitable
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	**Complies** The proposal provides 2 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 design is considered satisfactory by TfNSW.
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** The site is located within 400 metres of land zoned B4 Mixed Use in the Liverpool City Centre, being a nominated regional centre for the purposes of this provision. Car parking must therefore comply with either the DCP 2008 or the RMS Guide to Traffic Generating Development, whichever is less. Car parking complies with the SEPP for the affordable component and the RMS guidelines for the remainder.
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	**Complies** 32 / 40 (83%) of the proposed apartments achieve a minimum of two hours solar access between 9am and 3pm in mid-winter. 2 / 40 units (5%) receive no direct sunlight.

a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	
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.
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** 30 / 40 (76%) 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 2.7m or greater.

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 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.	**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.
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 2.7m, no habitable room depth will exceed 7m 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	**Complies** All master bedrooms and other bedrooms achieve the minimum required areas. All apartments achieve the minimum dimension

(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	requirements to living/dining rooms.
4E Private Open Space and Balconies	
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 1 bedroom 8m² 2m 2 bedroom 10m² 2m 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	**Complies** No more than 5 apartments are proposed of a

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.	circulation core on any single level. The proposal is 11 storeys in height, 40 units sharing 2 lifts. 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 1 bedroom 6m³ 2 bedroom 8m³ 3+ bedroom 10m³ At least 50% of the required storage is to be located within the apartment	**Complies** Compliant storage provided internally and externally.
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. Acoustic report undertaken, which was found to be satisfactory by Council's EHU.
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	**Complies** - 1 b/r = 11 / 27.5% - 2 b/r = 22 / 55%

future.	- 3 b/r = 7 / 17.5%
4K-2 The apartment mix is distributed to suitable locations within the building	A range of unit types have been provided and they are distributed throughout 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 residential buildings in the locality.
4M-2 Building functions are expressed by the facade	
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** 8 / 40 (20%) 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 provided in appropriate locations and provide active street frontages that encourage pedestrian movement	**Not Applicable** 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** Awnings 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	**Complies** A garbage storage area is on ground level but is

streetscape, building entry and amenity of residents.	separated from ground floor units. Direct access to the street is provided. Adequate storage areas are 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. 35 metres (V)	The overall height of the building is 37.415m (i.e. max. ridge height RL54.200 – RL16.80	No. 4.6 Variation provided and considered acceptable

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. 2.0:1 (T) - Bonus 0.5:1 ARH	FSR for the proposed development is calculated as follows: - Site area = 1,287.20m² - Proposed GFA = 3,392.76m² - FSR (3,375.76m² / 1,278.20m²) = 2.64:1	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).	The site has land at the front identified as land required to be acquired. This land has already been dedicated.	Yes
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	The land is not identified as a heritage item or land within a heritage conservation area. 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	

	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.	considered to impact on the heritage It is considered that the proposed development is unlikely to have any impact the existing street layout of the Liverpool Town Centre.	Yes
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	The site is not identified within LEP maps as being affected by flood.	N/A

	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, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.		
Part 7 Additional local provisions			
Division 1 Liverpool city centre provisions			
7.1 Objectives for development in Liverpool city centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development—		
	(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,	The existing street layout is preserved.	Yes
	(b) to allow sunlight to reach buildings and areas of high pedestrian activity,	The shadow impact will not affect pedestrian areas.	Yes
	(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,	Vehicular access is achieved via Moore Street, which is the only practicable access.	Yes
		N/A	N/A

	(d) to improve the quality of public spaces in the city centre, (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry, (f) to enhance the natural river foreshore and places of heritage significance, (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.	N/A N/A N/A	N/A N/A N/A
7.4 Building separation in Liverpool city centre	(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access. (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—		Acceptable

	(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 …	9 metre separation is provided where required, however the whole proposal does not comply , this is primary due to the neighbouring building having less then 6m setbacks to the boundaries and in some instances the proposal has areas that are less then 9m that are non-habitable 12 metre separation is provided where required, however, the whole proposal does not comply, this is primary due to the neighbouring buildings having less than required side setbacks to the boundaries and in some instances the proposal has areas that are less then 12m that are non-habitable.	Acceptable
7.5 Design excellence in Liverpool city centre	(1) The objective of this clause is to deliver the highest standard of architectural and urban design. (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence. (3) In considering whether development exhibits design excellence, the consent authority must	Application referred to Design Excellence Panel on 1 occasions, and they requested design changes and did not support the proposal. Following amendments and to by the applicant, Councils Urban design team, reviewed the proposal and advised that the proposal has significantly improved however, further recommendations were made for further changes to be addressed.	Yes

	have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain, (c) whether the proposed development detrimentally impacts on view corridors, (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), (e) any relevant requirements of applicable development control plans, (f) how the proposed development addresses the following matters—	A review of the recommendations, found that any changes would not significantly improve the design and/or would lead to amenity issues. Some design changes have been imposed as conditions of consent. Subject to the implementation of a number of design changes requested by the DEP, the proposal is considered meet the requirements of the DEP.	

	(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, waste and recycling infrastructure, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service		

	access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain. (4)–(8) (Repealed)		
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 on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils.	N/A
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 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.	N/A The proposed building has a height of 12 storeys and is located within the R4 zone. N/A	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 raise no concerns. The proposed development is unlikely to affect any future use or redevelopment of the site. Council's EHU raise no concerns. Privacy is maintained, and it considered that the extent of overshadowing is acceptable having regard to the circumstances.	 Yes Yes Yes Yes

	(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 aboriginal 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	Contamination and remediation has been considered in the DSI Contamination Report and the	Yes

	previous land uses and the requirements of SEPP.	proposal is satisfactory subject to conditions.	
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	Off street car parking provision and service and loading	Car parking complies with the SEPP for the affordable	

other than Liverpool City Centre	provision shall be provided in accordance with Table 11.	component and the RMS Guidelines for the remainder. - Required: 49.5coom car parking spaces - Provided: 50 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.	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.	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.	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	It is considered that the four (4) main principles of CPTED have been satisfactorily incorporated into the design.	Yes

	Though Environmental Design (CPTED) principles		
Part 4 Liverpool City Centre			
4.2 Controls for Building Form			
4.2.1 Building form			
Controls	Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2: - 7. Detached building typology for High Density Residential sites.	The proposal achieves a detached building typology within the R4 zone.	Yes
4.2.7 Street Alignments and Street Setbacks			
Controls	1. Buildings are to comply with the front setbacks as set out in Figures 4-12.	Required setbacks: - Hume Highway = 8m - Moore Street = 4.5m Proposed: - Hume Highway - Ranges from 6.8m – 8m - Moore Street – 4.5m Having regard to the setbacks provided on the adjoining sites, the proposed variation is considered acceptable.	No, however, considered acceptable.
	2. Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/serviceway.	N/A	N/A
	3. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).	N/A	N/A
	4. Buildings with a boundary to the Hume Highway have a minimum setback of 8m.	The proposal is required to incorporate an 8m landscaped setback to the Hume Highway. As noted above, the proposed front, which is considered satisfactory having regard to the approved setbacks for the two adjoining developments.	No, however, considered satisfactory in this instance.

	5. Buildings on the southern side of streets identified in Figure 4-10 have minimum front setbacks as follows, in order to maximise solar access: a. Elizabeth Street between Bathurst Street and Bigge Street - 6m. b. Railway Street, Scott Street and Memorial Avenue - 3m. c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m.	N/A	N/A
	6. Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane.	Front setback landscaping considered appropriate.	Yes
	7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.	Structures encroach the front setback area.	No, however, considered satisfactory in this instance.
	8. Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.	Balconies meet ADG requirements.	Yes
	9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.	Noted	Yes
	10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.	Noted	N/A
4.2.8 Side and rear boundary setbacks			

	1. All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an approved concept development application.	Refer to ADG assessment above.	No
	2. For existing buildings that do not comply with the setback requirements identified in control 1 above, appropriate screening must be installed should the building be refurbished or converted.	N/A	N/A
	3. Buildings with a rear or side boundary to the rail corridor are to provide a minimum setback of 12m. The setback is to be appropriately landscaped.	N/A	N/A
	4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the Liverpool city centre, to have setbacks consistent with Table 4-1 below.	N/A	N/A
	5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.	Achieved	Yes
4.2.9 Minimum Floor to Ceiling Heights			
	The minimum floor to ceiling heights are: 1. Ground floor: 3.6m. 2. Above ground level: a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m.	Min. 2.7m	Yes

	d) Active public uses, such as retail and restaurants 3.6m. 3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park and, if aboveground, adaptable to another use, as above.	Satisfactory	Yes
4.2.10 Housing Choice and Mix			
	1. In addition to the provisions for dwelling mix in the ADG, residential apartment buildings and shop-top housing must comply with the following apartment mix and size: • Studio and one bedroom units must not be less than 10% of the total mix of units within each development; • Three or more bedroom units must not be less than 10% of the total mix of units within each development; • Dual-key apartments must not exceed 10% of the total number of apartments; and • A minimum of 10% of all dwellings (or at least one dwelling – whichever is greater) to be capable of adaptation for disabled or elderly residents.	57% 15% N/A 20% adaptable provided	Yes Yes N/A Yes
	2. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	Achievable	Yes
	3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the	Certification to be provided at CC stage. Std conditions to be applied.	Yes

	occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995). 4. Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.	 3 adaptable dwellings provided and 4 accessible spaces provided.	 Yes
4.2.11 Deep Soil Zones and Site Cover			
	1. The maximum permitted site coverage for development is specified in Table 4-2. Residential: - 50% 2. Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed.	 452.03m² / 1,287.20m² = 35.1% (only G/F building footprint including courtyards used for purpose of calculation) 124.83m² / 1,287.20m² = 9.70% ADG requires 7%	 Yes Yes
4.2.12 Public Open Space and Communal Open Space			
	3. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible. 4. The roof space of residential flat buildings (RFBs) and mixed-use	30% COS provided as per ADG requirements. Rooftop COS provided. BBQ facilities, shading structures, and seating provided.	Yes Yes

	development (including shop-top housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.		
4.2.13 Landscape Design			
Private Open Space	1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	Landscape plan submitted, which is considered satisfactory by Council's Landscape Section.	Yes
4.2.14 Planting on Structures			
	1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	Achieved	Yes
4.3.4 Street Address			
Specific controls for two storey dwellings	1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments. 2. Provide multiple entrances to large developments on all street frontages. 3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.	Provided Achieved Provided for 3 x ground level apartments.	Yes Yes Yes
4.3.5 Street and Building Interface			
	1. Design the area between the building and the public footpath so that it: a) provides visibility to and from the street (if non-residential use);	Visibility and passive surveillance over the street is achieved.	Yes

	b) provides privacy if residential uses are on the ground floor; c) introduces paving and/or landscaping between the street and the building; and/or d) screens any above ground car parking. 2. Use front fences that: a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and b) are not constructed of sheet metal or opaque glass.	Privacy is maintained. Front setback area to be extensively landscaped. N/A Low height front fencing proposed. Achieved	Yes Yes N/A Yes Yes
4.3.8 Building Design and Public Domain Interface			
	1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections. 2. Provide balconies and terraces appropriately orientated where buildings face public spaces. 3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	Both the DEP and Council's City Design and Public Domain have reviewed the latest plans and have recommended further changes which will be include as conditions.	No

	4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged. 5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect. 6. Maximise glazing in the facades for retail uses. 7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level. 8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as: a) expressed cornice lines that assist in enhancing the definition of the street; or b) projections such as entry canopies that add visual interest and amenity. 9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.		

	10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building. 11. Screen air conditioning units on balconies. 12. No clothes drying facilities to be allowed on balconies.		
4.4 Traffic and Access			
4.4.1 Vehicular Access and Manoeuvring Areas			
Fencing	1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible. 2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes. 3. All weather access: a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations. b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development. c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere	Vehicle access is only able to be achieved via the Moore Street. TfNSW has provided their concurrence. Basement level parking provided, as well as an awning over the pedestrian entrance. N/A N/A	Yes Yes N/A N/A

	with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.		
4.5 Environmental Management			
	1. Design all new buildings to meet the following maximum wind criteria: a) 10m/second in retail streets; b) 13m/second along major pedestrian streets, parks and public places; and c) 16m/second in all other streets.	Achievable. Certification to be provided at CC stage.	Yes
4.5.2 Noise			
	1. Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.	Acoustic report submitted, which is considered satisfactory by Council's EHO.	Yes