

Attachment 2: Liverpool Development Control Plan Assessment

Liverpool Development Control Plan (LDCP) 2008

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

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Required	Provided	Complies
2. Tree Preservation	Controls relating to the preservation of trees	Thirteen (13) trees within the site are proposed for removal and replacement. A number of trees are retained on the site where practical.	Complies
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	An arborist report has been prepared and submitted by which is considered to be acceptable. Given a landscape plan with extensive landscape treatments has been proposed by the applicant.	Complies
4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable	N/A
5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable	N/A
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development subject to conditions.	Complies
7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable	N/A
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development.	Complies

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Required	Provided	Complies
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not affected by flood planning and therefore flood related development controls are not applicable.	N/A
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Given the site has been historically residential in use, it is considered that contamination is unlikely. The application has been considered by Councils EHO department and considered acceptable. Applicable conditions of consent will be imposed.	Complies
11. Salinity Risk	Provisions relating to development on saline land.	The site is not identified as subject to salinity risk.	N/A
12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable	N/A
13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable	N/A
14. Demolition of Existing Development	Provisions relating to demolition works	<p>The site is currently occupied by two (2) dwelling houses that will be demolished to accommodate the proposed development.</p> <p>A Demolition Plan and Waste Management Plan have been submitted with the application. Waste generated from the excavation and construction of the building will be re-used where possible, with the remainder of the waste disposed of to appropriate facilities.</p>	Complies
15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is unlikely that it would contain Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including excavation, work is to cease immediately. Condition to be imposed.	Complies with Condition

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Required	Provided	Complies
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site is not identified as a heritage item or within the immediate vicinity of a heritage item.	N/A
19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	N/A
20. Car Parking and Access	<p>Residential Flat Building Car Parking Requirements:</p> <ul style="list-style-type: none"> - 1 space per small bedroom (<65sqm) or 1 bedroom; - 1.5 spaces per medium dwelling (65 – 110sqm) or 2 bedrooms; - 2 spaces per large dwelling (>110sqm) or three or more bedrooms; - 1 visitor car space for every 4 dwellings or part whereof; - One service bay <p>Childcare Centre 1 space per staff members 1 space per 10 children</p>	<p>The proposal requires 151 residential parking spaces, 14 visitor parking spaces, 4 service/car wash bays, .</p> <p>The proposal accommodates:</p> <ul style="list-style-type: none"> • 151 residential parking spaces • 14 visitor parking spaces • 88 Bicycle parking • 10 motorcycle parking spaces <p>14 spaces for staff 9 spaces for pick up/drop off zone</p>	Complies
21. Subdivision of Land and Buildings	Minimum Subdivision Lot Size: any lot size shown on the Lot Size Map greater than 300sqm	Subdivision is not proposed	N/A
22. and 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Conditions of consent will be imposed to ensure compliance with the BASIX commitments.	Complies

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Required	Provided	Complies
23. Reflectivity	Provisions relating to the use of reflective materials on the exterior of buildings.	Highly reflective materials are not proposed.	Complies
25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	A Waste Management Plan was submitted in support of the application.	Complies by Condition
26 Outdoor Advertising and Signage	Provisions relating to signage.	The DA does not propose any signage.	N/A
27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units.	The proposal accommodates 132 residential units, and as such requires the preparation of a SIC. The submitted Statement of Environmental Effects prepared by Gat & Associates provides a Social Impact Comment that addresses the requirements of this part.	Complies

Part 4: Development in the Liverpool City Centre

Development Controls	Required	Provided	Complies
4.2 Controls for Building Form			
4.2.7 Street Alignments and Street Setbacks			
<ol style="list-style-type: none"> Buildings are to comply with the front setbacks as set out in Figures 4-12. Upper level frontages to a lane/serviceway must be <u>setback</u> 6 metres from the centre line of the lane/serviceway. Construct perimeter block buildings and podiums, which comply with the <u>building</u> envelope requirement, to the street and side boundaries (0m <u>setback</u>). Buildings with a boundary to the Hume Highway have a minimum <u>setback</u> of 8m. 		The proposed development exhibits a setback of 8m from Copeland Street and 4m to Castlereagh Street. Whilst the proposal is required to exhibit a 4.5m setback to Castlereagh Street, the variation to the control is considered acceptable, given the design and landscape treatments provided to Castlereagh Street.	Complies/ Considered Acceptable

<p>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:</p> <ol style="list-style-type: none"> 1. Elizabeth Street between Bathurst Street and Bigge Street - <u>6m</u>. 2. Railway Street, Scott Street and Memorial Avenue - <u>3m</u>. 3. Parts of George, Bathurst, Terminus and Bigge Streets – <u>2.5m</u>. 		
4.2.8 – Side and rear boundary setbacks		
<ol style="list-style-type: none"> 1. All residential and commercial buildings must comply with the separation distances in <u>SEPP 65</u> and the ADG unless otherwise agreed with <u>Council</u> in an approved concept development application. 2. For existing buildings that do not comply with the <u>setback</u> requirements identified in control 1 above, appropriate screening must be installed should the <u>building</u> be refurbished or converted. 3. Buildings with a rear or <u>side boundary</u> to the rail corridor are to provide a minimum <u>setback</u> of <u>12m</u>. The <u>setback</u> is to be appropriately landscaped. 4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the <u>Liverpool city centre</u>, to have setbacks consistent with Table 4-1 below. 5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries. 	<p>The proposal exhibits a 0m side setback to 11-13 Castlereagh Street which has an approved RFB on the site. A Variation for building separation has been presented to Council and considered acceptable, given the previous approval history of the RFB on site and the adjoining property.</p>	<p>Considered acceptable.</p>
4.2.9 – Minimum Floor to ceiling Heights		
<p>The minimum floor to ceiling heights are:</p> <ol style="list-style-type: none"> 1. Ground floor: <u>3.6m</u>. 1. Above ground level: 2. Commercial office <u>3.3m</u>. 3. Capable of adaptation to commercial uses <u>3.3m</u>. 4. Residential <u>2.7m</u>. 2. Active public uses, such as retail and restaurants <u>3.6m</u>. 	<p>The proposal complies with the require 2.7m height requirement.</p>	<p>Complies</p>

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.		
4.2.10 Housing Choice and Mix		
<p>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:</p> <ul style="list-style-type: none"> • 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. <p>2. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).</p> <p>3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).</p> <p>4. Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.</p>	<p>The proposed development provides a housing mix of one, two and three-bedroom units to accommodate a variety of residents.</p> <p>14 x 1-bedroom units 99 x 2-bedroom units 19 x 3-bedroom units.</p> <p>14 Adaptable Units are also proposed. Adaptable units will be conditioned to comply with the applicable Australian Standards and NCC requirements. .</p>	Complies
4.2.11 Site Cover and Deep Soil Zones		
Maximum cover	<p>1. The maximum site cover for development is specified in the following table:</p> <p>All other zones = 50%</p> <p>2. Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone.</p>	<p>The proposal provides an approximate deep soil area of 658sqm which equates to 15.3% of deep soil which complies with the ADG.</p> <p>Complies as per ADG guidelines.</p>

	<p>3. The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.</p> <p>4. Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.5. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.</p> <p>5. Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/ shrubs that will grow to be mature plants.</p> <p>6. No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).</p>		
4.2.12 Public Open Space and Communal Open Space			
<p><i>Existing Public Open Space</i></p> <p>1. Ensure that at least 70% of Bigge Park, Apex Park, Pioneer Park and any other public open space in the city centre has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).</p> <p><i>New Public Open Space</i></p> <p>1. Dedicate open space to <u>Council</u>, where required, as part of an approved concept development application if the space meets the requirements of <u>Council</u> in terms of:</p> <p>A. location;</p>	The proposal does not front any public open space.		Complies

<p>B. aspect; C. accessibility; D. safety; and E. solar access. The open space must be located and designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).</p> <p>2. 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.</p> <p>3. The roof space of residential flat buildings (RFBs) and mixed-use development (including <u>shop</u>-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.</p>	<p>The proposal development has been assessed in relation to the provision of the ADG The proposal is considered acceptable in terms of the provision of suitable pedestrian access and entries. Communal open space has been provided to the rooftop of the buildings which is considered acceptable.</p>	
4.2.13 Landscape Design		
<p>1. Landscaped areas are to be irrigated with recycled water.</p> <p>2. Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.</p> <p>3. Commercial and retail developments are to incorporate planting into accessible outdoor spaces.</p> <p>4. Remnant vegetation must be maintained throughout the site wherever practicable.</p> <p>5. A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development. 6. Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).</p>	<p>The submitted landscape plans are considered acceptable in terms of the proposed landscape cover, and planting incorporated within outdoors areas.</p> <p>A condition has been imposed ensuring the selected plant species is consistent with Councils scheduled of preferred landscape species. .</p>	Complies

4.3 Amenity		
4.3.3 Active Street Frontages & Address		
<p>Street Address</p> <p>1. Street address is defined as:</p> <ul style="list-style-type: none"> - a building that is not raised more than a weighted average of 700mm above street level, up to a maximum of 1.1m (refer to Section 3.3 Front Fences), and - contains entries, lobbies, and habitable rooms with clear glazing overlooking the street, and - excludes car parking areas. <p>2. Street address is required on ground level of all areas identified in Figure 14.</p> <p>3. Residential developments are to provide a clear street address and direct pedestrian access off the primary street front and allow for residents to overlook all surrounding streets.</p> <p>4. Provide multiple entrances for large developments including an entrance on each street frontage.</p> <p>5. Provide direct 'front door' access to ground floor residential units.</p> <p>6. Residential buildings are to provide not less than 65% of the lot width as street address</p>	<p>The proposed development has oriented its main building entry and lobby towards the Castlereagh Street and allows for suitable pedestrian permeability throughout the site.</p> <p>The street is suitably accessed from the ground floor, with suitable secure entrance for apartments located on the ground floor.</p>	Complies