



Statement of Environmental Effects

September 2023

7-9 Castlereagh Street & 6-12 Copeland Road,
Liverpool

Alterations and Additions to an Approved Residential Flat Building to Create 133 Residential Units over Two Levels of Basement Parking including a Proposed Change of Use to Part of the Approved Ground Floor to Create a 90 place Child Care Centre.

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of an application for alterations and additions to an approved residential flat building with basement car parking, landscaping and associated site works at 7 – 9 Castlereagh Street & 6-12 Copeland Street, Liverpool. The proposal also includes a change of use to part of the approved ground floor to create a 90 place child care centre.

1.1 Application History

Development consent was issued on 31 July 2017, being DA-631/2015, for the demolition of existing buildings, tree removal, and construction of two x 9-storey residential flat buildings containing 116 residential apartments over two levels of basement car parking with associated landscaping and ancillary site works over Nos. 7-9 Castlereagh Street and Nos. 8-12 Copeland Street, Liverpool.

Having regard to Clause 4.53(1)(c) of the Environmental Planning & Assessment Act, 1979, a 2 year extension may be applied to the development consent in light of the COVID-19 pandemic. On this basis, the development consent for DA-631/2015 will not lapse until 31 July 2024 (unless physically commenced).

The approved development notably did not include No. 6 Copeland Street, whilst the proposed development is inclusive of No. 6.

Following the approval of the above application, a Pre-DA meeting was held with Council on 19 September 2018 (PL-82/2018) regarding the consolidation of 6 allotments, including No. 6 Copeland Street and the construction of 2 residential flat buildings over 9 storeys in height consisting of 163 apartments and 2 levels of basement parking. A formal Development Application however was never submitted.

On 10 November 2022, a revised scheme was considered by the Design Excellence Panel. The scheme followed on from PL-82/2018 with the most notable changes being the introduction of a centre-based child care facility and the reduction of residential units from 163 to 145. A formal Development Application however was never submitted following this meeting.

The current package seeks to follow on from the approval of DA631/2015 and seeks planning advice from Council with respect to the proposed development. The current scheme comprises of alterations and additions to an approved residential flat building and a change of use to part of the ground floor to create a child care centre. The proposal also includes No. 6 Copeland Street as part of its design.

A Pre-Development Application meeting was held with Council officers and staff on 14 June 2023 with subsequent written advice received. Reference to this Pre-Development Application is PL-42/2023. Council's written advice from this meeting is attached under **Appendix I** of this Statement of Environmental Effects. With respect to Council's written advice the following comments are made.

- Planning:
 - The proposal is submitted as a new Development Application rather than a Section 4.55 modification. The proposal however draws upon the approved

setbacks established as part of DA-631/2015 which notably exists as an active consent over the site.

- With respect to site isolation, the proposal integrates No. 6 Copeland Street into the subject site improving upon the previously approved scheme. As detailed in this report, the adjoining sites to the north and south continue to provide for active development consents and as such are capable of redeveloping in line with the current high density residential zoning.
- An Urban Design Study has been prepared by Urbanac. The report considers the existing approval on the site and how the acquisition of No. 6 Copeland Street can tie into the development to create an improved urban design outcome. Pages 17 – 19 of this report provide for a detailed response to the urban design related issue raised in Council’s Pre-DA advice.
- Engineering
 - Reference should be made to the submitted Stormwater Plans prepared by Mance Arraj Civil & Structural Engineers.
 - Reference should be made to the submitted Traffic Report prepared by Varga Traffic Planning.
 - Any external road works may form part of conditions of consent.
 - Reference should be made to the submitted Geotechnical Report prepared by Chameleon Geosciences.
- Flood
 - Based on Pre-DA advice received from Council, habitable areas must achieve a minimum level of $11.8\text{m} + 0.3\text{m} = 12.1\text{m}$. The proposed level sought is 12.2 AHD and as such complies. The basement entry is required to achieve a minimum level of $11.8\text{m} + 0.1\text{m} = 11.9\text{m}$. The proposed level is sought 12.0 AHD and accordingly complies.
- Building
 - A substation has been indicatively shown at basement level.
- Traffic
 - Reference should be made to the submitted Traffic Report prepared by Varga Traffic Planning.
- Environmental Health
 - This document and its appendices forms the Statement of Environmental Effects.

- Reference should be made to the submitted Waste Management Plan prepared by MRA Consulting Group.
- A Preliminary Site Investigation Report has been carried out by EI Australia.

The report determined that the subject site had been used for low density residential purposes since 1933 at least with some rural activities also taking place up to the mid 1960s. Similarly adjoining and nearby sites were also used for low density residential/rural activities though during the 2000s areas were redeveloped for high rise residential flat buildings.

Whilst there are no records pertaining to Schedule 11 Hazardous Chemical licensing for any of the parcels making up the subject site nor are any of the properties included on the List of Contaminated Sites Notified to the EPA,

“The CSM [conceptual site model] established there was potential for contamination to be present within the site area and that the risks to human and environmental receptors posed by the identified contaminant sources were such that further (detailed/field-based) investigation was warranted”.

A Detailed Site Investigation is in the process of being prepared and will be submitted in due course.

The submitted Preliminary Site Investigation makes further recommendations including the preparation of a Hazardous Materials Survey prior to any demolition works being carried out on site. Such recommendations may form part of any future conditions of consent.

- An Acoustic Report has been prepared by Acouras Consultancy which considers the acoustic privacy impacts of the proposed development on the neighbouring dwellings and the proximity of the subject site to a classified road. It is considered that subject to the recommendations laid out in the report, the proposal will not cause any negative impacts or be impacted in terms of acoustic privacy.
 - A Noise Management Plan has been detailed within the submitted Plan of Management for the child care centre.
 - An Air Quality Assessment has been prepared by RWDI. The assessment confirms that pollutant concentrations at the closest point from the road to the proposed development will meet the relevant EPA air quality criteria and no additional mitigation measures are needed.
- Waste
 - Reference should be made to the submitted Waste Management Plan prepared by MRA Consulting Group.

GAT & Associates have been engaged by the project architect, Zhinar Architects, to prepare a Statement of Environmental Effects to accompany the development application for Council's consideration.

This Statement of Environmental Effects is based on information and details shown on the following plans prepared by Zhinar Architects Job No. 8778:

- Drawing No. DA-001 Development Summary
- Drawing No. DA-002 Site Context
- Drawing No. DA-003 Site/Demolition Plan
- Drawing No. DA-101 Basement 2
- Drawing No. DA-102 Basement 1
- Drawing No. DA-103 Ground Floor
- Drawing No. DA-104 Level 1
- Drawing No. DA-105 Level 2-3 Typical
- Drawing No. DA-106 Level 4-7 Typical
- Drawing No. DA-107 Level 8-9 Typical
- Drawing No. DA-108 Level 10
- Drawing No. DA-109 Childcare Calculation
- Drawing No. DA-110 Childcare Wet Area Internal Elevation
- Drawing No. DA-111 Pre & Post Adaptable
- Drawing No. DA-200 Elevation 1
- Drawing No. DA-201 Elevation 2
- Drawing No. DA-202 Internal Elevation
- Drawing No. DA-203 Section
- Drawing No. DA-204 Section Ramp
- Drawing No. DA-205 Material Schedule
- Drawing No. DA-300 Shadow Diagram
- Drawing No. DA-301 Perspective
- Drawing No. DA-302 Perspective
- Drawing No. DA-400 B2 Evacuation Plan
- Drawing No. DA-401 B1 Evacuation Plan
- Drawing No. DA-402 GF Evacuation Plan
- Drawing No. DA-403 L1-L3 Evacuation Plan
- Drawing No. DA-403 L4-L7 Evacuation Plan
- Drawing No. DA-403 L8-L9 Evacuation Plan

- Drawing No. DA-403 L10 Evacuation Plan
- Drawing No. SP-100 Area Calculation – FSR
- Drawing No. SP-101 Area Calculation – Landscape
- Drawing No. SP-102 Height Study
- Drawing No. SP-401 Shadow Study – Sun View 1
- Drawing No. SP-401 Shadow Study – Sun View 2
- Drawing No. SP-402 Shadow Study with Context – Sun View 1
- Drawing No. SP-402 Shadow Study with Context – Sun View 2

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- Access Report prepared by Vista Access Architects;
- Acoustic Report prepared by Acouras Consultancy;
- Air Quality Report prepared by RWDI;
- Arborist Report prepared by Redgum Horticultural;
- BASIX Certificate prepared by Taylor Smith Consulting;
- Geotechnical Report prepared by Chameleon Geosciences dated April 2019;
- Landscape Plans prepared by Paul Scrivener Landscape;
- Plan of Management (Child Care Centre) prepared by Early Education Solutions;
- Preliminary Site Investigation Prepared by EI Australia;
- Quantity Surveyor’s Report prepared by Quantex Consulting;
- Traffic and Parking Assessment Report prepared by Varga Traffic Planning;
- Urban Design Report prepared by Urbanac;
- SEPP 65 Design Verification Statement prepared by Zhinar Architects;
- Survey Plans prepared by LTS Lockley;
- Stormwater Plans including Erosion & Sediment Control Plan prepared by Mance Arraj Civil & Structural Engineers;
- Waste Management Plan prepared by MRA Consulting Group.

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.

- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed development has been assessed in relation to:

- Section 4.15 of the Environmental Planning & Assessment Act, 1979.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- Draft Remediation of Land SEPP 2018.
- Child Care Planning Guideline.
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control 2008.

2. SITE CONTEXT

The subject site is commonly referred to as Nos. 7-9 Castlereagh Street and 6-12 Copeland Street, Liverpool and is legally described as Lot A in Deposited Plan 374032, Lot B in Deposited Plan 374032, Lot 2 in Deposited Plan 110597, Lot B in Deposited Plan 433791, Lot D in Deposited Plan 374032 and Lot C in Deposited Plan 374032.

The site is located within the Liverpool City Centre on the eastern side of Copeland Street and on the western side of Castlereagh Street, Liverpool which in part are parallel to one another. Refer to Figure 1 below.

Figure 1 Site Location Map



Source: Meccone Mosaic

The development site is an irregular shaped allotment with the sites frontage to Copeland Street measuring 80.098m in its length and the site's frontage to Castlereagh Street equalling 36.937m in its length. To the south, the sites boundary measures 69.165m in its length. The site's northern most boundary equals a length of 30.888m. The eastern side boundary which adjoins No. 3 Castlereagh Street equals 20.118m in length with the eastern boundary adjoining No. 5 Castlereagh Street measuring 20.117m in its length. A splay of 3.658m adjoins part of the boundary shared with No. 3 Castlereagh Street. The sites northern boundary which adjoins No. 5 Castlereagh Street offers a length of 30.480m. Overall, the site provides for an area of 4,300.42m².

Located across the subject site at present are several detached dwellings with associated outbuildings. Reference should be made to Figures 2, 3 and 4.

It is important to note that an approval had been issued on 31 July 2017 being DA-631/2015 at the site for demolition of existing buildings, tree removal, and construction of two 9 storey residential flat buildings containing 116 residential apartments over two levels of basement car parking with associated landscaping and ancillary site works. This application did not include No. 6 Copeland Street which now forms part of the current development application before Council.

There is also an existing approval north of the subject site for an eleven (11) - storey mixed use development: Stage No. 1 - 6 premises to be used as neighbourhood shops, 4 levels of basement parking, and 43 residential units. Stage No. 2 - 4 levels of basement parking and 128 residential units at Lot 1 Copeland Street, 1d Castlereagh Street, 1a Castlereagh Street, 1b Castlereagh Street, 1c Castlereagh Street, 3 Castlereagh Street and 5 Castlereagh Street Liverpool. The reference for this approved development application is DA-436/2007.

The development application before Council will have an enhanced development outcome as appose to the existing approvals being DA-436/2007 and DA-631/2015 being developed individually. The benefit of incorporating Lot 6 in this development application is that it will not be isolated.

Development in the vicinity of the subject site is typically of a higher density and is residential in nature. In view of the R4 High Density Residential land zoning afforded to the site and those nearby, the development has conformed with the transition to higher density built forms and is therefore representative of this future desired character. Reference should be made to Figure 5 for an image of a recently completed 8-storey residential flat building at No. 18 Copeland Street, Liverpool. Figure 6 demonstrates a 7-storey residential flat building at No. 15-17 Castlereagh Street, Liverpool.

Figure 7 demonstrates the general streetscape character of Castlereagh Street directly opposite the subject site which includes a 9-storey development at No. 10 Castlereagh Street and similarly a 9-storey development at 18-22 Castlereagh Street.

Consent was also granted on 27/08/2018 to a development application at No. 14-16 Copeland Street and 11-13 Castlereagh Street for the demolition of existing dwellings and structures, lot consolidation, construction of an 8-storey and a 9-storey residential flat building comprising of 48 dwellings and 2 level basement, reference DA-508/2017.

In proximate locations of the subject site to the east and southeast are several education establishments namely, All Saints Catholic Primary School, Liverpool Boys High School, Liverpool Girls High School and Liverpool TAFE. Sydney South West Private Hospital and Liverpool Hospital are also situated within proximity of the site being to the east and southeast, respectfully.

Several local services and amenities are situated nearby the subject site with Westfield Liverpool Shopping Centre being approximately 500m walking distance of the site to the east. Just south of the Westfield Shopping Centre is the Core of the Liverpool City Centre, further enhancing accessibility to a variety of goods and services for the benefit of future residents.

With several bus stops located along nearby Elizabeth Drive, the site is well serviced by public transport infrastructure which offers connections to a more expansive public transport network and nearby suburbs.

It is acknowledged that careful planning was considered with the design to provide for a well-integrated residential flat building development on the site as detailed within this Statement of Environmental Effects and the supporting documents of the application.

Figure 2 No. 7 Castlereagh Street, Liverpool



Figure 3 No. 9 Castlereagh Street, Liverpool



Figure 4 6-12 Copeland Street, Liverpool



Figure 5 No. 18 Copeland Street, Liverpool



Figure 6 15-17 Castlereagh Street, Liverpool



Figure 7 General Streetscape along Castlereagh Street, Liverpool looking south



3. PROPOSAL

The proposal before Council seeks alterations and additions to an approved residential flat building with basement car parking, landscaping, and associated site works.

The proposal will comprise of two x 11-storey residential flat buildings which are noted as Block A and Block B.

Overall, the proposal will provide for 132 residential units with a total of 14 x 1-bedroom units, 99 x 2-bedroom units and 19 x 3-bedroom units.

The proposal also includes a change of use to part of the approved ground floor to create a 90 place child care centre.

Vehicle access to the subject site will be provided off Castlereagh Street in a similar location to that of the approved scheme currently at the site. This vehicular access point will lead to the two levels of basement car parking within the boundaries of the site.

Landscaping is provided throughout the site's boundaries, with communal open space being located at ground level being in a centralised position ensuring adequate and equitable access to these areas for the benefit of residents.

Lift cores within Block A and B will provide access throughout the levels.

A breakdown of the proposal is provided below:

Basement 2:

- In keeping with the original approval, the level provides for two separate, unconnected parts. The size and layout of the level have however been revised to reflect the inclusion of No. 6 Copeland Street as part of the current scheme.
- The western component will comprise of 71 residential car spaces of which 7 are accessible spaces, 12 x bicycle spaces, 2 x motorcycle spaces, bulky waste storage, storage cages and lifts/fire stairs to upper levels.
- The eastern component will comprise of 25 residential parking spaces, 2 car wash bays, 8 x bicycle parking, storage cages, plant room and lifts/fire stairs to upper levels.

Basement 1:

- The use of the level is proposed to be split in two with the western component dedicated to the residential use and comprising of 53 residential car spaces of which 3 are accessible spaces, 14 visitor car spaces, 2 car wash bays, 18 bicycle spaces and 7. Storage cages, bin rooms, lifts and fire stairs complete this part of Basement 1.
- The eastern component has been designed to be used by staff and visitors to the proposed child care use and will comprise of 23 car spaces including 1 accessible space, 2 drop off spaces, 6 bicycle spaces and 1 motorcycle space. A dedicated bin storage area, plant room, lift and fire stairs complete this part of Basement 1.
- Boom gates will ensure restricted access to the child care parking area.

Alterations and Additions to Approved Residential Flat Building:

- Block A will comprise of a total of 51 units including 14 x 1-bedroom units and 37 x 2-bedroom units over 11 storeys.
- Block B will comprise of a total of 81 units including 62 x 2-bedroom units and 19 x 3-bedroom units over 11 storeys.
- Pedestrian access to the residential units is proposed via both street frontages whilst vehicular access is proposed via Castlereagh Street. It is noted that pedestrian access via Copeland Street involves a pedestrian ramp across land which is zoned SP2 in keeping with the original approval.
- Areas of communal open space are located at both ground level and across the roof levels of the proposed built forms.
- Overall, in terms of residential accommodation, across the two built forms the development provides for 14 x 1-bedroom units (10%), 99 x 2-bedroom units (75%) and 19 x 3-bedroom units (14%).
- 34 bicycle spaces will be provided at ground level.
- Waste collection will occur within the site via Castlereagh Street with a temporary waste holding area proposed.

Child Care Centre:

- With respect to the proposed child care centre, it is anticipated that the proposal would accommodate up to 90 children who are between the ages of 0-5.
- Both pedestrian and vehicular access to the child care centre will be via the Castlereagh Street frontage with clear pathways to assist in wayfinding.
- The centre will provide the following layout: reception, office, staff, laundry, kitchen, WC, Playroom 1 (16 children), Playroom 2 (20 children), Playroom 3 (24 children) and Playroom 4 (30 children).
- The centre proposes the following hours of operation, 52 weeks of the year:
 - Monday – Friday: 7 am – 6 pm. No staff on site prior to 6:45am.
 - Weekends and Public Holidays: Closed
- The proposal has provided the following indoor and outdoor play areas for each group of children. It is noted that although the plans are still in their conceptual stage, preliminary planning has revealed compliance is achievable and will be appropriately detailed as part of a formal submission to Council.

LEVEL	AGE	NO. OF CHILDREN	REQUIRED INDOOR / OUTDOOR SPACE	PROPOSED
1	0-2 years	16	52m ² / 112m ²	52.5m ² / 116.41m ²
2	2-3 years	20	65m ² / 140m ²	65.99m ² / 173.26m ²
3	3-4 years	24	78m ² / 168m ²	82.84m ² / 169.85m ²
4	4-5 years	30	97.5m ² / 210m ²	99.64m ² / 287.77m ²

- All classrooms are proposed with adjacent children’s toilets and indoor storage.

- The proposal will also accommodate 14 educators on the premises, per the required educator to staff ratios for centre based services under the Education and Care Services National Regulations 2011. The staff distribution is:

AGE	NUMBER OF CHILDREN	STAFF RATIO	NUMBER REQUIRED/PROVIDED
0-2 years	16	1 per 4	4
2-3 years	20	1 per 5	4
3-5 years	54	1 per 10	6
Total	90		14

- A Plan of Management will be submitted as part of a formal Development Application to Council.

Reference should be made to the submitted plans prepared by Zhinar Architects Pty Ltd.

An assessment of the proposal against key numerical planning controls is provided in the following pages and should be read in conjunction with the submitted architectural plans.

Reference should be made to the accompanying technical reports attached under separate covers to this Statement of Environmental Effects for a more detailed assessment of the proposal.

4. SECTION 4.15 CONSIDERATIONS

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

The provisions of:

4.1 Relevant State, Regional and Local Environmental Planning Instruments

4.1.1 State Environmental Planning Policy – Building Sustainability Index (BASIX)

The proposal has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

A BASIX Certificate has been issued for the development and is attached under separate cover to this Statement of Environmental Effects. This shows compliance with the required water, thermal and energy provisions under BASIX.

4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.1.2.(a) Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to the clearing of vegetation in non-rural areas.

An Arborist Report has been prepared by Redgum Horticultural. The report concludes that four (4) trees are nominated for removal and replacement. An additional two (2) trees are to be preserved and retained/protected though the measures detailed within the submitted report. These measures may form part of any future conditions of consent.

4.1.2.(b) Chapter 6 Water Catchments

Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to the protection of water catchments, including the Georges River Catchment. The subject site falls within the Georges River Catchment and therefore the provisions apply.

The stormwater drainage has been appropriately designed by Mance Arraj Civil & Structural Engineers to ensure the management of stormwater and runoff is adequately addressed for the development and will not negatively impact the Georges River Catchment.

All waste produced as part of the development will be managed during all stages of construction and throughout the life of the building.

The proposal is therefore not contrary to the provisions of Chapter 6.

4.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 relates to the remediation of land. Clause 4.6 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if it is contaminated, the consent authority is satisfied that the land is suitable for the purpose. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation Report has been carried out by EI Australia. The report determined that the subject site had been used for low density residential purposes since 1933 at least with some rural activities also taking place up to the mid 1960s. Similarly adjoining and nearby sites were also used for low density residential/rural activities though during the 2000s areas were redeveloped for high rise residential flat buildings.

Whilst there are no records pertaining to Schedule 11 Hazardous Chemical licensing for any of the parcels making up the subject site nor are any of the properties included on the List of Contaminated Sites Notified to the EPA,

“The CSM [conceptual site model] established there was potential for contamination to be present within the site area and that the risks to human and environmental receptors posed by the identified contaminant sources were such that further (detailed/field-based) investigation was warranted”.

A Detailed Site Investigation is in the process of being prepared and will be submitted in due course.

The submitted Preliminary Site Investigation makes further recommendations including the preparation of a Hazardous Materials Survey prior to any demolition works being carried out on site. Such recommendations may form part of any future conditions of consent.

In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, Council is able to conclude that no further assessment of contamination is necessary.

4.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.1.4.(a) Chapter 2 Infrastructure

The State Environmental Planning Policy (Transport and Infrastructure) 2021 benefits communities by providing a more efficient planning framework for infrastructure in NSW.

Clause 2.119 of the SEPP applies to the development where it has a frontage to a classified road. The classified road in this instance is Copeland Street. On this basis, Clause 2.119 of the SEPP aims to ensure that new development does not compromise the effective and ongoing operation and function of classified roads. Notably, no vehicle access to the subject site is proposed from Copeland Street, with this being provided via Castlereagh Street.

A Traffic and Parking Impact Assessment Report has been prepared and accompanies this application. This report has noted that the proposed development would not result in any unacceptable impacts on the surrounding road network. The efficient operation and function of the associated road network would not be compromised through this application. For a more comprehensive assessment, reference should be made to the Traffic and Parking Impact Assessment Report attached under a separate cover to this Statement of Environmental Effects.

Clause 2.120 of the SEPP also applies to development for certain purposes including the development of a building used for residential purposes that is located on land which adjoins a road corridor or a road corridor that experiences a high volume of daily traffic. The clause takes into consideration any adverse effects to the proposed development that may result from road noise and vibration.

Where required the development has been provided with the appropriate acoustic treatments to achieve the internal design noise levels as defined under this instrument. The accompanying Acoustic Report prepared by Acouras Consultancy has determined that the development is feasible and reasonable and keeps the appropriate acoustic amenity for future residents.

In addition, Clause 2.122 of the SEPP applies to the development if it is deemed to be traffic generating development in accordance with Schedule 3 of the SEPP. In accordance with the Schedule 3, whilst the site does provide a frontage to a classified road no vehicular access from this road is proposed. Connection from the site to the classified road is in excess of 90m measured along the alignment of the connecting road. Whilst the proposal does seek a pedestrian access point to Copeland Street, it is noted that this is consistent with the development consent issued under DA-635/2015.

In regard to the above, Council can be satisfied that the proposal will meet the requirements of the Infrastructure SEPP for the above measures.

4.1.4.(b) Chapter 3 Educational Establishments and Child Care Facilities

Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 relates to educational establishments and child care facilities.

The table below relates to the clauses relevant to a child care centre.

PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
3.23 Centre-based child care facility—matters for consideration by consent authorities	<ul style="list-style-type: none"> Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i>, in relation to the proposed development. 	<ul style="list-style-type: none"> Refer to Appendix C for a complete assessment of the Guideline. Additional comments to specific clauses are provided in Part 4.1.4.(c) after this table.
3.24 Centre-based child care facility in Zone IN1 or IN2 — additional matters for consideration by consent authorities	<ul style="list-style-type: none"> N/A. 	<ul style="list-style-type: none"> N/A. Site is zoned R4.
3.25 Centre-based child care facility—floor space ratio	<ul style="list-style-type: none"> Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. 	<ul style="list-style-type: none"> N/A. Site is zoned R4.

PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility. 	
<p>3.26 Centre-based child care facility—non-discretionary development standards</p>	<ul style="list-style-type: none"> The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility— <ul style="list-style-type: none"> (a) location—the development may be located at any distance from an existing or proposed early education and care facility, (b) indoor or outdoor space <ul style="list-style-type: none"> (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause, (c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth, (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area. To remove doubt, this section does not prevent a consent authority from— <ul style="list-style-type: none"> (a) refusing a development application in relation to a matter not specified in subsection (2), or (b) granting development consent even though any standard specified in subsection (2) is not complied with. 	<ul style="list-style-type: none"> Noted. Noted. Refer to Part 4.1.4.(c) of this SEE below this table. Noted. Noted. Noted.

PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
3.27 Centre-based child care facility— development control plans	<ul style="list-style-type: none"> A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility— <ul style="list-style-type: none"> (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— <ul style="list-style-type: none"> (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). This section applies regardless of when the development control plan was made. 	<ul style="list-style-type: none"> This clause is referenced where applicable under the DCP assessment.

4.1.4.(c) Indoor and Outdoor Space

The table below outlines the required and proposed indoor and outdoor play areas in accordance with Regulations 107 and 108.

In summary, the proposal is compliant with the minimum provision of 3.25m² of indoor play area per child and 7m² of outdoor play area per child.

AREA	NUMBER OF CHILDREN	REQUIRED SIZE (M ²)	PROPOSED SIZE (M ²)
Playroom 1: 0-2 years	16	52	52.5
Outdoor Play: 0-2 years	16	112	116.41
Playroom 1: 2-3 years	20	65	65.99
Outdoor Play: 2-3 years	20	140	173.26
Playroom 1: 3-4 years	24	78	82.84
Outdoor Play: 3-4 years	24	168	169.85

AREA	NUMBER OF CHILDREN	REQUIRED SIZE (M ²)	PROPOSED SIZE (M ²)
Playroom 1: 4-5 years	30	97.5	99.64
Outdoor Play: 4-5 years	30	210	287.77

4.1.4.(d) Local character, streetscape and the public domain interface – C5

The following provides comments in response to the objective to: “...ensure that the child care facility is compatible with the local character and surrounding streetscape.”

As detailed under Part 2.0 of this SEE, the subject site is located in an established residential area within the Liverpool City Centre. The site is zoned R4 High Density Residential and the built form in the area is generally reflective of this, being a mixture of 7, 8 and 9 storey residential flat buildings with development consent issued on the northern site for an 11 storey residential flat building.

There are a few examples of remnant detached dwellings on smaller lots in the streetscape reflective of a former low density zoning. In view of the current high density zoning, development is transitioning towards more high rise buildings over consolidated lots.

The surrounding buildings are of a contemporary stock and are predominantly a combination of face brick and rendered walls or completely rendered in complementary tones with flat roofs. Buildings are typically articulated by blade walls in distinctive colours or louvre style shading screens. Balcony balustrades are a mix of clear and opaque glass or solid design.

Examples of more recent built forms are illustrated below in Figures 5 – 7 of this report.

Parking is typically in the form of basement level parking and as such is not visible within the streetscape. A landscaped setback is characteristic. Fencing, where present, is varied in both appearance and height, ranging from part open/part solid designs, low brick fences, rendered walls and hedge planting.

The proposed child care centre will not be readily visible to Castlereagh Street given its siting at ground level of Block B. The child care centre will be partly visible to Copeland Street however the design of the centre has been integrated into the overall residential flat building with matching face brick walls and rendered blade elements proposed. Signage, which will be sought as part of a future DA, will distinguish the child care centre from the otherwise residential use on site. This is also evident in the glazing treatment to the child care centre which uses more expansive spans of glass to permit sight lines for supervision. The cantilever of Level 1 over the northern outdoor play space provides for passive shade and suggest an alternative use below through the void created having regard to the more expansive site coverage of the residential flat building.

The development proposes a rendered front fence. The front setback area is used for plantings except for the pedestrian entry footpath and the driveway. Separate pedestrian access is proposed to Block A, with a shared entry from Castlereagh Street to Block B and the proposed child care centre. A two storey entry structure defines this entrance, distinguishing it from the lobby entrance to Block A. Landscape design and paths will assist internally in wayfinding as will future signage both to Castlereagh Street and within the development itself.

A dedicated car parking area is proposed to the eastern end of the car park at B1 to be used exclusively by the child care centre. A lift will provide access to the ground floor.

Figure 8 View from Castlereagh Street



Figure 9 View from Copeland Street



The above establishes that the proposed design is generally reflective of the local character and surrounding streetscape.

4.1.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

The policy sets out a series of design principles for Local Council or other consent authorities to consider when assessing development proposals for flats.

The SEPP 65 underwent a comprehensive review and the changes were notified on the NSW legislation website on 19 June 2015 and commenced on 17 July 2015. For development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by Zhinar Architects.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential flat buildings. These principles are as follows:

- Principle 1 Context and Neighbourhood Character
- Principle 2 Built Form and Scale
- Principle 3 Density
- Principle 4 Sustainability
- Principle 5 Landscape
- Principle 6 Amenity
- Principle 7 Safety
- Principle 8 Housing Diversity and Social Interaction
- Principle 9 Aesthetics

The aims and objectives of this policy are:

- (1) *“This policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) *Improving the design quality of residential apartment buildings aims:*
 - (a) *to ensure that they contribute to the sustainable development of New South Wales;*
 - (i) *by providing sustainable housing in social and environmental terms; and*
 - (ii) *by being a long term asset to their neighbourhood; and*
 - (iii) *by achieving the urban planning policies for their regional and local contexts; and*

- (b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and*
 - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and*
 - (d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and*
 - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
 - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and*
 - (g) to support housing affordability, and*
 - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*
- (4) This Policy aims to provide:*
- (a) consistency of policy and mechanisms across the State; and*
 - (b) a framework for local and regional planning to achieve identified outcomes for specific places.”*

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under **Appendix A** of this report.

Further to the above design quality principles, Clause 30(2) of SEPP No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning’s publication entitled *Apartment Design Guide* (ADG). Compliance with ADG is assessed under a table within **Appendix B** of this report.

The proposal involves the redevelopment of Nos. 7-9 Castlereagh Street and 6-12 Copeland Street, Liverpool to accommodate an eleven (11) storey residential flat building development.

Refer to **Appendix B** for a detailed assessment of the proposal against the planning guidelines of Apartment Design Guide.

4.1.5.(a) Overshadowing

It is important to note that there is an existing approval at the subject site for two 9 storey residential flat buildings, reference DA-631/2015. As the current proposal seeks an additional two

storeys to each building, it is envisioned that the proposal will result in additional overshadowing of the adjoining southern site. This is considered to be a product of both the orientation of the site and the high density zoning which as established by the Planning Principle for solar access makes solar access more difficult to protect.

It should be noted that if the current approvals i.e. DA-631/2015 and DA-436/2007 were to be acted upon, the segregation of No. 6 Copeland Street would occur. The holistic development approach which has been applied in this instance has incorporated No. 6 Copeland Street, therefore no isolation would result. This is also beneficial from an overshadowing perspective. If No. 6 were to be redeveloped in isolation, the overshadowing impacts upon the balance of the subject site would be increased. Given its incorporation within the DA no such effects would result as a holistic design approach can be applied and thus an enhanced overshadowing outcome.

Therefore, from an overshadowing standpoint Council can be satisfied that there would be only a minor increase to the shadows which are being cast by the application when compared to that already approved. No detriment is considered to result to the southern development site with majority of additional shadows being cast over Copeland and Castlereagh Street.

4.1.5.(b) Separation

The proposed development has been designed to achieve positive visual privacy and separation outcomes between sites and built form. In the first instance the proposal has been designed as being built to the southern side boundary with blank walls proposed. In accordance with the ADG no separation is required where blank walls are proposed.

As detailed within this SEE, there is also an existing approval south of the subject site for the demolition of existing dwellings and structures, lot consolidation, construction of an 8-storey and a 9-storey residential flat building comprising of 48 dwellings and 2 level basement, at No. 14-16 Copeland Street and 11-13 Castlereagh Street, reference DA-508/2017. This development has been designed to abut the shared boundary with the subject site, demonstrating the appropriateness of a blank wall/nil setback in this location.

Consent was also granted to the north of the subject site for an eleven (11) - storey mixed use development: Stage No. 1 - 6 premises to be used as neighbourhood shops, 4 levels of basement parking, and 43 residential units. Stage No. 2 - 4 levels of basement parking and 128 residential units at Lot 1 Copeland Street, 1d Castlereagh Street, 1a Castlereagh Street, 1b Castlereagh Street, 1c Castlereagh Street, 3 Castlereagh Street and 5 Castlereagh Street Liverpool. The reference for this approved development application is DA-436/2007.

The proposal has considered the development consent which apply to these sites as part of the current proposal.

Compliance is achieved at the ground floor, Level 1, Level 2 and Level 3 with minimum separation distance of 6m proposed to the adjoining northern site and a minimum of 20m proposed between the buildings at the site.

At Levels 4, 5, 6 and 7 being the 5th, 6th, 7th and 8th stories, a minimum separation distance of 9m is required between habitable rooms. A minor variation is sought at this level as it relates to Block A and the immediate boundary to the north. The primary built form has been contained within a compliant 9m setback with a minor variation sought to balcony elements. This variation equals 3m, however, is not considered to offer any negative visual privacy impacts as privacy screening has been proposed along the edges of the balcony to offset any negative visual privacy outcomes.

It is considered that with the introduction of privacy screening, view lines would be obscured, and a positive visual privacy relationship would be retained.

At Levels 8 and 9, being the 9th and 10th stories, minor variations to the minimum separation distances are sought. A minimum separation distance of 12m is required between habitable spaces. With respect to Block A and the immediate relationship to the northern boundary the primary built form has been setback 12m with the variation relating simply to balconies. The variation is equal to 2m. The balcony element which protrudes into the minimum separation distance requirement has partly taken advantage of the slab of the level below which would otherwise be a vacant space. Therefore, the proposal seeks to promote a heightened degree of residential amenity for future occupants ensuring that the proposal maximise the degree of useable space for the benefit of residents at no detriment to visual privacy.

With respect to Block B, a variation of 4m is sought as it relates to the northern portion of the block and the interface with the immediate northern boundary. Whilst a variation is sought, privacy screening is proposed along the northern edges of the balconies which works to obscure any obtrusive view lines so that positive visual privacy relationships are promoted.

In terms of separation between Block A and Block B, for majority of this relationship at the 9th and 10th storey a separation distance of 21-22m is proposed falling 3-4m short of compliance. Privacy screens are again proposed to ensure no negative visual privacy impacts result at this interface.

At Level 10, the proposal is compliant with the exception of the northern setback to Block B. Following the footprint of the levels below, a variation of 4m is sought as it relates to the northern portion of the block and the interface with the immediate northern boundary. Whilst a variation is sought, privacy screening is proposed along the northern edges of the balconies which works to obscure any obtrusive view lines so that positive visual privacy relationships are promoted.

As detailed above and throughout this SEE, a holistic approach has been applied to the development outcome at the subject site and those further to the north. Given this holistic development outcome, the proposal is considered to satisfy the provision of offering positive visual privacy relationship given the future development scenario at the northern most sites and the resulting interface being with open space at the ground and no immediate built form for the levels above.

4.1.6 Liverpool Local Environmental Plan 2008

A comprehensive assessment of the proposal against the controls can be found in **Appendix D**.

4.1.6.(a) Zoning

Under the Liverpool Local Environmental Plan 2008, the subject site is zoned R4 High Density Residential. Refer to Figure 10 Land Zoning Map.

Figure 10 Land Zoning Map



Source: Liverpool LEP 2008, digital mapping

The objectives of the R4 High Density Residential Zone read as follows:

“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.”*

In response to the above objectives the following comments are made.

The proposed development provides a positive response to the evolving high density character of the locality which will contribute to the housing stock with the local government areas and specifically within the Liverpool City Centre.

The proposal offers an appropriate mix of 1, 2 and 3-bedroom apartments to cater for the diverse housing needs of the community.

The proposal includes a child care centre to part of the ground floor of Block B. The centre will provide for a service to meet the day to day needs of residents.

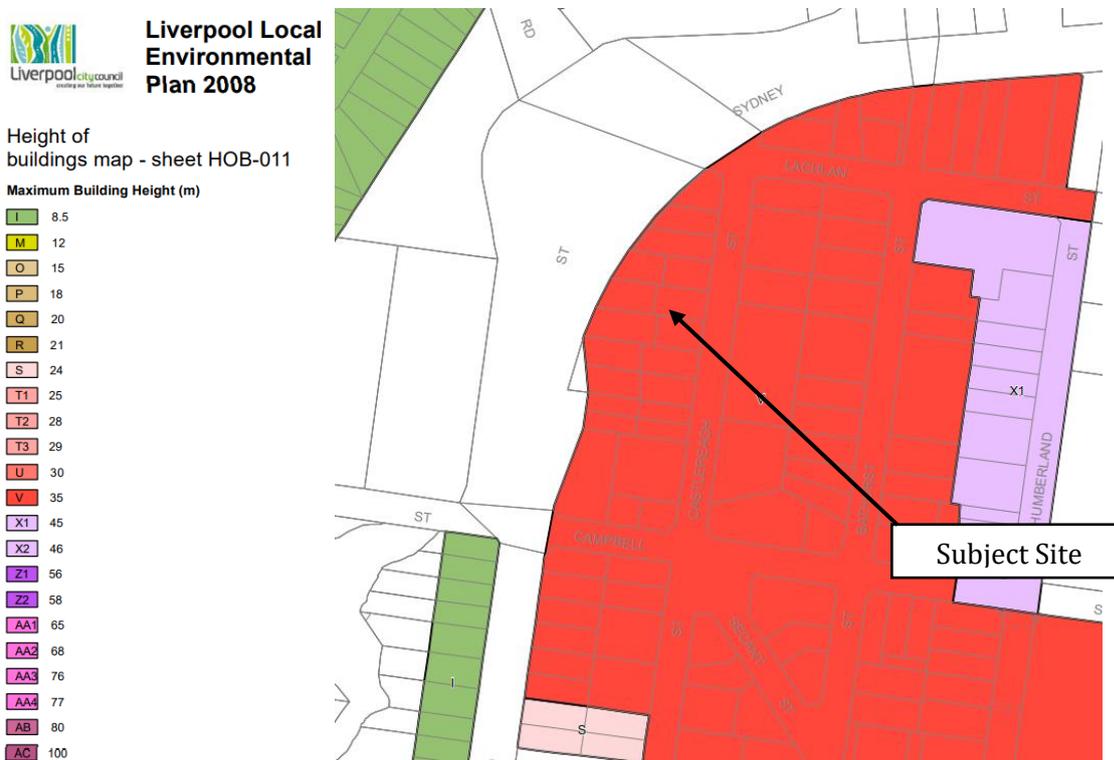
With the subject site located within the Liverpool City Centre, the site benefits from its proximate location to an array of local businesses, shops, amenities and infrastructure which are located throughout the Liverpool City Centre. Several bus stops are located within a proximate location to the site, offering alternative transport modes for the benefit of future residents.

There is no fragmentation of land that would result from the proposed development. It should be noted that the proposal encompasses No. 6 Copeland Street which the previous approval at the site did not, therefore avoiding any isolation of sites.

4.1.6.(b) Building Height

The subject site is limited to a maximum building height of 35m as demonstrated in Figure 11 below.

Figure 11 Height of Buildings Map



Source: Liverpool LEP 2008, map 11

As demonstrated on the submitted sections and Drawing No. SP-102, the proposal will result in a maximum building height, the proposal seeks a variation to the control with a maximum building height of 36.62m sought to Block A and 36.8m to Block B.

The proposed variation is primarily a result of the provision of, and access to, the roof level for communal open space and include the lift, lift overrun and pergolas. Lesser variations relate to the roof over the Level 10 units and the plant located at roof level.

The variation does not include any habitable floor space.

Figure 12 Height Study



Source: Zhinar Architects

The provision of communal open space at roof level is considered to provide for a better planning outcome. A Clause 4.6 Variation has been prepared and is submitted as **Appendix F** to this report.

4.1.6.(c) Heritage

The subject site has not been identified as an item of heritage significance nor is the site located within a conservation area.

However, the site does offer a frontage to Castlereagh Street which forms part of the Plan of Town of Liverpool (early town centre street layout – Hoddle 1827) being item No. 89, noting this is a local item of heritage. Refer to Figure 13 on the following page.

The proposed development offers a positive interface and relationship with Castlereagh Street and offers a sympathetic integration with neighbouring development as this presents to Castlereagh Street.

A well-articulated and modulated façade is created, with the proposal ensuring a heightened degree of legibility allowing entry points to be distinguished, avoiding any opportunity for unintended access. The proposal offers a strong presentation to Castlereagh Street which is consistent with neighbouring and proximate development. This ensures that this frontage is not treated as secondary in any manner.

The proposed development is therefore considered consistent with the Clause.

Figure 13 Heritage Map



Source: Liverpool LEP 2008, map 11

4.1.6.(d) Flood Planning/Floodplain Risk Management

As detailed in Pre-DA advice received from Council, the subject site is situated within the catchment area of Brickmakers Creek. Flood mapping obtained from the Council's overland study indicates that the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood level at the proposed development site is 11.8m Australian Height Datum (AHD).

The advice received from Council notes that habitable floor levels shall be no lower than the 1% AEP flood plus 300mm, being equivalent to 12.1m AHD. The ground floor of the child care centre, Block A and Block B are proposed as 12.2m AHD and are therefore compliant.

The basement entry is required to achieve a minimum level of 11.8m + 0.1m = 11.9m. The proposed level is sought 12.0 AHD and accordingly complies.

Evacuation Plans have been detailed as Drawing Nos., DA-400 to DA-406 inclusive.

Appropriate conditions of consent may be imposed by Council with respect to fencing.

Reference should also be made to the submitted Stormwater Plans.

4.1.6.(e) Objectives for the development in Liverpool city centre

The subject site is identified as being located within the Liverpool City Centre. The objectives of Clause 7.1 contained within the Liverpool city centre read as follows:

“(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,

- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) to improve the quality of public spaces in the city centre,*
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- (f) to enhance the natural river foreshore and places of heritage significance,*
- (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.”*

In response to the above objectives, the following comments are made.

The proposed development offers a positive response to the locality in terms of its integration with the streetscape and alignment with proximate development. The proposal offers appropriate setbacks which satisfy the objectives of these controls to ensure that the appropriate siting of development is achieved along the streetscape.

Compliance with apartment sizes, natural ventilation, private open spaces and communal areas are achieved in accordance with the requirements set out in the ADG. Given the orientation of the site, the proposal will not negatively impact upon the capacity of pedestrian areas to retain solar access.

Vehicle access to the site is proposed via Castlereagh Street which is consistent with the approved scheme currently at the site and with proximate development. This removes any conflict between vehicles and pedestrians seeking to access the site along the Hume Highway.

The proposal will have no detrimental impact to public spaces within the city centre. The proposal offers a design that is well articulated, is legible and is of a high-quality architectural fabric and design that sympathetically integrates within the locality. A comprehensive landscape strategy is proposed to improve the visual relationship between the site and the public domain, offering a visual balance between natural and urban elements.

As detailed earlier within this SEE, the proposal offers a positive response to the Castlereagh Street frontage with a strong presentation and well-articulated facade, this ensures a positive relationship to the street network that is identified as forming part of a local heritage item.

The development will have no impact upon the public plaza to the Liverpool railway station entry nor the Georges River Foreshore given its location.

As demonstrated above, the proposal is therefore consistent with the objectives of development within the Liverpool city centre.

4.1.6.(f) Building separation in Liverpool city centre

A variation to Clause 7.4 of the Liverpool Local Environmental Plan 2008 (LLEP 2008), which relates to building separation within the Liverpool City Centre is sought through this application.

The site is located within the Liverpool City Centre, in an R4 zone and the proposed residential flat building development will have a height of 36.2m (Block A) and 36.8m (Block B). This clause therefore applies. The proposed residential flat building is proposed to be built to the southern boundary and therefore proposes a 0m setback.

A written justification is therefore required for the proposed variation to the minimum separation distance development standard, in accordance with Clause 4.6 of the Liverpool LEP 2008.

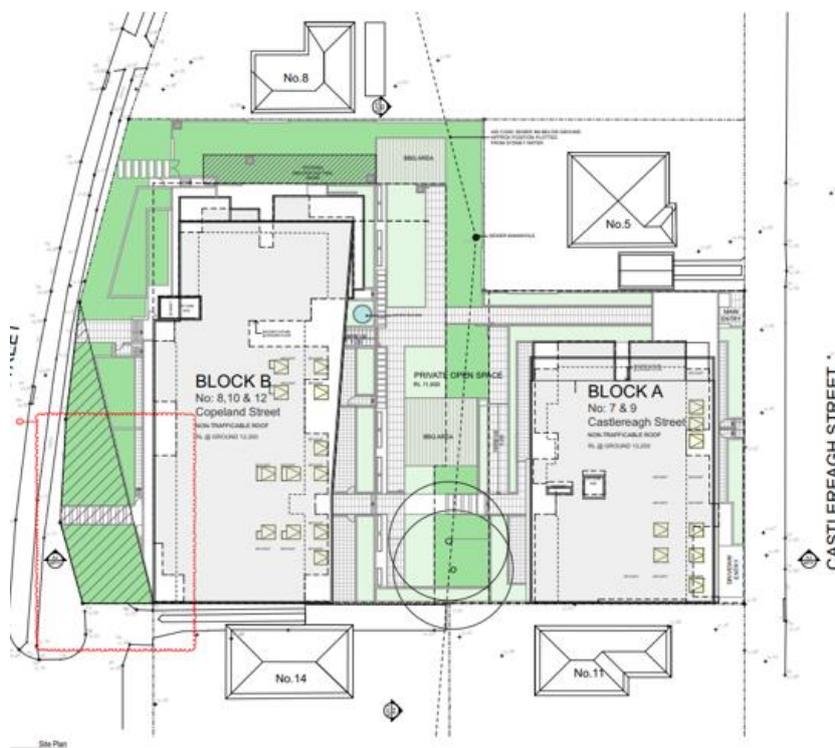
The proposal has been designed as being built to the site's southern boundary with a setback of 0m.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standard and the zone. The proposal will not result in any unreasonable amenity or environmental impacts. Importantly, the proposal has achieved compliance with the FSR, and height controls prescribed for the site.

The proposal has been purposefully designed and sited to ensure consistency with the bulk and scale of neighbouring sites along with the dominant development character of the locality.

As previously detailed, there is an approval currently at the subject site for demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works. Consent was granted on 31/07/2017 under reference DA-631/2015. This approved development was also designed as being built to the southern site boundary, as is being proposed. A copy of the approved site plan is demonstrated below. Refer to Figure 14.

Figure 14 Approved Development scheme DA-631/2015

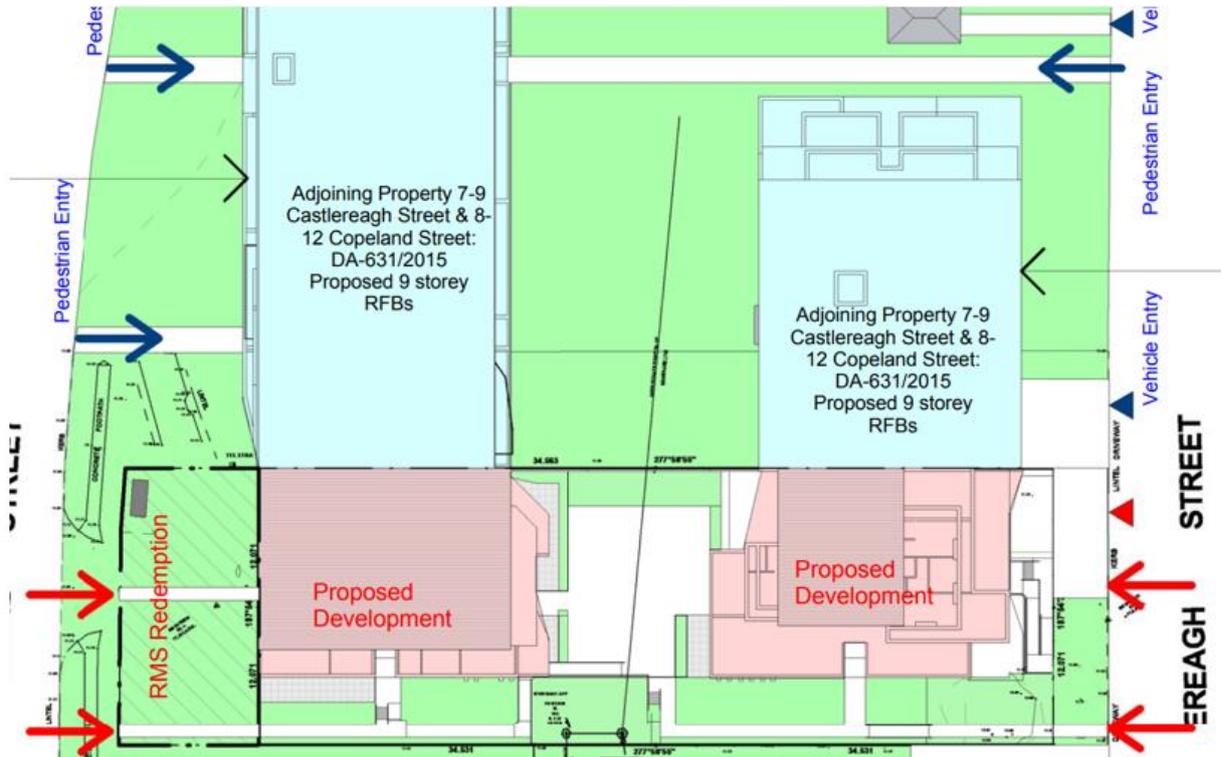


Consent was also granted on 27/08/2018 to a development application at No. 14-16 Copeland Street and 11-13 Castlereagh Street for the demolition of existing dwellings and structures, lot consolidation, construction of an 8-storey and a 9-storey residential flat building comprising of 48 dwellings and 2 level basement, reference DA-508/2017. In accordance with Clause 4.53 of the Environmental Planning and Assessment Act, 1979, an

additional 2 years may be applied to this consent having regard to the COVID-19 pandemic. In this respect, development consent relating to DA-508/2017 will remain active until 27/08/2025.

As detailed on Figure 15 below, this application was also designed as being built to the boundary. Therefore, the relationship of zero lot lines between the subject site and that to the southern neighbour has already been approved. No change to this relationship is sought through this application, rather this is replicated with 0m southern boundary setback proposed. Refer to Figure 15.

Figure 15 Approved development scheme DA-508/2017



This relationship as previously approved between the subject site and the southern neighbour is being replicated with this proposal. This zero-lot boundary alignment of built form was previously considered appropriate and no change is being proposed.

Reference should be made to **Appendix G** of this SEE for a Clause 4.6 variation.

4.2 Any Proposed Instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

4.2.1 Draft State Environmental Planning Policy (Environment)

The Explanation of Intended Effects for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. This consolidated SEPP seeks to simplify the planning rules for a number of waterways, water catchments, urban bushlands and Willandra Lakes World Heritage Property.

It is considered that the proposal would not be contrary to the provisions under the previous Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment, and current Conservation and Biodiversity SEPP 2021.

Therefore, the applicable provisions have been discussed in **Part 4.1.2.(b)** of this SEE with the development considered appropriate in this regard, and the proposed development has considered the relevant Draft planning instrument.

4.2.2 Remediation of Land SEPP 2018

The NSW State Government is currently in the process of a broader review program in the aim of ensuring all State Environmental Planning Policies are relevant and up to date. The Draft State Environmental Planning Policy's Explanation of Intended Effects was on public exhibition between 31 January 2018 and 13 April 2018.

As detailed above under **Part 4.1.3** of this SEE, the subject site has a history of residential use. There have been no uses that would indicate the potential for contamination. Given this, Council can be comfortable that the site is suitable for the proposed works.

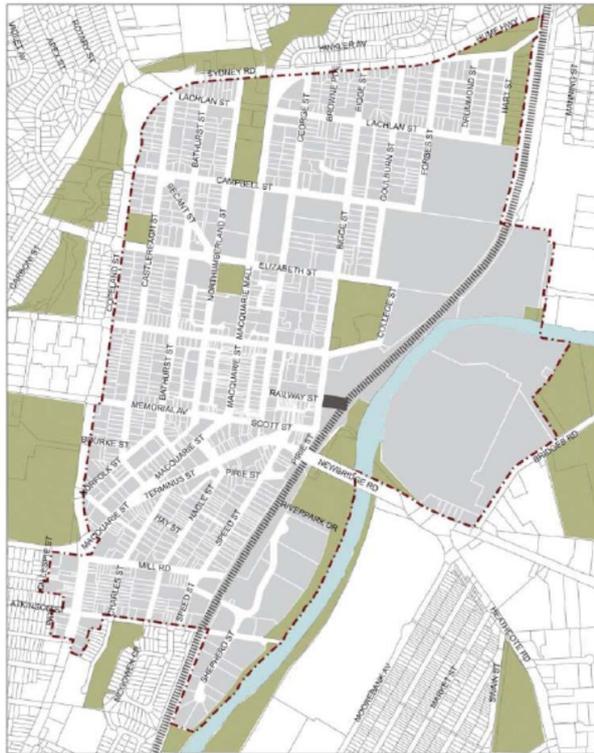
Therefore, based on the information of the Explanation of Intended Effect of the SEPP Remediation of Land 2018 it is considered that the proposal is consistent with the draft planning instrument.

4.3 Any Development Control Plan

4.3.1 Liverpool Development Control Plan 2008

The development falls within the area covered by the development control plan for Liverpool City Centre (Refer to Figure 16). As such, the proposal will be assessed against Parts 1 and 4 of the DCP.

Figure 16 Liverpool City Centre Area



Source: Liverpool DCP 2008

Reference should be made to **Appendix E** for a comprehensive assessment of the proposal against Council's DCP controls.

4.3.1.(a) Crime Prevention Through Environmental Design

The proposed development including a residential flat building and child care centre has been designed with respect to the principles of Crime Prevention through Environmental Design. The following comments are made to the principles of surveillance, access control, territorial reinforcement and space management.

Surveillance

- Habitable rooms and private open space in the development have been orientated towards Castlereagh Street, Copeland Street and internally within the development, enabling casual surveillance of both the public domain and communal spaces within the development.
- The lobby areas are well defined with a clear pathway to the primary entry.
- Common areas are to be well lit, internally and externally, to ensure surveillance is possible at all hours and to minimise dark shadows.
- The internal aspects of the design have minimised blind corners, with clear sightlines down corridors. Primary habitable areas (living rooms) are oriented to the street frontages, allowing surveillance from upper levels.

Access Control

- The development will be clearly identified with street numberings designed in accordance with Council's requirements.

- Wayfinding signage will be used to identify what is semi public (where visitors can access) and what is private (where visitors cannot access). Signage will clearly direct people to key areas in the development.
- Each unit will be clearly identified with street numberings designed in accordance with Council's requirements. Security can be incorporated into the development with an intercom system and secured access keys/cards or a similar mechanism. Similarly, the basement parking levels will incorporate a similar mechanism for residential and visitor access.
- Access to the child care centre will be controlled by a keycard/code or similar mechanism, to prevent unauthorised access to the centre.
- CCTV will be installed to monitor access in the foyer areas.
- Door closers and alarms on fire exits to ensure may be used to ensure fire doors are not left open.

Territorial Reinforcement

- The development will be constructed of high quality materials that can be easily cleaned should vandalism occur. External areas will be well-lit and monitored to discourage such negligent activities.
- The pedestrian and vehicular entries to the building will be clearly defined through the use of clear signage and lighting.
- Landscaping will assist in the distinction of public and private spaces.

Space / Activity Management

- The proposed building is designed with clear intended uses.
- Each unit, through the security system, will be allocated a unique access key. Communal areas will be maintained privately through strata/building management for landscape maintenance and cleaning.
- CCTV, signage and controlled access will be employed to manage public access to the buildings entry, residential storage and basement level.
- Pedestrian entries to the development, particularly to the child care centre will be defined by an entry feature at Castlereagh Street. Internally, the landscape design includes paved pathways leading to common lobbies.

4.3.1.(b) Street Alignment and Street Setbacks

As detailed within Council's DCP, to Copeland Street a minimum 8m landscaped setback is required with a minimum 4m landscaped setback required to Castlereagh Street. With respect to Castlereagh Street a minimum 4m street setback is proposed and at ground level will comprise of the private open space to Block A units.

To Copeland Street, minimum setbacks of between 0-8m are proposed and hence a variation is sought. The objectives the control read as follows:

Objectives

- 1. Create a strong and consistent definition of the public domain.*
- 2. Define the street as a spatial entity. Reinforce the importance of the public role of the street.*
- 3. Provide front setbacks appropriate to building function and character.*

4. *Establish the desired spatial proportions of the street.*
5. *Provide sunlight access to streets, comfortable wind conditions, a generous footpath for pedestrians, and to assist growing conditions for street trees. Allow for street landscaping.*
6. *Locate active uses, such as shopfronts, close to pedestrian activity areas. Allow an outlook to, and surveillance of, the street.*
7. *Create a transition between public and private space.*

With respect to the objectives above, the following comments are made.

The proposal has been positioned in a manner which offers a strong presentation to the public domain. This is achieved through providing a consistent bulk and scale with the transitioning nature of the locality to higher density built forms. Articulated and modulated facades are created through a variety of materials and finishes, balconies and steps in the form. Therefore, it is considered that an attractive and well-designed urban outcome will result at the subject site.

External facades have been appropriately aligned with the street noting that only minor projections into the minimum setback result. These projections contribute to articulation of the built form and to the visual interest that has been created.

The proposed front setbacks allow for an appropriate function and character to be retained. The design of child care centre, ground floor apartments along with those above have in no way been impacted through a variation. All units have been carefully designed to provide for compliant areas of private open space and positive internal amenity. The setbacks being proposed allow for appropriate, safe and secure pedestrian access points that are legible and offer a positive transition from the street to within the site.

The built form has been designed to address both Copland Street and Castlereagh Street, respectively. Areas of private open space along with habitable rooms of the proposed units offer a commendable degree of natural surveillance over the public domain.

Although a variation is sought, desirable spatial proportions have been created with majority of the primary built form having been contained within a compliant 8m setback. Where projections are proposed these are generally contained to balcony elements which add to articulation of the façade. A strong streetscape definition will result with only minor projections proposed.

As detailed throughout this SEE, the overshadowing impacts of the proposal to the public domain are not too dissimilar than the outcome which had previously been approved at the site under a previous development scheme (DA-631/2015). Throughout the day it is considered that an appropriate degree of solar access is achieved to the public domain, as it is noted that where breaches are proposed these are generally minor and relate typically relate to balcony elements that assist in articulating the built form.

A transition from the street to the site including the built form itself is created through the proposed building alignment and setbacks. Landscaping within the front setback will add to a natural and visual barrier between ground floor private open spaces and the public domain.

A comprehensive and well-designed landscaped strategy is proposed for the site. Reference should be made to the submitted landscape plans which accompany this development application. Dense landscaping is proposed along Copeland Street which offers a visual balance between natural and urban elements at the site. The built form and its impression upon the public domain will be softened through the formulated landscaping strategy. Compliant areas of deep soil are proposed including along the Copeland Street frontage to accommodate a variety of planting types.

Positive outlooks to and from the site along with a visual interest will be created through proposed landscaping.

The perimeters of the public and private domain will therefore be delineated and are legible to promote safety, privacy and security between residents and the public.

No commercial floor space forming part of this application.

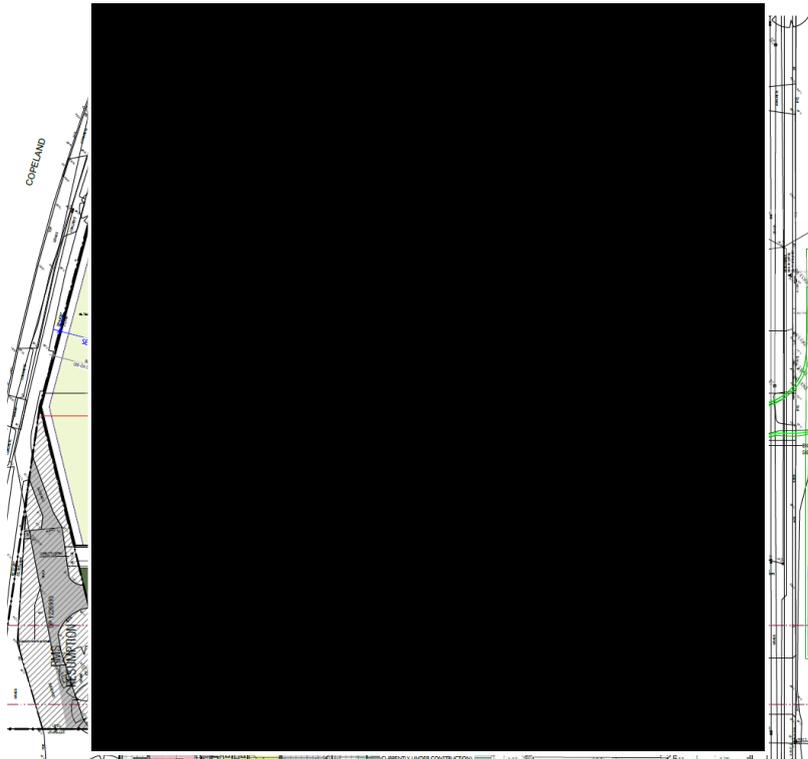
Figure 17 below, is an excerpt from the submitted set of architectural plans. This figure demonstrates the relationship in terms of setbacks of the approved development scheme at the site and that which is being proposed. As is evident in this figure, the proposed setbacks are not dissimilar than those previously approved which were considered appropriate by Council. This is also apparent with regards to the setbacks along Castlereagh Street where balcony encroachments were previously approved at the ground floor. As it relates to Castlereagh Street the proposed relationship is also not dissimilar than previously approved and is therefore considered appropriate.

In terms of the 0m setback proposed to Lot 1 DP1226910 this relationship was previously approved by Council with under DA-631/2015 with this setback being generally replicated in the southern most portion of the development site. This condition was previously considered appropriate by Council.

As detailed within Council's development assessment report prepared for the Sydney South West Planning Panel for DA-631/2015, being the approved scheme at the site, it is detailed that this lot was a former road reserve and that Council did not require this land. As part of DA-631/2015 it was deemed appropriate that this lot be used to achieve the 8m setback requirement. Notably, no built form is proposed on this lot of land with the development being contained within the bounds of the subject site. This outcome was previously considered appropriate with the relationship being retained.

At this stage it is understood there has been no further resolution with respect to this parcel of land and as such it is still considered acceptable to utilise this Lot as providing a buffer from the site to Copeland Street.

Figure 17 Approved vs Proposed Building Alignment



Source: Zhinar Architects

4.3.1.(c) Building Depth and Bulk

Council’s controls require that for development the maximum GFA per floor equals 500m², the maximum building depth (excluding balconies) equals 18m and that above the 25m height limit the GFA permitted above this height be 20% of the GFA of the development up the maximum building height prescribed for the site. Furthermore, Council stipulates that the maximum length of elevation is 45m.

With respect to the latter, the design of Block B provides for recesses and steps in its design and is punctuated by glazing and balconies ensuring that no length of elevation will exceed 45m.

A variation is however sought with the respect to the maximum GFA. The maximum GFA proposed per floor equals 787.6m². The variation occurs to Building at Levels 1 – 9.

Whilst variations are sought the proposal has demonstrated consistency with the objectives of the relevant controls which read as follows:

Objectives

- 1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*
- 2. Provide viable and useable commercial and/or residential floor space.*
- 3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.*
- 4. Reduce the apparent bulk and scale of buildings by limiting the size of the building.*

Residential units have been carefully designed and with internal configurations having been designed to promote a high degree of residential amenity. Overall, the proposal has limited the number of units receiving no solar access at mid-winter to just 6/132. Conversely 84/132 units or 63.6% will enjoy a minimum of 2 hours solar access between 9am – 3pm at mid winter. With respect to natural cross ventilation 62.12% or 82 of 132 units having been naturally cross ventilated which achieves compliance with the minimum 60% requirement as per the ADG.

No commercial floor space is proposed.

Generous open ground floor areas are proposed with 1,016.65m² of the site being provided as communal open space. The proposal also achieves 11.6% or 496.93m² of the site as deep soil area. A well-designed landscaped strategy has been prepared to offer a visual relief of built form to the public domain creating a visual interest through an appropriate balance of urban and natural elements at the site. As such positive outlooks at and from the public domain upon the site will be created.

The new development works to reduce the apparent bulk and scale of buildings through appropriate articulation and modulation of building facades. This has been achieved using balconies, glazing and privacy screening. The elevations have been modulated and stepped to add visual interest and reduce bulk. Complementary materials and glazing reduces any large expanse of blank walls.

Overall, the proposal is considered appropriate as it has clearly demonstrated consistency with objectives of the relevant controls.

4.4 Any Planning Agreement or Draft Planning Agreement that has been entered into under Section 7.4, or nay draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements or draft planning agreements entered into under Section 7.4.

4.5 Regulations

There are no prescribed matters which hinder the development.

4.6 Likely Impacts

Consideration must be made to the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.6.1 Impact on the Natural Environment

The development will not have an adverse impact on the natural environment, as the subject site is located within an urban environment.

Enhanced landscaping is proposed throughout the subject site and along the site's boundaries are proposed to improve the amenity within the site and to the surrounding streetscape.

4.6.2 Impact on the Built Environment:

The built form is considered to be in keeping with scale and desired future character prescribed for this area. This is also reflected in the recent and proximate residential flat building developments along both Copeland and Castlereagh Street.

It should also be noted that there is a present approval at the subject site for a 9-storey residential flat building development, reference DA-631/2015. The proposal, therefore, reinforces the desired future character of the area.

4.6.3 Social and Economic Impacts on the Locality

The proposal will provide for additional housing supply in the Liverpool locality and within the Liverpool City Centre, contributing to the housing supply targets set by the Greater Sydney Commission Western City District Plan. The proposal will provide for a unit mix that would cater to different lifestyles, household types and incomes.

The proposed development will provide for a child care centre in an established residential area that will service existing and future residents, providing a service to the local community as well as employment opportunities.

The proposal will also provide for a positive economic impact as the site is in a location close to good public transport infrastructure, businesses, schools, shops and services, which benefits the future residents of the property who want to live, study, work and play in the Liverpool area.

4.7 Suitability of the Site

The land is appropriately zoned to permit the development and the development meets the objectives of the R4 High Density zone and the Liverpool Local Environmental Plan 2008.

4.8 Submissions made in accordance with this Act or the regulations

Not relevant.

4.9 The Public Interest

The public interest would be served by approval of this development, as it will provide for the efficient use of the land and revitalisation of the overall site and approved building form.

The development is a well-designed infill residential flat building development. The development provides people from various backgrounds and lifestyles with the opportunity to live, study, work and play in an area that is close to public transport services and the amenities that are offered by the Liverpool City Centre.

The proposed alterations and additions have been sympathetically designed and formed to ensure adequate privacy and separation is provided within the development and between adjoining properties.

The development further comprises of a child care centre that has been sympathetically designed to ensure it will fit within the residential community and ensure visual and acoustic privacy and appropriate separation between the development and adjoining properties.

It is considered that the development is conducive to Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5. CONCLUSION

The proposed development has made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the proposal.

The proposal has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial effects of the proposal include:

- The proposed units are well-designed to provide excellent internal amenity and outlooks, whilst maintaining privacy between neighbours.
- Greater housing choice, adding to the supply of housing on a site which is located within an established residential area that is within the Liverpool City Centre.
- The proposed child care centre is well-designed to provide excellent amenity for the children, whilst maintaining acoustic and visual privacy between neighbours.
- The development will contribute to the provision of key services within the existing and future community.
- The building has been designed sympathetic to the site's constraints and represents an efficient and orderly development of the land.
- The proposal is compatible with Council's planning objectives and controls for the site and the locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A 9 Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The subject site is in a precinct that is undergoing a transition from low density residential development to a higher density. This is evident in the character of existing built form which generally comprises residential flat building developments. It is important to note that an approval had been issued on 31 July 2017 being DA-631/2015 at the site for demolition of existing buildings, tree removal, and construction of two 9 storey residential flat buildings containing 116 residential apartments over two levels of basement car parking with associated landscaping and ancillary site works. The proposal has incorporated No. 6 Copeland Street which the previous approved location did not incorporate.

As detailed within this report, the site is well located within the Liverpool City Centre which provides an array of local services, amenities and infrastructure which services the local community and future residents. Being located within the Liverpool City Centre, the site is located close to bus stops which provide connections to a more expansive public transport network and to nearby suburbs.

The proposed provision of a mixed use development comprising of a residential flat building and child care centre is considered an appropriate infill development that responds positively to the constraints of the site, whilst remaining sympathetic to the bulk and scale of developments surrounding the site. Where possible, the proposal has made considerable effort to achieve the objectives and controls of State Environmental Planning Policy No.65 and Council's LEP and DCP as detailed within this Statement of Environmental Effects.

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.

Comment:

The proposal will provide for a eleven (11) storey scale on the site through the buildings. The development is reflective of the transition currently taking place from traditionally low-density residential dwellings to residential flat buildings in keeping with the R4 High Density Residential zoning. The proposal endeavours to represent a scale appropriate to the existing desired future character of the area as identified by the LEP and DCP.

The proposal will retain appropriate separations to the northern and western side boundaries ensuring separation is maintained to adjoining properties and provides for a sympathetic design on the site.

The scale of the proposal has been carefully designed to provide a balance between the amenity of the future occupants and that of existing properties adjoining the site.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The development provides for new residential accommodation supply in a location where there is a demand for such accommodation.

The proposed additional residential accommodation on the site is considered suitable and will add to the housing supply of the Liverpool City Centre.

The new development is built sympathetic to the bulk and scale of surrounding residential flat buildings. The site is also well located to public transport, shops, services and amenities and is consistent with the Apartment Design Guidelines and Council's planning instruments.

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.

Comment:

Where possible, the principles of energy efficiency and environmental sensitive design and these have been incorporated into the development.

The proposed development makes efficient use of natural resources. As detailed, a compliant degree of units has been designed to achieve natural cross ventilation and natural light. These passive design principles reduce energy consumption. The approved development has been assessed against the energy, water and thermal requirements under BASIX and no change is proposed to these requirements.

Energy efficiency parameters prescribed by the BASIX Certificate will ensure that the development meet the required targets.

Principle 5 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

Comment:

The proposal and site appearance will be improved by the careful use of landscaping within and around the site. Compliant deep soil areas have been incorporated throughout the perimeter of and within the site, allowing for plantings along the boundaries and throughout the site. This offers a visual benefit to the street frontages.

Communal open spaces will be generously landscaped which will offer pleasant spaces of recreation within a landscaped setting. Diverse areas with respect to usability are proposed throughout the site including lawn areas, children's play areas, BBQ facilities and passive seating spaces.

Access paths between Copeland and Castlereagh Streets through the site contribute to the landscaped character of the site as strong connections throughout are created. These are well designed and legible for users.

Generous sized canopy trees are proposed along the Copeland Street frontage which are contained in appropriately sized deep soil zones to soften the impacts of Copeland Street from the site whilst offering for positive view lines to and from the proposed development.

Reference should be made to the Landscape Plans prepared by Paul Scrivener Landscape Architect.

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.

Comment:

Given the location of the subject site, careful consideration has been given to the orientation and positioning of the development and the design and layout of units to ensure a high level of visual and acoustic privacy is maintained within the development and between neighbouring properties. This is demonstrated in the architectural plans prepared by Zhinar Architects.

Access to sunlight can be difficult to achieve at a higher density, however the proposal notably provides for just 6 units which receive no direct solar access at mid-winter. Furthermore, the proposal provides future occupants with a high level of amenity in terms of natural light and

natural ventilation. All apartments, have private balconies adjacent to living areas, providing for residents' amenity.

Where possible, living areas and balconies have been designed to address north, east and west to achieve solar access. Passive solar design such as eaves, balconies and external shading devices have been included to prevent excessive heat load on apartments during the summer period.

All dwellings achieve 2700mm ceiling heights to all habitable rooms.

Where practicable, individual apartment layouts have been designed in a way which ensures rooms of a similar function are adjacent to common walls. This design works to promote the capacity to undertake private functions with all rooms and private open spaces. This has been achieved at no detriment to views, outlooks, ventilation nor functionality of both internal and external spaces. Rather the design promotes these aspects.

Layouts of all proposed residential units have been carefully designed to ensure functionality and positive amenity. Internal storage areas are proposed within each unit with proposed balconies and terraced areas being linked to living and bedroom areas. Therefore, offering a positive transition between indoor and outdoor spaces along with a desirable internal connectivity. Balconies are designed in accordance with the with Apartment Design Guide.

A total of fourteen (14) adaptable units are provided for the development.

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 maintained and appropriate to the location and purpose.

Comment:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been taken into consideration.

The proposed development has made provisions for natural surveillance with habitable rooms designed to overlook the public domain and internal portions of the site. The pedestrian and vehicular access areas have been designed to be separate from each other and will be appropriately lit to ensure safety and visibility after dark.

The separate entrances for vehicles and pedestrians will be clearly visible from the street. Access to the building and common areas will be through a controlled security system. An intercom system will be provided for visitor access.

The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building.

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, providing opportunities for social interaction amongst residents.

Comment:

The proposed development provides for new residential supply within an established area, which is located near public infrastructure. The area can support an increase in density, this is encouraged by Council's zone objectives, DCP controls, and future desired character for the area.

The proposal provides for generous communal open spaces in the form of ground level landscaped areas with an array of embellishments including seating. The design of the development provides for social interaction opportunities between the residents of the two buildings through the shared ground floor communal open spaces.

The development provides for a range of apartment sizes and layouts to cater to different housing needs and lifestyles of the community. Adaptable apartments and on-site parking spaces are also included.

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 well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding developments have been considered in the design of the development. The building has been clearly expressed through the articulation and massing of the facades.

Design Verification Statement:

A Design Verification Statement has been prepared by Zhinar Architects and is submitted with this development application in accordance with State Environmental Planning Policy No. 65.

Appendix B State Environmental Planning Policy No. 65 – Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - 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. Refer to Drawing Nos. DA-001 and DA-002.
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies.
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Complies. Refer to Part 4.1.5(a) of this SEE for further comments.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies.
Communal And Public Open Space	3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping <i>Design criteria:</i> Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) 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 3pm on 21 June (mid winter).	Complies. The proposal provides for 1,386.05m ² or 32% of the site as communal open space. The communal open spaces are split between the ground level (1,016.65m ²) and roof (369.1m ²). The communal open spaces will achieve the minimum 50% of direct sunlight to these areas for a minimum of 2 hours on 21 June.
	3D-2 – Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE												
	3D-3 – Communal open space is designed to maximise safety.	Complies. The proposed communal open space has been designed to ensure that the privacy of residents and their visitors is maintained.												
	3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	N/A												
Deep Zones Soil	3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality <i>requirements:</i> <table border="1" data-bbox="414 742 969 1045"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>less than 650m²</td> <td>-</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">7%</td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> </tr> <tr> <td>greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	Complies. 11.6% of the overall site, or 496.93m ² is dedicated as deep soil area for planting. This exceeds the minimum requirement for deep soil zones prescribed by the ADG and complies with the recommended design guidance of 7% deep soil area for sites larger than 1,500m ² . It is noted that when areas less than 6m in dimension are also counted, the proposal provides for 15.7% of the site as landscaped area.
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy <i>Design criteria:</i> <i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:</i>	Complies. Refer to Part 4.1.5(b) of this SEE for further comments.												

STANDARD	OBJECTIVE	COMPLIANCE												
	<table border="1" data-bbox="416 328 938 539"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p data-bbox="407 544 1473 603"><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</i></p> <p data-bbox="407 639 1503 699"><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p> <p data-bbox="407 719 1574 778">3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	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	<p data-bbox="1637 719 2016 874">Complies. All habitable rooms have been provided with glazing to achieve access to natural light and ventilation.</p>
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												
Pedestrian Access And Entries	<p data-bbox="407 890 1442 922">3G-1 - Building entries and pedestrian access connects to and addresses the public domain.</p> <p data-bbox="407 938 1216 970">3G-2 - Access, entries and pathways are accessible and easy to identify.</p> <p data-bbox="407 986 1476 1018">3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p data-bbox="1767 890 1883 922">Complies.</p> <p data-bbox="1767 938 1883 970">Complies.</p> <p data-bbox="1767 986 1883 1018">Complies.</p>												
Vehicle Access	<p data-bbox="407 1038 1532 1098">3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p data-bbox="1619 1038 2040 1193">Complies. Vehicle access into the subject site is proposed along Castlereagh Street which is notably consistent with the previous approval at the subject site.</p>												
Bicycle And Car Parking	<p data-bbox="407 1212 1509 1272">3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p data-bbox="407 1308 889 1367"><i>Design criteria: For development in the following locations:</i></p>	<p data-bbox="1630 1212 2024 1303">Complies. Refer to Appendix E and Traffic & Parking Report.</p>												

STANDARD	OBJECTIVE	COMPLIANCE
	<p><i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p>	
	3J-2 – Parking and facilities are provided for other modes of transport	Complies. Motorbike and bicycle parking spaces are provided.
	3J-3 – Car park design and access is safe and secure.	Complies. Security intercom access is provided to the car park areas.
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	Complies. The underground car park is not visible to the street.
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	N/A.
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A.
Solar And Daylight Access	<p>4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p><i>Design criteria: Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</i></p>	<p>Variation is sought. The architects have analysed the solar access to the overall development with 63.6% being 84 of 132 units achieve a minimum 2 hours direct sunlight in mid-winter. However when the approved built form to the north is not considered, the proposal is notably compliant with 94/132 units or 71.2% achieving a minimum of 2 hours of</p>

STANDARD	OBJECTIVE	COMPLIANCE
	<p><i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i></p>	<p>solar access. The non-compliance which is equivalent to 10 units is considered to be a product of the orientation of the site and the high density zoning.</p> <p>4.5% or 6/132 of units will receive no direct solar access which is compliant.</p>
	<p>4A-2 – Daylight access is maximised where sunlight is limited.</p>	<p>Complies. Natural daylight is maximised to the proposed residential flat building development, thereby achieving excellent sunlight in mid-winter.</p>
	<p>4A-3 – Design incorporates shading and glare control, particularly for warmer months.</p>	<p>Complies. Eaves and screening have been provided in the design to allow passive cooling.</p>
<p>Natural Ventilation</p>	<p>4B-1 – All habitable rooms are naturally ventilated.</p>	<p>Complies.</p>
	<p>4B-2 – The layout and design of single aspect apartments maximises natural ventilation.</p>	<p>Complies.</p>
	<p>4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p> <p><i>Design criteria: 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 Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	<p>Complies. 62.12% or 82 of 132 units of the overall development are naturally cross ventilated.</p>
	<p>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access</p>	<p>Complies.</p>

STANDARD	OBJECTIVE	COMPLIANCE												
Ceiling Heights	<p><i>Design criteria:</i> <i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <table border="1" data-bbox="412 424 898 804"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> <p><i>These minimums do not preclude higher ceilings if desired.</i></p> <p>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</p> <p>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>All units achieve minimum 2.7m ceiling height to habitable areas.</p> <p>As above.</p> <p>As above.</p>
Minimum ceiling height for apartment and mixed use buildings														
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If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size And Layout	<p>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><i>Design criteria:</i> <i>Apartments are required to have the following minimum internal areas:</i></p> <table border="1" data-bbox="412 1142 864 1337"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p><i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</i></p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Complies.</p> <p>The minimum internal areas to the proposed new residential flat building are:</p> <p>1- bedroom – Minimum 52.11m²</p> <p>2-bedroom 2 bath – Minimum 77.4m²</p> <p>3 bedroom– Minimum 98.17m²</p>		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

STANDARD	OBJECTIVE	COMPLIANCE
	<p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 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</i></p> <p>4D-2 – Environmental performance of the apartment is maximised.</p> <p><i>Design criteria: Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p> <p>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p><i>Design criteria: Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 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 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></p>	<p>It is noted that the following units have living/dining/kitchens in excess of 8m in depth: BG01, BG02, AG01, AG02, AG04, B205, B305, B405, B505, B605, B705, B805</p> <p>These units have been designed with large sliding doors to their open plan living/dining/kitchen to promote natural ventilation and daylight access in keeping with the intent of the objective.</p> <p>Complies.</p>
<p>Private Open Space And Balconies</p>	<p>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><i>Design criteria: All apartments are required to have primary balconies as follows:</i></p>	<p>Complies.</p> <p>Units AG02 and BG03 fall short of the 3m dimension in part, however provides for private open measuring 31m² and 35m² respectively, surpassing the minimum 15m² requirement and ensuring that a</p>

STANDARD	OBJECTIVE	COMPLIANCE															
	<table border="1" data-bbox="416 331 884 566"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p data-bbox="409 571 1518 667"><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m. 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.</i></p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p data-bbox="1626 331 2029 387">usable area of private open space is provided.</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
	4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.	<p data-bbox="1626 687 2029 866">Complies. The design and orientation of the balconies ensure that privacy within the development and between adjoining developments are maintained.</p>															
	4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Complies.															
	4E-4 - Private open space and balcony design maximises safety	Complies.															
<p data-bbox="203 1023 344 1121">Common Circulation And Spaces</p>	<p data-bbox="409 1023 1458 1078">4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p data-bbox="409 1110 1536 1206"><i>Design criteria:</i> The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p data-bbox="1693 1023 1962 1046">Variation sought in part.</p> <p data-bbox="1626 1078 2029 1206">In terms of the number of units off a circulation core, Block A complies with a maximum of 6 and Block B also complies with a maximum of 8.</p> <p data-bbox="1626 1238 2029 1334">However as the proposed buildings are 11 storeys in height, a maximum of 40 units may share a single lift.</p>															

STANDARD	OBJECTIVE	COMPLIANCE										
		<p>Block A varies this with 51 units sharing a single lift, surpassing the maximum by 11 units.</p> <p>Block B provides for a minor variation of 81 units sharing 2 lifts, surpassing the maximum by 1 unit.</p>										
	4F-2 - Common circulation spaces promote safety and provide for social interaction between residents	Complies.										
Storage	<p>4G-1 - Adequate, well designed storage is provided in each apartment</p> <p><i>Design criteria:</i> <i>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <table border="1" data-bbox="412 770 875 983"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Complies.
Dwelling type	Storage size volume											
Studio apartments	4m ³											
1 bedroom apartments	6m ³											
2 bedroom apartments	8m ³											
3+ bedroom apartments	10m ³											
	4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.	Complies.										
Acoustic Privacy	4H-1 - Noise transfer is minimised through the siting of buildings and building layout	Complies.										
	4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.	As above.										
Noise And 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.	<p>Complies.</p> <p>The proposal has been appropriately sited and designed to ensure that the amenity of the future residents is maintained. Refer to Acoustic Report.</p>										

STANDARD	OBJECTIVE	COMPLIANCE
	4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	As above. Appropriate materials have been proposed to the new building to meet the recommendations of the Acoustic and Traffic Noise Report.
Apartment Mix	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies. The proposed apartments provide for a range of layouts and sizes.
	4K-2 - The apartment mix is distributed to suitable locations within the building.	Complies. Careful design consideration has provided for a distributed mix across the building.
Ground Floor Apartments	4L-1 - Street frontage activity is maximised where ground floor apartments are located	Complies. Where practicable, ground floor apartments have been designed with windows from habitable rooms facing the street, providing for casual surveillance.
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	Complies. All ground floor apartments have been designed to ensure that safety and amenity is maximised.
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies. The facades of the proposed residential flat building development have been designed to complement the facades exhibited by developments in the area and to provide some visual interest to the streetscape.
	4M-2 - Building functions are expressed by the façade.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
		Building functions are clearly expressed and defined.
Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies.
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	Complies. Communal open space is proposed at both ground and roof level.
	4N-3 – Roof design incorporates sustainability features.	Refer to BASIX Certificate.
Landscape Design	4O-1 – Landscape design is viable and sustainable	Complies. Refer to Landscape Plan.
	4O-2 – Landscape design contributes to the streetscape and amenity.	Complies. Refer to Landscape Plan.
Planting On Structures	4P-1 – Appropriate soil profiles are provided.	Complies. Refer to Landscape Plan.
	4P-2 – Plant growth is optimised with appropriate selection and maintenance.	Complies. Refer to Landscape Plan.
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies. Refer to Landscape Plan.
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. Universal design features have been included to promote flexible housing options for people of different backgrounds and lifestyles. Reference should also be made to the Access Report.
	4Q-2 - A variety of apartments with adaptable designs are provided.	Complies.
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
		<p>A variety of apartment layouts are provided to accommodate a range of lifestyle and household types.</p> <p>Accessible units are also provided.</p>
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The Castlereagh Street façade has been articulated to clearly define the entrance to the proposed child care centre using an entry structure and appropriate signage. Internally paths and landscaping will assist in wayfinding.
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Complies.
Awnings And Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	N/A
	4T-2 - Signage responds to the context and desired streetscape character.	Complies. Appropriate building signage will be provided.
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies. Refer to BASIX Certificate.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies. Passive solar design techniques such as balconies, eaves and shading devices are provided.
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
		<p>The proposed building has been designed to maximise natural ventilation where possible.</p> <p>62.12% of the entire development is cross ventilated, compliant with the ADG guidelines.</p>
Water Management And Conservation	4V-1 - Potable water use is minimised.	Refer to BASIX Certificate.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Refer to Stormwater Plans.
	4V-3 - Flood management systems are integrated into site design.	Refer to Part 4.1.6.(e) of this report.
Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	<p>Complies.</p> <p>The waste bins will generally be stored at basement level and will not be visible from public view. On collection days, bins will be moved to the bin collection point to be serviced before being returned to basement level.</p>
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	<p>Complies.</p> <p>General waste and recycling bins are proposed to the designated bin storage room.</p>
Building Maintenance	4X-1 - Building design detail provides protection from weathering.	Complies.
	4X-2 - Systems and access enable ease of maintenance.	Complies.
	4X-3 - Material selection reduces ongoing maintenance costs.	Complies.

Appendix C Child Care Planning Guideline

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
MATTERS FOR CONSIDERATION		
Site selection and location	<ul style="list-style-type: none"> • For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> ○ The acoustic and privacy impacts of the proposed development on the residential properties ○ The setbacks and siting of buildings within the residential context ○ Visual amenity impacts (e.g. additional building bulk and overshadowing, local character) ○ Traffic and parking impacts of the proposal on residential amenity. 	<ul style="list-style-type: none"> • The proposal is located within an established residential area. <p>An acoustic report has been prepared which considers the acoustic privacy impacts of the proposed development on the neighbouring dwellings and the proximity of the subject site to a classified road. It is considered that subject to the recommendations laid out in the report, the proposal will not cause any negative impacts or be impacted in terms of acoustic privacy.</p> <p>In terms of built form, the child care centre has been integrated into the ground floor of Block B of the proposed residential flat building with setbacks provided in line with the previous approval on site.</p> <p>Based on the traffic and parking report, the proposal will result in modest trips generated for the weekday AM and PM peak hours, which can be accommodated into the traffic network capacity. The provision of car parking on the site is compliant and therefore does not burden the on-street car parking provision. Further, the car park itself</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> • For proposed developments in commercial and industrial zones, consider: <ul style="list-style-type: none"> ○ Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions ○ The potential impact of the facility on the viability of existing commercial or industrial uses. • For proposed developments in public or private recreation zones, consider: <ul style="list-style-type: none"> ○ The compatibility of the proposal with the operations and nature of the community or private recreational facilities ○ if the existing premises is licensed for alcohol or gambling ○ if the use requires permanent or casual occupation of the premises or site ○ the availability of on-site parking ○ compatibility of proposed hours of operation with surrounding uses, particularly residential uses ○ the availability of appropriate and dedicated sanitation facilities for the development. • For proposed developments on school, TAFE or university sites in Special Purpose zones consider: <ul style="list-style-type: none"> ○ The compatibility of the proposal with the operation of the institution and its users ○ The proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling ○ Proximity to sources of noise, such as places of entertainment or mechanical workshops ○ proximity to odours, particularly at agricultural institutions ○ previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like. • When selecting a site, ensure that: <ul style="list-style-type: none"> ○ The location and surrounding uses are compatible with the proposed development or use ○ The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards. ○ There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. ○ The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> ▪ Length of street frontage, lot configuration, dimensions and overall size. ▪ Number of shared boundaries with residential properties. 	<p>is contained within a basement to limit the impact from the public domain.</p> <ul style="list-style-type: none"> • N/A. • N/A. • N/A. • Based on Council's maps, the subject site is not known to be at risk of land slip, bushfires or coastal hazards. <p>With respect to flooding, in keeping with Council's Pre-DA advice, the habitable areas of the building have been designed at 12.2m AHD. Refer to Part 4.1.6(e) for further comments.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ○ The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. ○ Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. ○ There are suitable drop off and pick up areas, and off and on street parking. ○ The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use ○ The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities ○ It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. <ul style="list-style-type: none"> ● A child care facility should be located: <ul style="list-style-type: none"> ○ Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. ○ Near or within employment areas, town centres, business centres, shops. ○ With access to public transport including rail, buses, ferries. ○ In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>In terms of the potential environmental contaminants, the history of the site is for residential uses. As potential contamination was detected during the Preliminary Site Investigation, a Detailed Site Investigation is currently being undertaken and will be submitted in due course. The findings of this report and any applicable remediation measures may form part of any conditions of consent.</p> <p>The proposed development will provide a suitable parking area that will facilitate drop-off and pickups in the form of off-street basement car parking.</p> <p>The subject site is not known to be located within proximity to restricted services, sex services and the like.</p> <p>The site has appropriate dimensions and overall size to accommodate the use and capacity of the centre.</p> <ul style="list-style-type: none"> ● Complies. The centre is close to public transport as it is located 450m walking distance north of bus stops and 1.4km from Liverpool Train Station. The site is 240m west of Liverpool Westfield and closer to portions of the centre for other

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> • A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from: <ul style="list-style-type: none"> ○ proximity to: <ul style="list-style-type: none"> ▪ Heavy or hazardous industry, waste transfer depots or landfill sites. ▪ LPG tanks or service stations - water cooling and water warming systems. ▪ Odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. ▪ Extractive industries, intensive agriculture, agricultural spraying activities. ▪ Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. ○ Any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	<ul style="list-style-type: none"> businesses, shops, services and the like. • None is known within the vicinity of the subject site.
<p>Local character, streetscape and the public domain interface</p>	<ul style="list-style-type: none"> • The proposed development should: <ul style="list-style-type: none"> ○ Contribute to the local area by being designed in such a way to respond to the character of the locality and the existing streetscape ○ Build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place ○ Reflect the predominant form of surrounding land uses, particularly in low density residential areas ○ Include design and architectural treatments that respond to and integrate with the existing streetscape and local character ○ Use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity ○ Integrate car parking into the building and site landscaping design in residential areas. ○ In R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except where good design solutions can be achieved. • Create a threshold with a clear transition between public and private realms, including: <ul style="list-style-type: none"> ○ Fencing to ensure safety for children entering and leaving the facility ○ Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community ○ Integrating existing and proposed landscaping with fencing. • On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours. 	<ul style="list-style-type: none"> • Complies. Refer also to Part 4.1.4.(d) of this SEE. • Complies. Suitable fencing/landscape screens are proposed. Windows are set in each indoor playroom with an outlook to the outdoor play space to allow for passive supervision. • Complies. The entry structure and landscape design enable legibility between areas relating to the child

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> • Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: <ul style="list-style-type: none"> ○ Clearly defined street access, pedestrian paths and building entries ○ Low fences and planting which delineate communal/private open space from adjoining public open space ○ Minimal use of blank walls and high fences. • Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions. • High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary. 	<ul style="list-style-type: none"> • care centre and the residential flat building. Street-facing windows provide for casual surveillance. • N/A. • N/A. Directional signage from the Castlereagh Street entrance will lead to the proposed child care centre which is located at the western end of the site, adjacent to Copeland Street. • Refer to Acoustic Report.
<p>Building orientation, envelope, building design and accessibility</p>	<ul style="list-style-type: none"> • Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> ○ Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by <ul style="list-style-type: none"> ▪ Facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties ▪ Placing play equipment away from common boundaries with residential properties ▪ Locating outdoor play areas away from residential dwellings and other sensitive uses ○ Optimise solar access to internal and external play areas ○ Avoid overshadowing of adjoining residential properties ○ Minimise cut and fill ○ Ensure buildings along the street frontage define the street by facing it ○ Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. • The following matters may be considered to minimise the impacts of the proposal on local character: <ul style="list-style-type: none"> ○ Building height should be consistent with other buildings in the locality ○ Building height should respond to the scale and character of the street ○ Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<ul style="list-style-type: none"> • Complies. The childcare centre is proposed at ground floor of Block B. Where possible windows have been orientated to the north or west to Copeland Street to restrict sightlines to/from the proposed residential flat building. Where east facing glazing is proposed and adjoins the communal open space to the residential building, a landscaped screen is proposed. The acoustic report submitted with the development application confirms that subject to the recommendations there will be no unreasonable acoustic privacy impacts. The proposed building height is compatible with planning controls

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ○ Setbacks should provide adequate access for building maintenance ○ Setbacks to the street should be consistent with the existing character. ● Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone. ● Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use. ● On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house. ● The built form of the development should contribute to the character of the local area, including how it: <ul style="list-style-type: none"> ○ Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage ○ Contributes to the identity of the place ○ Retains and reinforces existing built form and vegetation where significant ○ Considers heritage within the local neighbourhood including identified heritage items and conservation areas ○ Responds to its natural environment including local landscape setting and climate ○ Contributes to the identity of place. ● Entry to the facility should be limited to one secure point which is: <ul style="list-style-type: none"> ○ Located to allow ease of access, particularly for pedestrians ○ Directly accessible from the street where possible ○ Directly visible from the street frontage ○ Easily monitored through natural or camera surveillance ○ Not accessed through an outdoor play area. ○ In a mixed-use development, clearly defined and separate from entrances to other uses in the building. ● Accessible design can be achieved by: <ul style="list-style-type: none"> ○ Providing accessibility to and within the building in accordance with all relevant legislation ○ Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry ○ Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible 	<p>with only a minor variation sought to the rooftop communal open space to the residential units. The proposed setbacks are compatible with the prevailing character of the locality and previous approvals on the site.</p> <p>On balance, the indoor and outdoor play areas receive good levels of solar access without unreasonable overshadowing impacts to neighbours. At the street façade, an entry structure and future signage will clearly delineate the entrance to the centre clearly defines the public and private areas through landscaping. Appropriate shading is proposed for the outdoor play areas.</p> <p>A single secure point of access to the centre is proposed from Castlereagh street, with the basement lift rising immediately in front of the centre. Windows are proposed to enable casual surveillance of this approach from the office and reception. The outdoor play areas are clearly defined and separate from street access.</p> <p>The centre has been designed to accommodate wheelchair access.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ○ Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	
Landscaping	<ul style="list-style-type: none"> • Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> ○ Reflecting and reinforcing the local context ○ Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. • Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> ○ Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings ○ Taking into account streetscape, local character and context when siting car parking areas within the front setbacks ○ Using low level landscaping to soften and screen parking areas. 	<ul style="list-style-type: none"> • Complies. Refer to the landscape plan prepared by Paul Scrivener Landscape. • Complies. The proposed basement ramp will have landscaping adjacent to the crossing to assist in softening the ramp. The location of the driveway is consistent with the previous approval on the site. Refer to the landscape plan.
Visual and acoustic privacy	<ul style="list-style-type: none"> • Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces. • Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> ○ Appropriate site and building layout ○ Suitably locating pathways, windows and doors ○ Permanent screening and landscape design. • Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> ○ Appropriate site and building layout ○ Suitable location of pathways, windows and doors 	<ul style="list-style-type: none"> • Complies. Privacy screening is proposed at Levels 1 – 3 of Block B to restrict sight lines. To the upper levels, sight lines would be over the outdoor play space rather than downward looking. • Complies. The substantial northern and eastern setbacks will limit opportunities from adjoining sites into the indoor play areas. Within the site itself, landscaping and fencing will be used to separate the proposed child care centre and residential use. facing indoor play area. Shade sails may be utilized over the outdoor play areas to further promote privacy. • Complies. The ground floor spaces are well separated from neighbours by fencing and landscaping.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ○ Landscape design and screening. ● A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: <ul style="list-style-type: none"> ○ Provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). ○ Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. ● A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: <ul style="list-style-type: none"> ○ Identify an appropriate noise level for a child care facility located in residential and other zones ○ Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use ○ Determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<ul style="list-style-type: none"> ● Refer to Acoustic Impact Assessment prepared by Acouras Consultancy. ● Complies. Refer to Acoustic Impact Assessment prepared by Acouras Consultancy.
<p>Noise and air pollution</p>	<ul style="list-style-type: none"> ● Adopt design solutions to minimise the impacts of noise, such as: <ul style="list-style-type: none"> ○ Creating physical separation between buildings and the noise source ○ Orienting the facility perpendicular to the noise source and where possible buffered by other uses ○ Using landscaping to reduce the perception of noise ○ Limiting the number and size of openings facing noise sources ○ Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) ○ Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits ○ Locating cot rooms, sleeping areas and play areas away from external noise sources. ● An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: <ul style="list-style-type: none"> ○ On industrial zoned land ○ Where the ANEF contour is between 20 and 25 ○ Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 ○ On a major or busy road ○ Other land that is impacted by substantial external noise. ● Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development. 	<ul style="list-style-type: none"> ● Refer to the Acoustic Report. Subject to the recommendations of the report, the child care centre will satisfy the relevant noise criteria. ● Refer to the Acoustic Report prepared by Acouras Consultancy. The site is not located in either an industrial zone or ANEF contour, however it is near a classified road. The acoustic report has considered this and provided glazing recommendations for the indoor play spaces. ● The child care facility is located within a high density residential area

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> • A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as: <ul style="list-style-type: none"> ○ Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution. ○ Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway. ○ Incorporating ventilation design into the design of the facility. 	<p>and adjacent to a classified road. The proposal is accompanied by an Air Quality Report prepared by RWDI, and has concluded that no additional mitigation measures are required.</p>
Hours of operation	<ul style="list-style-type: none"> • Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses. • Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses. 	<ul style="list-style-type: none"> • Complies. <p>Hours proposed are:</p> <p>Monday-Friday: 7am to 6pm.</p> <p>Weekends and Public Holidays: Closed.</p>
Traffic, parking and pedestrian circulation	<ul style="list-style-type: none"> • Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. • In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles. • A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: <ul style="list-style-type: none"> ○ The amenity of the surrounding area will not be affected ○ There will be no impacts on the safe operation of the surrounding road network. • Alternate vehicular access should be provided where child care facilities are on sites fronting: <ul style="list-style-type: none"> ○ A classified road ○ Roads which carry freight traffic or transport dangerous goods or hazardous materials. ○ The alternate access must have regard to: 	<ul style="list-style-type: none"> • Complies. Refer to comments under car parking in Appendix E. • N/A. The proposal is within a residential zone. • Refer to the report prepared by Varga Traffic Planning. • Complies. Vehicle access is proposed via Castlereagh Street.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ▪ The prevailing traffic conditions ▪ Pedestrian and vehicle safety including bicycle movements ▪ The likely impact of the development on traffic. • Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency. • The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> ○ Separate pedestrian access from the car park to the facility ○ Defined pedestrian crossings included within large car parking areas ○ Separate pedestrian and vehicle entries from the street for parents, children and visitors ○ Pedestrian paths that enable two prams to pass each other ○ Delivery, loading and turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities ○ Minimise the number of locations where pedestrians and vehicles cross each other ○ In commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas ○ Vehicles can enter and leave the site in a forward direction ○ Clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. • Mixed use developments should include: <ul style="list-style-type: none"> ○ Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks ○ Drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site ○ Parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. • Car parking design should: <ul style="list-style-type: none"> ○ Include a child safe fence to separate car parking areas from the building entrance and play areas. ○ Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards. 	<ul style="list-style-type: none"> • The site is not located on a cul-de-sac or narrow lane or road. • Complies. A dedicated pedestrian path is located separate from the driveway at the street front. Within the basement, a dedicated pathway is provided along the basement wall to direct parents and children out of the centre aisle and safety navigate to the lift. Deliveries will occur outside peak hours using the drop-off/pick-up car spaces, with a standard car/van being sufficient to cater to the delivery requirements of the centre. Vehicles can enter and exit in a forward direction. • Complies. • Complies. Car parking is within the basement and is separate from the building entrance and play areas. • Complies. Accessible space is sought directly adjacent to the lift.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> ○ Include wheelchair and pram accessible parking. 	<ul style="list-style-type: none"> • Complies. •
APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS – A. INTERNAL PHYSICAL ENVIRONMENT		
Indoor space requirements – Regulation 107	<ul style="list-style-type: none"> • Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. • Storage: <ul style="list-style-type: none"> ○ It is recommended that a child care facility provide: a minimum of 0.3m³ per child of external storage space and a minimum of 0.2m³ per child of internal storage space. 	<ul style="list-style-type: none"> • Complies. Refer to the table of compliance in Part 4.1.3.(a) of this SEE. The architectural plans have also stated the areas and coloured what areas of the indoor play rooms have been included in the calculation for clarity. • Complies. 27m³ external storage required. 27.2m³ proposed. 18m³ internal storage required. 18.5m³ proposed.
Laundry and hygiene facilities – Regulation 106	<ul style="list-style-type: none"> • There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. • The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the <i>National Construction Code</i>. 	<ul style="list-style-type: none"> • Complies. A laundry room is provided. • The proposed laundry and hygiene facilities have been designed to comply with the Code.
Toilet and hygiene facilities – Regulation 109	<ul style="list-style-type: none"> • A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i>. 	<ul style="list-style-type: none"> • The sanitary facilities have been designed to comply with the Code.
Ventilation and natural light – Regulation 110	<ul style="list-style-type: none"> • Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility. 	<ul style="list-style-type: none"> • Complies. The centre has been designed to allow for natural light and ventilation to play spaces. The indoor play areas meet minimum ceiling height requirements.
Administrative space – Regulation 111	<ul style="list-style-type: none"> • A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations. 	<ul style="list-style-type: none"> • Complies. A dual-purpose director's office/parent meeting room and a reception area are provided to service the centre and its patrons.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Nappy change facilities – Regulation 112	<ul style="list-style-type: none"> Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>. 	<ul style="list-style-type: none"> Complies. The nappy change area has been designed with appropriate hygiene and plumbing facilities. The room will be designed to prevent unsupervised access by children.
Premises designed to facilitate supervision – Regulation 115	<ul style="list-style-type: none"> A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>. 	<ul style="list-style-type: none"> Complies. Glazing is proposed for each indoor room to the outdoor areas, the internal corridor and strategically the bathroom areas to allow supervision.
Emergency and evacuation procedures – Regulation 97 and 168	<ul style="list-style-type: none"> Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: <ul style="list-style-type: none"> Instructions for what must be done in the event of an emergency. An emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit A risk assessment to identify potential emergencies that are relevant to the service. 	<ul style="list-style-type: none"> An evacuation plan will be displayed in prominent positions near exits. This evacuation plan can be conditioned with consent.
APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS – B. EXTERNAL PHYSICAL ENVIRONMENT		
Outdoor space requirements – Regulation 108	<ul style="list-style-type: none"> An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. 	<ul style="list-style-type: none"> Complies. Refer to the table of compliance in Part 4.1.3.(a) of this SEE. The architectural plans have also stated the area of each play area and coloured light green the areas included in the calculation for clarity.
Natural environment – Regulation 113	<ul style="list-style-type: none"> The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment. 	<ul style="list-style-type: none"> Complies. Refer to the landscape plan. Various vegetation, materials and play equipment allow children to explore and experience the natural environment.
Shade – Regulation 114	<ul style="list-style-type: none"> The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. 	<ul style="list-style-type: none"> Complies. Refer to the landscape plan. Shade sails are proposed in the outdoor play area to provide shading and portions of the roof/Level 1 extend over outdoor play areas

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> • Outdoor play areas should: <ul style="list-style-type: none"> ○ Have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. ○ adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area ○ have evenly distributed shade structures over different activity spaces. 	<p>immediately adjacent to the playrooms.</p> <ul style="list-style-type: none"> • Complies. Refer to Drawing No. SP-400. The diagram demonstrates the level of solar access available at 11am and 1pm which exceeds 30% of the outdoor play area.
Fencing – Regulation 104	<ul style="list-style-type: none"> • Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>. 	<ul style="list-style-type: none"> • Refer to Acoustic Impact Assessment prepared by Acouras Consultancy.
Soil assessment – Regulation 25	<ul style="list-style-type: none"> • Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: • A soil assessment for the site of the proposed education and care service premises • If a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • A statement made by the applicant that states, to the best of the applicant’s knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<ul style="list-style-type: none"> • Refer to the submitted Preliminary Site Investigation prepared by Ei Australia. A Detailed Site Investigation is currently being prepared and will be submitted in due course.

Appendix D Liverpool Local Environmental Plan 2008

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 2.7 Demolition	<ul style="list-style-type: none"> Development consent required. 	Complies. Consent is sought.
Zoning	<ul style="list-style-type: none"> Zone R4 High Density Residential. 	Complies. Residential flat buildings and centre based child care facilities are permissible. Refer to Part 4.1.6 (a) of this SEE for comments.
Clause 4.1 Minimum Subdivision Lot Size	<ul style="list-style-type: none"> 1000m² 	Combined site area equals 4,300.42m ² . No further subdivision is sought.
Clause 4.3 Height of Buildings	<ul style="list-style-type: none"> 35m 	Variation is sought. 36.62m (Block A) and 36.8m (Block B) is proposed. Refer to Part 4.1.6 (b) and Appendix F – Clause 4.6 of this SEE for comments.
Clause 4.4 Floor Space Ratio	<ul style="list-style-type: none"> 3:1 under Clause 4.4(2C) 	Complies. Site area: 4,300.42m ² Max GFA permissible: 12,901.26m ² Proposed GFA of the overall development: 12,895.8m ²
Clause 5.10 Heritage Conservation	<ul style="list-style-type: none"> Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Liverpool, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, 	The site has not been identified as an item of heritage significance nor is the site located within a conservation area.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<p>(c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>However, the site does offer a frontage to Castlereagh Street which forms part of the Plan of Town of Liverpool (early town centre street layout – Hoddle 1827) being item No. 89, noting this is a local item of heritage.</p> <p>Refer to Part 4. 1.6(d) of this SEE for further comments.</p>
<p>Clause 5.21 Flood Planning</p>	<ul style="list-style-type: none"> • The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. 	<p>As per Pre-DA advice received from Council, the subject site is situated within the catchment area of Brickmakers Creek. Flood mapping obtained from the Council's overland study indicates that the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood level at the proposed development site is 11.8m Australian Height Datum (AHD). The basement entry is required to achieve a minimum level of 11.8m + 0.1m = 11.9m. The proposed level is sought 12.0 AHD and accordingly complies.</p> <p>Refer to Part 4.1.6(e) of this SEE for further comments.</p>
<p>Division 1 Liverpool City Centre Provisions</p>		
<p>Clause 7.1 Objectives for development in Liverpool city centre</p>	<ul style="list-style-type: none"> • to preserve the existing street layout and reinforce the street character through consistent building alignments, • to allow sunlight to reach buildings and areas of high pedestrian activity, • to reduce the potential for pedestrian and traffic conflicts on the Hume Highway, • to improve the quality of public spaces in the city centre, 	<p>Complies. The proposal meets the objectives of development in Liverpool City Centre.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE														
	<ul style="list-style-type: none"> 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, to enhance the natural river foreshore and places of heritage significance, to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore 	Refer to Part 4.1.6(f) of this SEE for comments.														
Clause 7.2 Sun access in Liverpool city centre	<ul style="list-style-type: none"> The objective of this clause is to protect specified public open space from excessive overshadowing. This clause applies to certain land in the Liverpool city centre, as specified in the Table to this clause. <table border="1" data-bbox="409 628 1588 1007"> <thead> <tr> <th data-bbox="409 628 1364 691">Location</th> <th data-bbox="1364 628 1588 691">Maximum Height</th> </tr> </thead> <tbody> <tr> <td data-bbox="409 691 1364 743">Land within 9m of the public right of way on the northern side of Elizabeth Street, opposite Bigge Park, between Bigge Street and College Street</td> <td data-bbox="1364 691 1588 743">20m</td> </tr> <tr> <td data-bbox="409 743 1364 796">Land within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke's Church Grounds between Northumberland Street and Macquarie Street</td> <td data-bbox="1364 743 1588 796">20m</td> </tr> <tr> <td data-bbox="409 796 1364 849">Land within 9m of the public right of way on either side of Macquarie Street, between Elizabeth Street and Memorial Avenue (except the most southern 60m)</td> <td data-bbox="1364 796 1588 849">15m</td> </tr> <tr> <td data-bbox="409 849 1364 901">Land within 17m of the northern boundary of Apex Park between the Hume Highway and Castlereagh Street</td> <td data-bbox="1364 849 1588 901">15m</td> </tr> <tr> <td data-bbox="409 901 1364 954">Land within 9m of the public right of way on the western side of Northumberland Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets</td> <td data-bbox="1364 901 1588 954">30m</td> </tr> <tr> <td data-bbox="409 954 1364 1007">Land within 9m of the public right of way on the eastern side of Macquarie Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets</td> <td data-bbox="1364 954 1588 1007">30m</td> </tr> </tbody> </table>	Location	Maximum Height	Land within 9m of the public right of way on the northern side of Elizabeth Street, opposite Bigge Park, between Bigge Street and College Street	20m	Land within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke's Church Grounds between Northumberland Street and Macquarie Street	20m	Land within 9m of the public right of way on either side of Macquarie Street, between Elizabeth Street and Memorial Avenue (except the most southern 60m)	15m	Land within 17m of the northern boundary of Apex Park between the Hume Highway and Castlereagh Street	15m	Land within 9m of the public right of way on the western side of Northumberland Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets	30m	Land within 9m of the public right of way on the eastern side of Macquarie Street opposite Liverpool Pioneers' Memorial Park between Lachlan and Campbell Streets	30m	N/A. Subject site does not fall under the specified locations within the table.
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Clause 7.3 Car parking in Liverpool City Centre	<ul style="list-style-type: none"> Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless: <ol style="list-style-type: none"> at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and in respect of any other part of the building: <ol style="list-style-type: none"> at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose. Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible. 	N/A. The subject site is zone R4. Refer to Appendix E for an assessment of the proposal on car parking requirements and Traffic Report.														

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
<p>Clause 7.4 Building Separation in Liverpool City Centre</p>	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use. 	<p>Complies.</p> <p>Appropriate separation is provided to the side and rear boundaries of the site as per the Apartment Design Guide to ensure visual privacy is not significantly impacted.</p> <p>Refer to Part 4.1.6(g) of this SEE for comments along with Appendix G for a Clause 4.6 variation.</p>
<p>Clause 7.5 Design excellence in Liverpool city centre</p>	<ul style="list-style-type: none"> 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. 	<p>Complies.</p> <p>The proposed development in terms of its built form, scale and massing; being the external appearance of the development will contribute to and enhance the streetscape of Copeland and Castlereagh Streets, whilst also improving the quality and amenity of the Liverpool City Centre in this location.</p> <p>The proposed will complement the general high-density character of the area offering for a sympathetic integration the site and a well-articulated form that offers a visual interest.</p> <p>The proposed development does not have any detrimental impacts on view corridors.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		In relation to the development's compliance with development controls plans, this is addressed in Appendix E of this SEE.
Clause 7.5A Additional provisions relating to certain land at Liverpool city centre	<ul style="list-style-type: none"> • This clause applies to land development on land that: <ul style="list-style-type: none"> (a) is identified as "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map, and (b) has a lot size exceeding 1500m², and (c) has 2 or more street frontages. 	N/A
Clause 7.7 Acid Sulfate Soils	<ul style="list-style-type: none"> • N/A. 	N/A The site is not identified on Council's maps as containing acid sulfate soils.
Clause 7.8A Floodplain risk management	<ul style="list-style-type: none"> • This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land at or below the flood planning level. • Development consent must not be granted to development for any of the following purposes on land to which this clause applies unless the consent authority is satisfied that the development is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual, and will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land— <ul style="list-style-type: none"> (a) caravan parks, (b) centre-based child care facilities, (c) correctional centres, (d) emergency services facilities, (e) group homes, (f) hospitals, (g) residential care facilities, (h) respite day care centres, (i) tourist and visitor accommodation. 	As per Pre-DA advice received from Council, the subject site is situated within the catchment area of Brickmakers Creek. Flood mapping obtained from the Council's overland study indicates that the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood level at the proposed development site is 11.8m Australian Height Datum (AHD). The basement entry is required to achieve a minimum level of 11.8m + 0.1m = 11.9m. The proposed level is sought 12.0 AHD and accordingly complies. Refer to Part 4. 1.6(e) of this SEE for further comments.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 7.14 Minimum Building Street Frontage	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> (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. 	<p>Complies.</p> <p>The subject site provides for a frontage of approximately 80m to Copeland Street and approximately 36m to Castlereagh Street.</p>
Clause 7.17A Hospital helicopter airspace	<ul style="list-style-type: none"> • The objective of this clause is to protect hospital helicopter airspace. • Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority: <ul style="list-style-type: none"> (a) refers the application for development consent to the chief executive of the relevant local health district, and (b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and (c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace. 	<p>N/A</p>
Clause 7.31 Earthworks	<ul style="list-style-type: none"> • Development consent is required for earthworks unless: <ul style="list-style-type: none"> (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given. 	<p>The development proposes excavation for two levels of basement to the proposed car parking component under the new residential flat building.</p>

Appendix E Liverpool Development Control Plan 2008

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Part 1 General Controls for all Development		
Tree Preservation	<ul style="list-style-type: none"> Any approvals to remove or prune trees issued with a development consent shall lapse when the development consent lapses or becomes invalid or void. Council may refuse an application to remove a tree(s) under certain circumstances (refer to clause) but may give conditional consent for the appropriate remedial “branch or root pruning” for that tree(s). An application to remove a tree may consented to by Council under certain circumstances (refer to clause). Applications for trees that have Aboriginal marking and/or constitute an item of Aboriginal significance shall be referred to DECC. Pruning must accord with AS 4373/2007. All existing indigenous trees shall be retained or replaced. Where approval is given to remove trees, appropriate replacement planting will be required. Significant trees that are identified as having habitat value shall not be relocated or removed. 	<ul style="list-style-type: none"> Refer to the submitted Arborist Report and Part 4.1.2(a) of this report.
Landscaping And Incorporation Of Existing Trees	<ul style="list-style-type: none"> Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. Prior to the commencement of the design of a development existing trees should be identified. The design of the development should consider options to retain existing trees Existing indigenous trees within any building setback should be retained where possible, as an integral component of the site’s landscaping, and to protect local habitats. Prior to the commencement of the design of a development existing street trees should be identified. The design of a development should consider options to retain existing street trees. 	<ul style="list-style-type: none"> Refer to the submitted Arborist Report and Part 4.1.2(a) of this report.
Bushland And Fauna Habitat Preservation	<ul style="list-style-type: none"> Refer to DCP. 	<ul style="list-style-type: none"> N/A.
Bushfire Risk	<ul style="list-style-type: none"> Construction of single dwellings on or adjacent to bushfire prone land is to be carried out in accordance NSW Rural Fire Service’s Single Dwelling Application Kit All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006 	<ul style="list-style-type: none"> N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Asset Protection Zones shall be provided within the boundary of the land on which a development is proposed but may include public streets located between the land and bushland. 	
Water Cycle Management	<ul style="list-style-type: none"> For developments that require construction of stormwater drainage, a SDCP shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system. 	<ul style="list-style-type: none"> Refer to Stormwater Plans.
Development Near Watercourse A	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Noted.
Erosion And Sediment Control	<ul style="list-style-type: none"> The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1. 	<ul style="list-style-type: none"> Complies. Refer to erosion and sediment control plan prepared by Mance Arraj Civil & Structural Engineers.
Flooding Risk	<ul style="list-style-type: none"> Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods. 	<ul style="list-style-type: none"> Complies. Refer to Appendix D and Part 4.1.6(e) of this SEE.
Contaminated Land Risk	<ul style="list-style-type: none"> To identify the presence of contamination at an early stage of the development process and to manage the issues of land contamination to ensure protection of the environment and that of human health is maintained. Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment 	<ul style="list-style-type: none"> Complies. <p>History of residential development at the site. Also Refer to Part 4.1.3 of this SEE.</p>
Salinity Risk	<ul style="list-style-type: none"> To prevent further spread of urban salinity and remedy, where possible, existing areas of salinity. 	<ul style="list-style-type: none"> The site is not identified on Council's maps as containing saline soils.
Acid Sulfate Soils Risk	<ul style="list-style-type: none"> Identify areas of acid sulfate soil risk to prevent any unnecessary impact on the environment. 	<ul style="list-style-type: none"> N/A.
Demolition Of Existing Developments	<ul style="list-style-type: none"> All demolition work must comply with the <i>Australian Standard AS2601 – 1991, The Demolition of Structures</i>. 	<ul style="list-style-type: none"> Can be conditioned.
Aboriginal Archaeology	<ul style="list-style-type: none"> Identify and where possible preserve relics of the occupation of the land by Aboriginal communities 	<ul style="list-style-type: none"> N/A.
Heritage And Archaeological Sites	<ul style="list-style-type: none"> Conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views; and conserve archaeological sites. 	<ul style="list-style-type: none"> N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Car Parking and Access	<p>Overall Design Considerations</p> <ul style="list-style-type: none"> The layout of a car parking area shall consider the entire facility, including car parking modules, landscaping, circulation aisles and roadways, access driveways and, if necessary, frontage road access as an integrated coordinated design. The management of traffic within a car parking facility should take into account: <ol style="list-style-type: none"> The need for traffic to move to and from the frontage road with minimum disruption to passing traffic and maximum pedestrian safety. Provision of adequate capacity in circulation roadways and aisles to handle peak hour movements without congestion. Avoid as far as practicable conflicts between intersecting streams of circulating traffic. Minimum length travel paths between entry/exit points and car parking spaces. Safe treatment of points of conflict with pedestrians and other road users. <p>Vehicular Access Arrangement and Manoeuvring Areas</p> <ul style="list-style-type: none"> If driveways are proposed from a classified road approval is required from the Roads and Maritime Services (RMS). Vehicular egress and entrances must be integrated into the building design so they are visually recessive. This can be achieved by locating the opening a small distance behind the front façade. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicular access points so that they are capable of shared access at a later date. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms. Vehicular access may not be required or may be denied to some heritage buildings. Vehicle access ramps parallel to the street frontage will not be permitted; Doors to vehicular access points are to be roller shutters or tilting doors set back from the building façade; and Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street. <p>On-Site Car Parking Provision and Service Facilities by Land Use</p> <ul style="list-style-type: none"> Tables 11, 12 and 13 outline the number of car parking spaces and any other facilities required for the accommodation of vehicles on site for each land use type. In proposals where calculations of car 	<ul style="list-style-type: none"> Complies. Circulation and access have been considered in the design. Swept paths are included in the Traffic Report prepared by Varga Traffic Planning. N/A. Vehicle access is from the secondary street, Castlereagh Street. Complies. Not relevant in this instance. No openings to the ramp to minimise noise transfer. N/A. Not a heritage building. N/A. This may be conditioned. This may be conditioned. Residential car parking has been assessed per Part 4 of the LDCP.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY																							
	<p>parking requirements result in fractions of spaces being required, the fraction will be rounded up to the nearest whole space. Where developments comprise separately defined facilities, for example a hotel with a restaurant; the relevant requirements of each facility must be satisfied.</p> <p>Child care centres</p> <table border="0"> <tr> <td data-bbox="501 555 748 608">Residential & industrial zones</td> <td data-bbox="792 555 1200 608">1 space per staff member and 1 space per 10 children</td> <td data-bbox="1263 555 1536 579">Service facilities for a van</td> </tr> <tr> <td></td> <td colspan="2" data-bbox="792 628 1200 735">(Stack parking of employees cars, maximum 2 deep, will be considered if there is good design for flow-through of short term car parking)</td> </tr> <tr> <td></td> <td colspan="2" data-bbox="792 753 1200 805">Pick up and set down of children must address their safety</td> </tr> </table> <p>Disabled Off-Street Car Parking</p> <ul style="list-style-type: none"> Disabled car parking shall be provided in accordance with Table 12 for car parking areas over 20 spaces: <table border="1" data-bbox="472 975 1077 1134"> <caption>Table 12 Disabled Car Parking Provision</caption> <thead> <tr> <th>No of spaces</th> <th>Land Use</th> </tr> </thead> <tbody> <tr> <td>1 per 100 spaces</td> <td>Retail, Commercial, Industry or Transport</td> </tr> <tr> <td>2 per 100 spaces</td> <td>Community, Recreation, Accommodation or Education</td> </tr> <tr> <td>3 per 100 spaces</td> <td>Entertainment or Health</td> </tr> </tbody> </table> <p>Bicycle Parking and Cycling Facilities</p> <ul style="list-style-type: none"> Bicycle parking and cycling facilities shall be provided in accordance with Table 13 below. <table border="1" data-bbox="465 1270 1451 1374"> <caption>Table 13 Bicycle Parking Provision</caption> <thead> <tr> <th>Land Use</th> <th>Employee/Resident Parking Spaces (Class 1 or 2 facility)</th> <th>Visitor/Customer Parking Spaces (Class 3 facilities)</th> </tr> </thead> <tbody> <tr> <td>Child Care Centres</td> <td>1 per 10 staff</td> <td>2 per centre</td> </tr> </tbody> </table>	Residential & industrial zones	1 space per staff member and 1 space per 10 children	Service facilities for a van		(Stack parking of employees cars, maximum 2 deep, will be considered if there is good design for flow-through of short term car parking)			Pick up and set down of children must address their safety		No of spaces	Land Use	1 per 100 spaces	Retail, Commercial, Industry or Transport	2 per 100 spaces	Community, Recreation, Accommodation or Education	3 per 100 spaces	Entertainment or Health	Land Use	Employee/Resident Parking Spaces (Class 1 or 2 facility)	Visitor/Customer Parking Spaces (Class 3 facilities)	Child Care Centres	1 per 10 staff	2 per centre	<p>With respect to the proposed child care centre, as no specific rates nominated in Part 4, the provisions of Part 1 have been used.</p> <p>1 space x 14 educators = 14 1 space / 10 children = 9</p> <p>Required: 23 Proposed: 25</p> <ul style="list-style-type: none"> Complies. One disabled car space is provided within the dedicated child care centre parking. Refer to comments later in this table with respect to disabled residential car spaces. Complies. Four (4) bicycle spaces are required (14 staff + 2 per centre) and 8 are provided at basement level.
Residential & industrial zones	1 space per staff member and 1 space per 10 children	Service facilities for a van																							
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CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Subdivision Of Land And Buildings	<ul style="list-style-type: none"> Refer to DCP. 	<ul style="list-style-type: none"> N/A.
Water Conservation	<ul style="list-style-type: none"> New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. 	<ul style="list-style-type: none"> Refer to submitted BASIX Certificate.
Energy Conservation	<ul style="list-style-type: none"> Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i>. A complying BASIX report is to be submitted with all development applications containing residential activities. 	<ul style="list-style-type: none"> Refer to submitted BASIX Certificate.
Waste Disposal & Re-Use Facilities	<ul style="list-style-type: none"> A Waste Management Plan (WMP) shall be submitted with a Development Application for any activities generating waste, and be provided in three sections: <ul style="list-style-type: none"> - Demolition - Construction - On-going waste management. In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. Bin bays or waste service rooms are to be sufficiently open and well lit. A hose cock for hosing the garbage bin bay and a sewerage drainage point are to be provided in or adjacent to the bin storage area. Bin bays are to be adjacent to a street frontage, or if not possible then at a designated point adjacent to the common access driveway provided sufficient level areas (<5% grade) is available for bin collection. The bin bay is to be located so that distance from bin bay to the nearest waste collection point accessible by the collection vehicle is no further than 15m. The bin bay position is to minimise noise impacts on residents from the usage of bins and waste or recycling collection. 	<ul style="list-style-type: none"> Reference should be made to the submitted Waste Management Plan.
Outdoor Advertising And Signage	<ul style="list-style-type: none"> Refer to DCP provisions. 	<ul style="list-style-type: none"> N/A.
Social Impact Assessment	<ul style="list-style-type: none"> A social impact assessment shall be submitted with a development application for all types of development listed in Table 21. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment, as specified in Table 21. 	<ul style="list-style-type: none"> Refer to Appendix H of this report.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Safety and Security	<ul style="list-style-type: none"> 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 Through Environmental Design (CPTED) principles. 	<ul style="list-style-type: none"> Refer to Part 4.3.1.(a) of this SEE.
Additional Uses	<p>Child Care Centres <u>Building Appearance</u></p> <ul style="list-style-type: none"> The building shall be designed so: <ul style="list-style-type: none"> That it is in character with the surrounding residential area in terms of bulk, scale, size and height; and That it employs passive solar and energy saving techniques where possible. The front pedestrian entrance must be visible from the street. Buildings that face two street frontages or a street and public space must address both frontages by the use of verandas, balconies, windows or similar modulating elements. <p><u>Landscaping</u></p> <ul style="list-style-type: none"> A landscape plan must be submitted to Council with the development application. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted. 	<ul style="list-style-type: none"> Complies. The comments within the DCP analysis demonstrate how the proposal positively conforms to the setbacks prescribed to the site. Consequently, the development is designed within the desired future character of the area. Complies. Passive shade is achieved through the cantilever of levels. An entry structure, signage, and landscape design will clearly demonstrate the entry to the child care centre from Castlereagh Street. Although the subject site provides for two street frontages, the siting of the centre at the ground floor of Block B provides for a direct outlook to Copeland Street only. Windows have been designed to address the street. Refer to the landscape plan prepared by Paul Scrivener

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species. If there are setback areas these are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5m to 3m at maturity. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. See ADG Planting on Structures. <p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Access for the disabled including those with prams is to be provided from the car parking area to the building. <p><u>Amenity and Environmental Impact</u></p> <ul style="list-style-type: none"> Child Care Centres shall be designed and operated so that noise generated by the centre does not impact significantly upon adjoining properties. Child Care Centres shall not be constructed on sites that are contaminated. All buildings, whether to be built, extended, renovated or converted to a Child Care Centre shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning. 	<p>Landscape and submitted under separate cover.</p> <ul style="list-style-type: none"> Complies. An Acoustic Report has been prepared by Acouras Consultancy and is submitted under separate cover. Refer to Part 4.1.3 of this report. A new building is to be erected for the child care centre. No proposed building material will cause lead or asbestos or other

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
		contamination and this may be conditioned.
PART 4 LIVERPOOL CITY CENTRE DCP		
2.1 BUILDING FORM		
Building Form	<ul style="list-style-type: none"> • Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2. <ol style="list-style-type: none"> a) Perimeter block typology for Fine Grain precinct. b) Perimeter block typology for Midrise precinct, with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a 9 tower on podium typology). c) Perimeter block, tower on podium or detached building typology for Long Term Civic Sites. d) Tower on podium or detached building typology for standalone sites. e) Perimeter block, tower on podium or detached building typology for Commercial Core sites. f) Perimeter block, or detached building typology for Mixed Use. g) Detached building typology for High Density Residential sites. • Perimeter block, or detached building typology for Enterprise Corridor sites and Neighbourhood Centre sites. 	<ul style="list-style-type: none"> • N/A.
Controls for the Fine Grain Precinct	<ul style="list-style-type: none"> • Design new buildings in the Fine Grain Precinct as follows: <ol style="list-style-type: none"> 1. Construct a maximum of four storeys to the street and four storeys to the serviceway frontages, with an additional two storeys set back to street frontages in accordance with Figures 4-3 and 4-4. 2. Locate retail uses at the ground floor on street and lane/serviceway frontages (where possible). 3. Develop no more than one level of (at grade) car parking (where necessary), which is to be appropriately screened or sleeved. • Provide parking in accordance with LLEP 2008 provisions or make an alternative arrangement to the satisfaction of Council. 	<ul style="list-style-type: none"> • N/A.
Controls for the Midrise Precinct	<ul style="list-style-type: none"> • Design new buildings in the Midrise Precinct as follows: <ol style="list-style-type: none"> 1. Construct buildings to a maximum of six storeys to the street and four storeys to the lane/serviceway frontages, with an additional two storeys set back to both frontages in accordance with Figures 4-5 and 4-6. 2. Develop retail uses at the ground floor at street and lane/serviceway frontages (where possible). 	<ul style="list-style-type: none"> • N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> 3. Develop at least one level above the ground floor for a commercial use, or that is capable of being adapted to a commercial use. 4. Provide parking in a basement car park. No more than one level of service (at grade) car parking is permitted and this is to be appropriately screened or sleeved. • Provide parking in accordance with the LLEP 2008. 	
<p>Controls for Sites that Require the Submission of a Site Specific DCP or Concept DA</p>	<ul style="list-style-type: none"> • Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008. • Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposed development which seeks to utilise the additional provisions relating to certain land in Liverpool city centre must yield a public benefit, in that the site on which the building is to be located must also include one or more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible): <ul style="list-style-type: none"> ○ recreation areas; ○ recreation facilities (indoor); ○ community facilities; ○ information and education facilities; ○ through site links; or ○ public car parks. • The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m). • Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible). • Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g. commercial/retail or residential). • Construct buildings according to the requirements illustrated in Figure 4.7, Figure 4.8 or Figure 4.9, depending on the location of the site. 	<ul style="list-style-type: none"> • N/A. This development does not seek to utilise the provisions of Clause 7.5A of the LLEP 2008.
<p>Building Floor Plates</p>	<ul style="list-style-type: none"> • Design the floor plate sizes and depths of buildings for Fine Grain and Midrise sites as indicated in the building envelopes. • Provide a maximum GFA of 700m² per level for residential towers with maximum length of elevation of 45m. • Comply with ADG standards for building depth and number of apartments. 	<ul style="list-style-type: none"> • N/A. • Refer to Part 4.3.1(b) of this SEE for comments. • Refer to Appendix B.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> Provide a maximum GFA of 1,000m² per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m² a proportionally larger GFA per floor may be considered. 	<ul style="list-style-type: none"> Not a commercial tower. Each floor of the child care centre is less than 1,000m² as a floor plate.
Building to Street Alignment and Street Setbacks	<ul style="list-style-type: none"> Street building alignment and street setbacks are to comply with Figure 3. (8m landscaped setback to Copeland Street and 4.5 landscaped setback to Castlereagh Street applies to subject site) The external facades of buildings are to be aligned with the streets that they front. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement. Balconies may project up to 1.2m into front building setbacks in the High Density Residential zone and up to 600mm in all other zones, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level. Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Section 3.8 Building Exteriors). 	<ul style="list-style-type: none"> Refer to Part 4.3.1(c) of this SEE for comments.
Side and Rear Boundary Setbacks	<ul style="list-style-type: none"> 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. 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. 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. 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. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries. 	<ul style="list-style-type: none"> Refer to Part 4.1.5(b) of this report.
Minimum Floor to Ceiling Heights	<p>The minimum floor to ceiling heights are:</p> <ul style="list-style-type: none"> Ground floor: 3.6m. Above ground level: <ul style="list-style-type: none"> Commercial office 3.3m. Capable of adaptation to commercial uses 3.3m. Residential 2.7m. Active public uses, such as retail and restaurants 3.6m. 	<ul style="list-style-type: none"> Floor to ceiling heights have been designed in accordance with ADG. Refer to Appendix B of this report.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY						
	<ul style="list-style-type: none"> 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. 							
Housing Choice and Mix	<ul style="list-style-type: none"> 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: <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. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995). 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). Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces. 	<ul style="list-style-type: none"> Complies. <ul style="list-style-type: none"> 14 x 1 bed = 10.6% 99 x 2 bed = 75% 19 x 3 bed = 14.4% 132 x 0.1 = 13.2, 14 adaptable units proposed. 15 disabled spaces proposed. 						
Deep Soil Zones and Site Cover	<ul style="list-style-type: none"> The maximum site cover for development is specified in the following table: <table border="1" data-bbox="465 986 1588 1050"> <thead> <tr> <th data-bbox="465 986 824 1018">Zone</th> <th data-bbox="824 986 1227 1018">Commercial & Mixed Use</th> <th data-bbox="1227 986 1588 1018">Residential</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1018 824 1050">All other zones</td> <td data-bbox="824 1018 1227 1050">60%</td> <td data-bbox="1227 1018 1588 1050">50%</td> </tr> </tbody> </table> Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone. 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. 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. 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. 	Zone	Commercial & Mixed Use	Residential	All other zones	60%	50%	<ul style="list-style-type: none"> Complies. Maximum site coverage of 42% of the entire site is proposed. 11.6% of the overall site, or 496.93m² is dedicated as deep soil area for planting and complies with the design guidance set under Objective 3E-1 the ADG.
Zone	Commercial & Mixed Use	Residential						
All other zones	60%	50%						

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> 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). 	
Public Open Space and Communal Open Space	<p><i>Existing Public Open Space</i></p> <ul style="list-style-type: none"> 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><i>New Public Open Space</i></p> <ul style="list-style-type: none"> Dedicate open space to Council, where required, as part of an approved concept development application if the space meets the requirements of Council in terms of: <ol style="list-style-type: none"> location; aspect; accessibility; safety; and 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). 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. The roof space of residential flat buildings (RFBs) and mixed-use 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. 	<ul style="list-style-type: none"> Complies. The site is not located close to any public open space. N/A. Refer to Appendix B. Complies.
Landscape Design	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Refer to Landscape Plans.
Planting on structures	<ul style="list-style-type: none"> Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space. 	<ul style="list-style-type: none"> Refer to Landscape Plans.

PEDESTRIAN AMENITY

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Pedestrian Permeability	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> The site has not been identified on the through sites link map.
Pedestrian Overpasses and Underpasses	<ul style="list-style-type: none"> Design underpasses or overpasses in accordance with <i>Crime Prevention Through Environmental Design</i> principles and compliant with the applicable Australian Standard for Disabled Access. Design overpasses to be fully glazed or open, and not greater than 3m wide or more than one level high. Consider underpasses for direct connection under adjacent streets to the railway station where they: <ol style="list-style-type: none"> would substantially improve pedestrian safety and accessibility; incorporate active uses, particularly at entry and exit points; and have a minimum width of 4.5m clear of all fixed obstructions and a minimum ceiling height of 6m. 	<ul style="list-style-type: none"> N/A. No overpass or underpass proposed or required.
Active Street Frontages and Address	<ul style="list-style-type: none"> Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links. Locate active street frontages in the Mixed Use, Commercial Core, Enterprise Corridor and Neighbourhood zones (as identified in Figure 4-2), on ground level. This does not preclude servicing activities particularly in the serviceways. Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in Figure 4-16. Locate street fronts at the same level as the footpath and with direct access from the street. Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages. 	<ul style="list-style-type: none"> N/A. The site is located within the high density residential precinct.
Street Address	<ul style="list-style-type: none"> Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments. Provide multiple entrances to large developments on all street frontages. Provide direct 'front door' and/or garden access to the street in ground floor residential units. 	<ul style="list-style-type: none"> Complies. Secondary pedestrian entrance proposed to Copeland Street. All units will be access through the internal lobby to promote safety and security.
Street and Building Interface	<ul style="list-style-type: none"> Design the area between the building and the public footpath so that it: <ul style="list-style-type: none"> provides visibility to and from the street (if non-residential use); provides privacy if residential uses are on the ground floor; introduces paving and/or landscaping between the street and the building; and/or 	<ul style="list-style-type: none"> Refer to Landscape Plan.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> ○ screens any above ground car parking. ● Use front fences that: <ul style="list-style-type: none"> ○ do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and ○ are not constructed of sheet metal or opaque glass. 	
Awnings	<ul style="list-style-type: none"> ● Provide street frontage awnings for all new developments on streets identified in Figure 4-13. ● Awnings must be: <ul style="list-style-type: none"> ○ horizontal in form; ○ minimum 2.4m deep (dependent on footpath width); ○ minimum soffit height of 3.2m and maximum of 4m; ○ stepped to accommodate sloping streets; ○ integral with the building design; ○ slim vertical faciae or eaves (generally not to exceed 300mm height); and ○ setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements. ● Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings. ● Include appropriate sun shading device for the outer edge of awnings along east-west streets if required. These blinds must not carry advertising or signage. ● Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety. ● Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage. ● Provide all residential buildings in areas not identified for continuous awnings in Figure 4-13 with awnings or other weather protection at their main entrance area. 	<ul style="list-style-type: none"> ● N/A. ● Sheltered entrances are proposed.
Building Design and Public Domain Interface	<ul style="list-style-type: none"> ● Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: <ul style="list-style-type: none"> ○ the street 'wall' alignment and building envelope; ○ the 'depth' within the façade; ○ facade proportions; and ○ the response to the corners at street intersections. ● Provide balconies and terraces appropriately orientated where buildings face public spaces. 	<ul style="list-style-type: none"> ● The proposal has been designed having regard to ADG requirements and the front setback controls of Council's DCP. ● Complies. ● Complies.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> • 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. • 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. • 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. • Maximise glazing in the facades for retail uses. • For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level. • 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: <ul style="list-style-type: none"> ○ expressed cornice lines that assist in enhancing the definition of the street; or ○ projections such as entry canopies that add visual interest and amenity. • 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. • Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building. • Screen air conditioning units on balconies. • No clothes drying facilities to be allowed on balconies. 	<ul style="list-style-type: none"> • Complies. • Refer to Schedule of Materials. • N/A. • Complies. • No projections into public space are proposed • Not proposed. • Strictures at roof level have been minimized. • This may be conditioned. • This may be conditioned.
Street Intersections and Corner Buildings	<ul style="list-style-type: none"> • Address all street frontages in the design of corner buildings. • Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies. 	<ul style="list-style-type: none"> • N/A. Not a corner property. Notwithstanding this, given the dual street frontage relationship, consideration has been given to address both street frontages in the design. The submitted design includes glazing and balconies to both street frontages, allowing for activation and casual surveillance and ensuring a positive relationship with the differing street typologies.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
4.3.10 Public Artworks	<ul style="list-style-type: none"> • Design public art to respond to the particular site of the development as well as the city as a whole. • Provide well designed and visually interesting public art created by artists or organisations that are competent in the selected field and committed to best practice. • Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal maintenance. • Develop clear and concise agreements with artists/organisations in relation to expectations and deaccession (the process used to permanently remove an object, artwork or assemblage). 	<ul style="list-style-type: none"> • No public art proposed or required.
TRAFFIC AND ACCESS		
Vehicular Access and Manoeuvring Areas	<ul style="list-style-type: none"> • Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible. • 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. • All weather access: <ul style="list-style-type: none"> ○ Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations. ○ 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. ○ In exceptional circumstances for buildings with one street frontage only, an indented porte cochere 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. 	<ul style="list-style-type: none"> • Complies. Castlereagh Street is the secondary street and vehicle access is proposed from it. • Complies. • No porte cochere access proposed.
On Site Parking	<ul style="list-style-type: none"> • All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below: <ul style="list-style-type: none"> ○ On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the building design; and ○ On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design. • Provide car parking for buildings developed on land in the R4 - High Density Residential zone as follows: <ul style="list-style-type: none"> ○ 1 space per two studio apartments. 	<ul style="list-style-type: none"> • N/A. • N/A. • Complies. 14 x 1 bed = 14 99 x 2 bed = 99

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> ○ 1 space per one bedroom or two bedroom apartments. ○ 1.5 spaces per three or more bedroom apartments. • Provide car parking for buildings developed on land in other zones (B1 — Neighbourhood Centre and B6 — Enterprise Corridor) as follows: <ul style="list-style-type: none"> ○ 1 space per 100 m² of floor area • Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in Liverpool city centre. For all other sites, service and visitor parking requirements are additional to that specified in controls 2 and 3 above. • Service and visitor parking is to be provided In accordance with the following formula: <ul style="list-style-type: none"> ○ Residential (including residential components of mixed-use or other developments) <ul style="list-style-type: none"> - 1 space per 10 apartments or part thereof, for visitors; and - 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building • All other development • Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces. • No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability. 	<ul style="list-style-type: none"> • 19 x 3 bed = 28.5 Required: 141.5 Proposed: 149 • N/A. • N/A. • 132 / 10 = 13.2 required. 14 proposed. • 4 car wash bays proposed. • Complies. 9.3 spaces required. 10 proposed. • Complies. 3.72 spaces required. 16 proposed.
5. Environmental Management		
Wind Mitigation	<ul style="list-style-type: none"> • Design all new buildings to meet the following maximum wind criteria : <ul style="list-style-type: none"> ○ 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. • Submit a Wind Effects Report with the DA for all buildings greater than 35m in height. • Submit results of a Wind Tunnel Testing report for buildings over 48m in height. 	<ul style="list-style-type: none"> • This may be conditioned.
Noise	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Reference should be made to the Acoustic Report prepared by Acouras Consulting and is submitted under separate cover.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> • Provide an 8m setback from the primary street frontage to any residential component of development located along Terminus Street and the Hume Highway. • All residential apartments and / or serviced apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s). 	

Appendix F Clause 4.6 to Clause 4.3 Building Height

**CLAUSE 4.6 VARIATION
CLAUSE 4.3 – HEIGHT OF BUILDINGS**

LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

September 2023

1. Introduction

This written request under Clause 4.6 of Liverpool Local Environmental Plan 2008 (LLEP08) is for a variation to Clause 4.3 of the LLEP08, which relates to **height of buildings**.

This written request has been prepared in support of an application for the alterations and additions to an approved residential flat building with basement car parking, landscaping and associated site works at 7 – 9 Castlereagh Street & 6-12 Copeland Street, Liverpool. The proposal also includes a change of use to part of the approved ground floor to create a 90 place child care centre. The site is legally identified as:

- Lot A in DP374032
- Lot B in DP374032
- Lot 2 in DP110597
- Lot B in DP433791
- Lot D in DP374032
- Lot C in DP374032

The development includes:

- 2 x 11-storey residential flat buildings.
- 132 residential units.
- 90 place child care centre
- 186 available car parking spaces

As will be detailed throughout this written request, the proposed development meets the requirements prescribed under Clause 4.6 of the LLEP08 and relevant tests to establish why strict compliance with the standard is unreasonable or unnecessary for the circumstance.

2. Site Context

The subject site is commonly referred to as Nos. 7-9 Castlereagh Street and 6-12 Copeland Street, Liverpool and is legally described as Lot A in Deposited Plan 374032, Lot B in Deposited Plan 374032, Lot 2 in Deposited Plan 110597, Lot B in Deposited Plan 433791, Lot D in Deposited Plan 374032 and Lot C in Deposited Plan 374032.

The site is located within the Liverpool City Centre on the eastern side of Copeland Street and on the western side of Castlereagh Street, Liverpool which in part are parallel to one another. Refer to Figure 1 on the following page.

The development site is an irregular shaped allotment with the sites frontage to Copeland Street measuring 80.098m in its length and the site's frontage to Castlereagh Street equalling 36.937m in its length. To the south, the sites boundary measures 69.165m in its length. The site's northern most boundary equals a length of 30.888m. The eastern side boundary which adjoins No. 3 Castlereagh Street equals 20.118m in length with the eastern boundary adjoining No. 5 Castlereagh Street measuring 20.117m in its length. A splay of 3.658m adjoins part of the

boundary shared with No. 3 Castlereagh Street. The sites northern boundary which adjoins No. 5 Castlereagh Street offers a length of 30.480m. Overall, the site provides for an area of 4,300.42m².



Figure 1: Site Location Map (Mecone Mosaic)

Located across the subject site at present are several detached dwellings with associated outbuildings.

It is important to note that an approval had been issued on 31 July 2017 being DA-631/2015 at the site for demolition of existing buildings, tree removal, and construction of two 9 storey residential flat buildings containing 116 residential apartments over two levels of basement car parking with associated landscaping and ancillary site works. This application did not include No. 6 Copeland Street which now forms part of the current development application before Council.

There is also an existing approval north of the subject site for an eleven (11) - storey mixed use development: Stage No. 1 - 6 premises to be used as neighbourhood shops, 4 levels of basement parking, and 43 residential units. Stage No. 2 - 4 levels of basement parking and 128 residential units at Lot 1 Copeland Street, 1d Castlereagh Street, 1a Castlereagh Street, 1b Castlereagh Street, 1c Castlereagh Street, 3 Castlereagh Street and 5 Castlereagh Street Liverpool. The reference for this approved development application is DA-436/2007.

The development application before Council will have an enhanced development outcome as appose to the existing approvals being DA-436/2007 and DA-631/2015 being developed individually. The benefit of incorporating Lot 6 in this development application is that it will not be isolated.

Development in the vicinity of the subject site is typically of a higher density and is residential in nature. In view of the R4 High Density Residential land zoning afforded to the site and those nearby, the development has conformed with the transition to higher density built forms and is therefore representative of this future desired character.

In proximate locations of the subject site to the east and southeast are several education establishments namely, All Saints Catholic Primary School, Liverpool Boys High School, Liverpool Girls High School and Liverpool TAFE. Sydney South West Private Hospital and Liverpool Hospital are also situated within proximity of the site being to the east and southeast, respectfully.

Several local services and amenities are situated nearby the subject site with Westfield Liverpool Shopping Centre being approximately 500m walking distance of the site to the east. Just south of the Westfield Shopping Centre is the Core of the Liverpool City Centre, further enhancing accessibility to a variety of goods and services for the benefit of future residents.

With several bus stops located along nearby Elizabeth Drive, the site is well serviced by public transport infrastructure which offers connections to a more expansive public transport network and nearby suburbs.

3. Clause 4.6

This submission is made under clause 4.6 of the Liverpool LEP 2008 – Exceptions to development standards. Clause 4.6 states the following:

“4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:

 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**

- (2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.**

- (4) Development consent must not be granted for development that contravenes a development standard unless:

 - (a) the consent authority is satisfied that:

 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**
 - (b) the concurrence of the Planning Secretary has been obtained.**

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider:

 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and**

- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (caa) clause 5.5,*
- (ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development, and the content in this Clause 4.6 written request for a variation to the building height standard.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Contravened Development Standard

The Environmental Planning Instrument to which the variation relates to is the Liverpool Local Environmental Plan 2008. The contravened development standard is Clause 4.3 Height of Buildings, which reads as follows:

4.3 Height of buildings

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

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

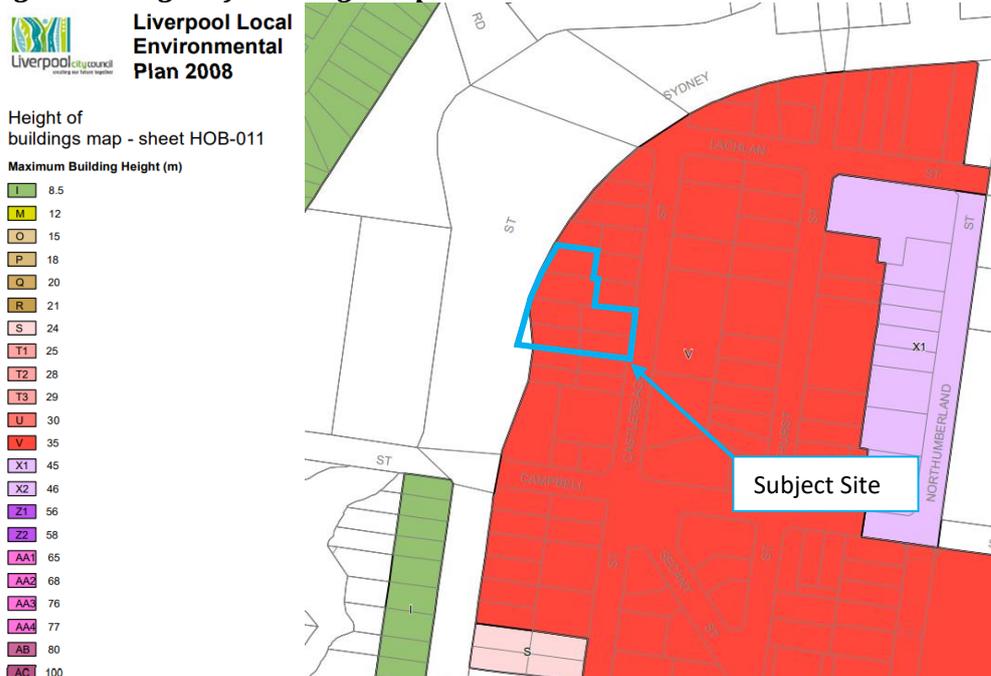
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note—

Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map.

Council's Height of Buildings Map identify the maximum height of buildings for the site to be 35m ("V"). Refer to **Figure 2** below. While the site is located within the Liverpool City Centre, no additional clause that alters the mapped building height applies as the site is not identified as being within "Area 8", "Area 9" or Area 10" on the Liverpool LEP Floor Space Ratio Map.

Figure 2: Height of Buildings Map



Source: NSW Legislation, LLEP08 Map_011

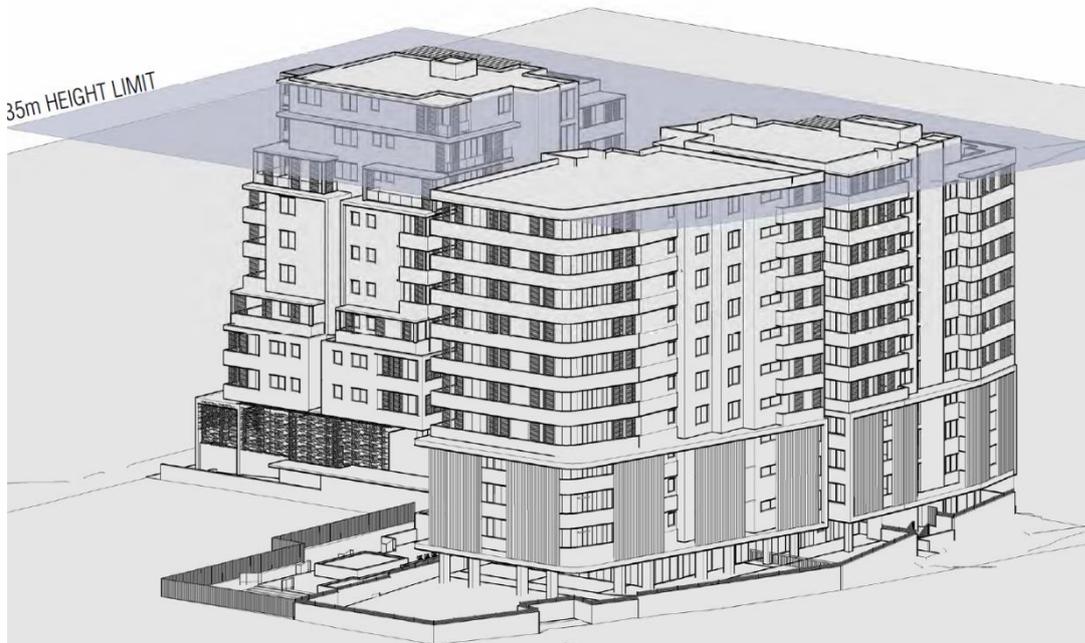
4. Extent of Non-Compliance

As noted above, Clause 4.3 of the LLEP08 states that the subject land has been prescribed to have a maximum height of buildings of 35m.

- Maximum Height of Building: 35m
- Proposed Height of Building:
 - Block A: 36.62 (Maximum) See Section Plan (DA-203).
 - Block B: 36.8 (Maximum) See Section Plan (DA-203).
- Variation:
 - Block A: 1.62m (4.6% variation)
 - Block B: 1.8m (5.1% variation)

The extent of the maximum building height variation is illustrated in an excerpt extracted from the architectural plans prepared by Zhinar Architects (Figure 3).

Figure 3: Excerpt of Height Study



Source: Zhinar Architects

The proposed variation is primarily a result of the provision of, and access to, the roof level for communal open space and include the lift, lift overrun and pergolas. Lesser variations relate to the roof over the Level 10 units and the plant located at roof level.

5. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

“...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1.”

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the height of buildings standard, the **first** method is invoked.

The objectives supporting the height of buildings control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

4.3 Height of buildings

1) *The objectives of this clause are as follows:*

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

While the proposed development also seeks a slight variation to the FSR standard, it is important to note that all habitable floor area is located below the 35m building height control. Therefore, the proposed variation to FSR has no bearing on the proposed variation to building height.

The majority of the proposed development is compliant with the maximum building height control of 35m, with the only exception being the lift access to the proposed communal open space, plant equipment and the roof over the Level 10 units. The proposed variation to building height will allow for the provision of a roof-top communal open space area that will be able to achieve year-round solar access even after the adjoining northern property is redeveloped to its maximum potential.

(b) to permit building heights that encourage high quality urban form,

High quality urban form is achieved within the design of the building. The building and landscaping fronting Copeland Street and Castlereagh Street will promote a high architectural standard that contributes positively to the streetscape and immediate neighbourhood. In addition, the street façades and the side elevations have been treated with a range of architectural features that ensure a high quality built form (illustrated in Figures 4 and 5). These features include:

- Articulated block colours (light and dark greys proposed on Level 4 and above, and dark greys and caramel proposed at Level 3 and below).
- Variety of materials, cladding and screening types – Face brick, glass, applied textured paint finish and vertical and horizontal timber screens.
- Open balconies located at the corner of the buildings to add to the visual articulation of the built form.



Figure 4: Extract of perspective view from Copeland Street and schedule of finishes (Source: Zhinar Architects)



Figure 5: Extract of perspective view from Castlereagh Street and schedule of finishes (Source: Zhinar Architects)

It can therefore be demonstrated that the building height proposed is conducive to a residential development that achieves a high quality built form regardless of its building height, that is also fit-for-purpose and contributory to the ongoing emergence of contemporary building forms, and therefore achieves objective (b).

(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

The proposed development has also been designed to maximise solar access with 71.21% of the proposed units across the entire development achieving a minimum of 2 hours solar access.

To further ensure a high level of amenity is provided to all residents, rooftop communal open space is proposed that ensures all future residents are afforded with a quality area of outdoor recreation which achieves good solar access.

In terms of adjoining properties, reference should be made to the shadow diagrams prepared by Zhinar Architects submitted under separate cover. It is important to acknowledge that given the orientation of the site and its location to other high-density developments, a degree of overshadowing is inevitable. The proposed elements of the built form that breach the maximum permissible building height are generally located centrally within the site and have a limited effect on the overshadowing cast to adjoining properties.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The subject site is zoned and bounded by properties that are zoned R4 High Density Residential and mapped on the height of buildings map with the same maximum height standard (35m). Therefore, the proposed building form and scale has been designed to reflect the emerging high density residential character of the area. The site is otherwise under-utilised and will benefit from the redevelopment in a form that is suitable for the intensity of use.

Consequently, it is demonstrated that the proposed dwelling meets the objectives of Clause 4.3 of the Liverpool Local Environmental Plan 2008. The proposal provides for the orderly and economic development of the site, given the site's orientation, location and context it is considered that the site is well suited to accommodate the extent of development and variation to the standard sought.

6. Are there Sufficient Environmental Planning Grounds?

The assessment in **Section 5** of this written request demonstrates that the resultant environmental impacts of the proposal will be satisfactory against the objectives of the zone.

The proposed variation is for a maximum of 1.8m, or a 5.1% exceedance to Council's control.

The proposed variation is primarily a result of the provision of, and access to, the roof level for communal open space and include the lift, lift overrun and pergolas. Given the orientation of the lot, any communal open space provided at ground level will be overshadowed once the adjoining northern site is redeveloped to the maximum potential envisaged under the LLEP08. Therefore, the provision of roof-top communal open space and subsequent variation to building height, will ensure that a communal open space that is capable of achieving year-round solar access is provided within this site. Thus, the proposed variation will result in an improved residential amenity outcome.

The assessment below demonstrates that there are sufficient environmental planning grounds to justify contravening the building height development standard as follows:

- The majority of the proposed development is compliant with the maximum building height control of 35m, with the only exception being the lift access to the proposed communal open space, plant equipment and the roof over the Level 10 units. The new elements are centralised over the roof form and have limited visibility from the streetscape.
- All habitable floor area is located below the 35m building height control.
- The variation to height sought will allow for the provision of roof-top communal open space that will be able to achieve year-round solar access.
- The proposed development has been carefully articulated to ensure adjoining developments and the public domain will be able to receive an adequate exposure to the sky and sunlight. The minor height breach sought is unlikely to cause significant overshadowing onto the streetscape or adjoining properties.
- The proposed development is located within an established high density residential area characterised by 9-11 storey residential flat buildings. The proposed development will reflect the scale and built form character of the area despite the minor variation to height sought.

It is therefore demonstrated that the building height sought allows for the efficient and economic use of the land within the environmental opportunities and constraints for the context of the site.

In this case, strict compliance with the development standard for height of buildings in the LLEP08 is unnecessary and unreasonable.

7. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public

interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out. It is considered that this written variation provides sufficient environmental planning grounds to justify contravening the development standard.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3. The building contextually has regard to its surrounding properties and provides for a well-articulated built form and heightened amenity for future occupants and visitors.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

The objectives of the zone are as follows:

- *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.*

The following comments are made with respect to the objectives, demonstrating that the development is consistent with the above-mentioned objectives of the zone.

- The proposed development provides a positive response to the evolving high density character of the locality which will contribute to the housing stock with the local government areas and specifically within the Liverpool City Centre.
- The proposal offers an appropriate mix of 1, 2 and 3-bedroom apartments to cater for the diverse housing needs of the community.
- The proposal includes a child care centre to part of the ground floor of Block B. The centre will provide for a service to meet the day to day needs of residents.
- With the subject site located within the Liverpool City Centre, the site benefits from its proximate location to an array of local businesses, shops, amenities and infrastructure which are located throughout the Liverpool City Centre. Several bus stops are located within a proximate location to the site, offering alternative transport modes for the benefit of future residents.
- There is no fragmentation of land that would result from the proposed development. It should be noted that the proposal encompasses No. 6 Copeland Street which the previous approval at the site did not, therefore avoiding any isolation of sites.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that the public benefit will not be undermined by varying the standard:

- ❑ The proposal provides for a high quality residential building that is in keeping with the high density residential zoning and desired future character of the land.
- ❑ Given the site's orientation, location and context, it is considered that the site is well suited for the development.
- ❑ The development is generally consistent with relevant planning controls.
- ❑ It is not considered that the variation sought raises any matter of significance for State or Regional environmental planning.
- ❑ The departure from the height of buildings control within the Liverpool LEP 2008 allows for the orderly and economic development of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed throughout this written request for a variation. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Liverpool LEP 2008 in that:

- ❑ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- ❑ There are sufficient environmental planning grounds to justify the departure from the standards;
- ❑ The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R4 High Density Residential zoning of the land;
- ❑ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ❑ The breach does not raise any matter of State or Regional Significance; and
- ❑ The development submitted aligns with the residential nature of the neighbourhood.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

- “(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."

The following notes to the above are:

- The variation sought is not contrary to subclause (6) and the proposed variation does not relate to the subdivision of land in the stated land use zones.
- Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.
- The development proposed is not complying development.
- A BASIX Certificate has been prepared and submitted under separate cover.
- Clauses 5.4, 5.5, 6.4 and 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30 are not applicable in this instance.

11. Conclusion

The proposal does not strictly comply with the height of buildings control as prescribed by Clause 4.3 of the Liverpool LEP 2008. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP08 are satisfied as the breach to the controls does not create any adverse environmental impacts, and is a result of environmental constraints and opportunities.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance.

Based on the above, it is sensible to conclude that strict compliance with the prescribed height of buildings standard is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Appendix G Clause 4.6 to Clause 7.4 Building Separation in Liverpool City Centre

CLAUSE 4.6 VARIATION
CLAUSE 7.4 – BUILDING SEPARATION WITHIN THE LIVERPOOL CITY CENTRE
LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

September 2023

1. Introduction

This written request under Clause 4.6 of Liverpool Local Environmental Plan 2008 (LLEP08) is for a variation to Clause 7.4 of the LLEP08, which relates to **building separation within the Liverpool City Centre**.

This written request has been prepared in support of an application for the alterations and additions to an approved residential flat building with basement car parking, landscaping and associated site works at 7 – 9 Castlereagh Street & 6-12 Copeland Street, Liverpool. The proposal also includes a change of use to part of the approved ground floor to create a 90 place child care centre. The site is legally identified as:

- Lot A in DP374032
- Lot B in DP374032
- Lot 2 in DP110597
- Lot B in DP433791
- Lot D in DP374032
- Lot C in DP374032

The development includes:

- 2 x 11-storey residential flat buildings.
- 132 residential units.
- 90 place child care centre
- 186 available car parking spaces

As will be detailed throughout this written request, the proposed development meets the requirements prescribed under Clause 4.6 of the LLEP08 and relevant tests to establish why strict compliance with the standard is unreasonable or unnecessary for the circumstance.

2. Site Context

The subject site is commonly referred to as Nos. 7-9 Castlereagh Street and 6-12 Copeland Street, Liverpool and is legally described as Lot A in Deposited Plan 374032, Lot B in Deposited Plan 374032, Lot 2 in Deposited Plan 110597, Lot B in Deposited Plan 433791, Lot D in Deposited Plan 374032 and Lot C in Deposited Plan 374032.

The site is located within the Liverpool City Centre on the eastern side of Copeland Street and on the western side of Castlereagh Street, Liverpool which in part are parallel to one another. Refer to Figure 1 on the following page.

The development site is an irregular shaped allotment with the sites frontage to Copeland Street measuring 80.098m in its length and the site's frontage to Castlereagh Street equalling 36.937m in its length. To the south, the sites boundary measures 69.165m in its length. The site's northern most boundary equals a length of 30.888m. The eastern side boundary which adjoins No. 3 Castlereagh Street equals 20.118m in length with the eastern boundary adjoining No. 5 Castlereagh Street measuring 20.117m in its length. A splay of 3.658m adjoins part of the

boundary shared with No. 3 Castlereagh Street. The sites northern boundary which adjoins No. 5 Castlereagh Street offers a length of 30.480m. Overall, the site provides for an area of 4,300.42m².



Figure 1: Site Location Map (Mecone Mosaic)

Located across the subject site at present are several detached dwellings with associated outbuildings.

It is important to note that an approval had been issued on 31 July 2017 being DA-631/2015 at the site for demolition of existing buildings, tree removal, and construction of two 9 storey residential flat buildings containing 116 residential apartments over two levels of basement car parking with associated landscaping and ancillary site works. This application did not include No. 6 Copeland Street which now forms part of the current development application before Council.

There is also an existing approval north of the subject site for an eleven (11) - storey mixed use development: Stage No. 1 - 6 premises to be used as neighbourhood shops, 4 levels of basement parking, and 43 residential units. Stage No. 2 - 4 levels of basement parking and 128 residential units at Lot 1 Copeland Street, 1d Castlereagh Street, 1a Castlereagh Street, 1b Castlereagh Street, 1c Castlereagh Street, 3 Castlereagh Street and 5 Castlereagh Street Liverpool. The reference for this approved development application is DA-436/2007.

The development application before Council will have an enhanced development outcome as appose to the existing approvals being DA-436/2007 and DA-631/2015 being developed individually. The benefit of incorporating Lot 6 in this development application is that it will not be isolated.

Development in the vicinity of the subject site is typically of a higher density and is residential in nature. In view of the R4 High Density Residential land zoning afforded to the site and those nearby, the development has conformed with the transition to higher density built forms and is therefore representative of this future desired character.

In proximate locations of the subject site to the east and southeast are several education establishments namely, All Saints Catholic Primary School, Liverpool Boys High School, Liverpool Girls High School and Liverpool TAFE. Sydney South West Private Hospital and Liverpool Hospital are also situated within proximity of the site being to the east and southeast, respectfully.

Several local services and amenities are situated nearby the subject site with Westfield Liverpool Shopping Centre being approximately 500m walking distance of the site to the east. Just south of the Westfield Shopping Centre is the Core of the Liverpool City Centre, further enhancing accessibility to a variety of goods and services for the benefit of future residents.

With several bus stops located along nearby Elizabeth Drive, the site is well serviced by public transport infrastructure which offers connections to a more expansive public transport network and nearby suburbs.

3. Clause 4.6

This submission is made under clause 4.6 of the Liverpool LEP 2008 – Exceptions to development standards. Clause 4.6 states the following:

“4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

- (2) *Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*

- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (caa) clause 5.5,*
- (ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development, and the content in this Clause 4.6 written request for a variation to the separation distances standard.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Contravened Development Standard

The Environmental Planning Instrument to which the variation relates to is the Liverpool Local Environmental Plan 2008. The contravened development standard is Clause 7.4 Building Separation within the Liverpool City Centre, which reads as follows:

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—*
- (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and*
 - (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and*
 - (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use.*

As the subject site is located in the R4 High Density Residential zone, subclauses 2(a), (b) and (c) are applicable.

4. Extent of Non-Compliance

The proposal seeks a variation to the southern boundary, at every level of Block A and Block B with a nil setback is proposed.

The proposal also seeks a variation to the northern boundary at Levels 4 – 10.

In particular, a variation is sought at level 4, 5, 6 and 7 as it relates to Block A and the immediate boundary to the north. The primary built form has been contained within a compliant 9m setback with a minor variation sought to balcony elements. This variation is equal to 3m.

At Levels 8 and 9, variations to the minimum separation distances are also sought. A minimum separation distance of 12m is required between habitable spaces. With respect to Block A and the immediate relationship to the northern boundary the primary built form has been setback 12m with the variation relating simply to balconies. The variation is equal to 2m.

In terms of separation between Block A and Block B, a separation distance of 21-22m is proposed at Levels 8 and 9, falling 3-4m short of compliance.

At Level 10, the proposal is compliant with the exception of the northern setback to Block B. Following the footprint of the levels below, a variation of 4m is sought as it relates to the northern portion of the block and the interface with the immediate northern boundary.

It is our submission that the breach to the separation distance will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

A degree of flexibility is considered reasonable in this instance.

5. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

“...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1.”

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>

Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the separation distances standard, the **first** method is invoked.

The objectives supporting the separation distances control identified in Clause 7.4 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 7.4.

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

(a) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access

With respect to visual appearance, the proposal is for a new infill residential flat building and ground floor child care centre on the site with contemporary facades. The new development has been designed to complement the approved surrounding built forms in terms of its architectural language but incorporates different materials and finishes to create diversity in terms of its visual presentation to the public domain.

The two towers will be read as separate elements, however, utilises the same colour tones in their facades to articulate a cohesion between the two buildings, given the character of this proposal and the size of the site. Therefore, the proposal presents as an overall one large development on the subject site, but with two built forms each with its own unique internal layouts and exterior presentation to provide some variation to the street.

It is considered that the proposal is sympathetic to the development context of the locality and forms a well-designed development with contemporary facades which is reflective of the changing character of Copeland and Castlereagh Street where properties are have transitioned from the existing traditional brick and weatherboard low density dwellings to the future desired character of high density residential flat buildings as envisioned by Council's LEP & DCP controls.

The new development provides for built forms with articulated facades using balconies, glazing and privacy screening. The elevations have been modulated/stepped to add visual interest and reduce bulk. Complementary materials and glazing reduces any large expanse of blank walls.

The proposed landscaping on the ground floor contributes positively to the streetscape by creating a mix of natural and built elements. The landscaping on the ground floor creates a vertical layering around the perimeter of the site for visual benefit in a pedestrian scale.

Therefore, there is sufficient separation between built forms to allow for an appropriate visual appearance as detailed above.

With respect to privacy, blank walls are proposed to the southern side boundary. As such there are no opportunities for overlooking between sites at this interface along the southern boundary.

As detailed within the accompanying SEE, there is also an existing approval south of the subject site for the demolition of existing dwellings and structures, lot consolidation, construction of an 8-storey and a 9-storey residential flat building comprising of 48 dwellings and 2 level basement, at No. 14-16 Copeland Street and 11-13 Castlereagh Street, reference DA-508/ 2017. This development has been designed to abut the shared boundary with the subject site, demonstrating the appropriateness of a blank wall/nil setback in this location.

At Levels 4, 5, 6 and 7 being the 5th, 6th, 7th and 8th stories, a minimum separation distance of 9m is required between habitable rooms. A minor variation is sought at this level as it relates to Block A and the immediate boundary to the north. The primary built form has been contained within a compliant 9m setback with a minor variation sought to balcony elements. This variation equals 3m, however, is not considered to offer any negative visual privacy impacts as privacy screening has been proposed along the edges of the balcony to offset any negative visual privacy outcomes. It is considered that with the introduction of privacy screening, view lines would be obscured, and a positive visual privacy relationship would be retained.

At Levels 8 and 9, being the 9th and 10th stories, minor variations to the minimum separation distances are sought. A minimum separation distance of 12m is required between habitable spaces. With respect to Block A and the immediate relationship to the northern boundary the primary built form has been setback 12m with the variation relating simply to balconies. The variation is equal to 2m. The balcony element which protrudes into the minimum separation distance requirement has partly taken advantage of the slab of the level below which would otherwise be a vacant space. Therefore, the proposal seeks to promote a heightened degree of residential amenity for future occupants ensuring that the proposal maximise the degree of useable space for the benefit of residents at no detriment to visual privacy.

With respect to Block B, a variation of 4m is sought as it relates to the northern portion of the block and the interface with the immediate northern boundary. Whilst a variation is sought, privacy screening is proposed along the northern edges of the balconies which works to obscure any obtrusive view lines so that positive visual privacy relationships are promoted.

In terms of separation between Block A and Block B, for majority of this relationship at the 9th and 10th storey a separation distance of 21-22m is proposed falling 3-4m short of compliance. Privacy screens are again proposed to ensure no negative visual privacy impacts result at this interface. At Level 10, the proposal is compliant with the exception of the northern setback to Block B. Following the footprint of the levels below, a variation of 4m is sought as it relates to the northern portion of the block and the interface with the immediate northern boundary. Whilst a variation is sought, privacy screening is proposed along the northern edges of the balconies which works to obscure any obtrusive view lines so that positive visual privacy relationships are promoted.

In terms of solar access, it is important to note that there is an existing approval at the subject site for two 9 storey residential flat buildings reference DA-631/2015. As the current proposal seeks an additional two storeys to each building, it is envisioned that the proposal will result in additional overshadowing of the adjoining southern site. This is considered to be a product of both the orientation of the site and the high density zoning which as established by the Planning Principle for solar access makes solar access more difficult to protect.

The proposal has sought to maximise solar access to communal open spaces and to residential units in accordance with the provisions of the ADG.

As such the proposed separation distances would have no negative implication upon solar access to the development nor upon neighbouring sites.

6. Are there Sufficient Environmental Planning Grounds?

The assessment in **Section 5** of this written request demonstrates that the resultant environmental impacts of the proposal will be satisfactory against the objectives of the zone.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standard and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

As previously detailed, there is an approval currently at the subject site for demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works. Consent was granted on 31/07/2017 under reference DA-631/2015. This approved development was also designed as being built to the southern site boundary, as is being proposed. A copy of the approved site plan is demonstrated below.

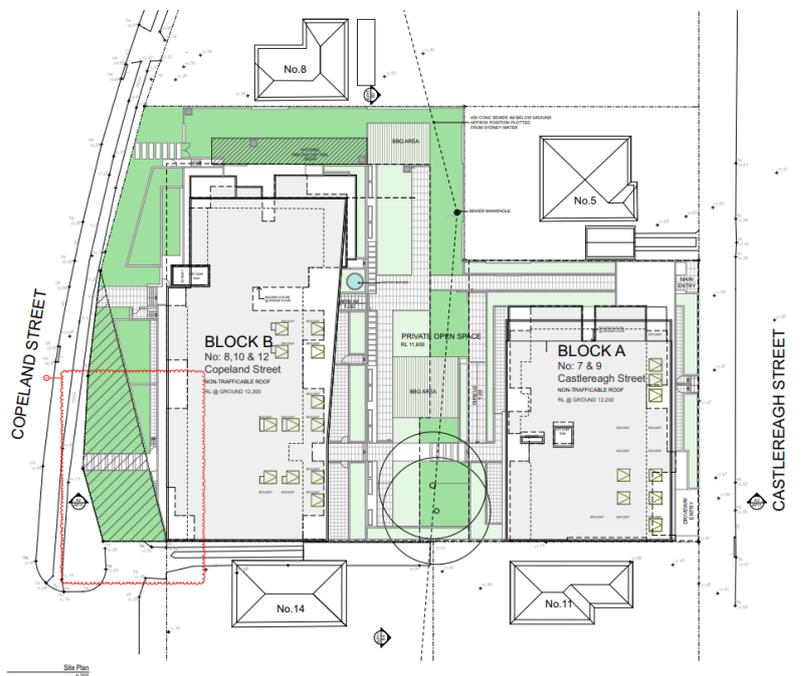


Figure 2: Approved Development Scheme DA-631/2015

Consent was also granted on 27/08/2018 to a development application at No. 14-16 Copland Street and 11-13 Castlereagh Street for the demolition of existing dwellings and structures, lot consolidation, construction of an 8-storey and a 9-storey residential flat building comprising of 48 dwellings and 2 level basement, reference DA-508/2017.

As detailed on Figure 3 below, this application was also designed as being built to the boundary. Therefore, the relationship of zero lot lines between the subject site and that to the southern neighbour has already been approved. No change to this relationship is sought through this application, rather this is replicated with 0m southern boundary setback proposed.

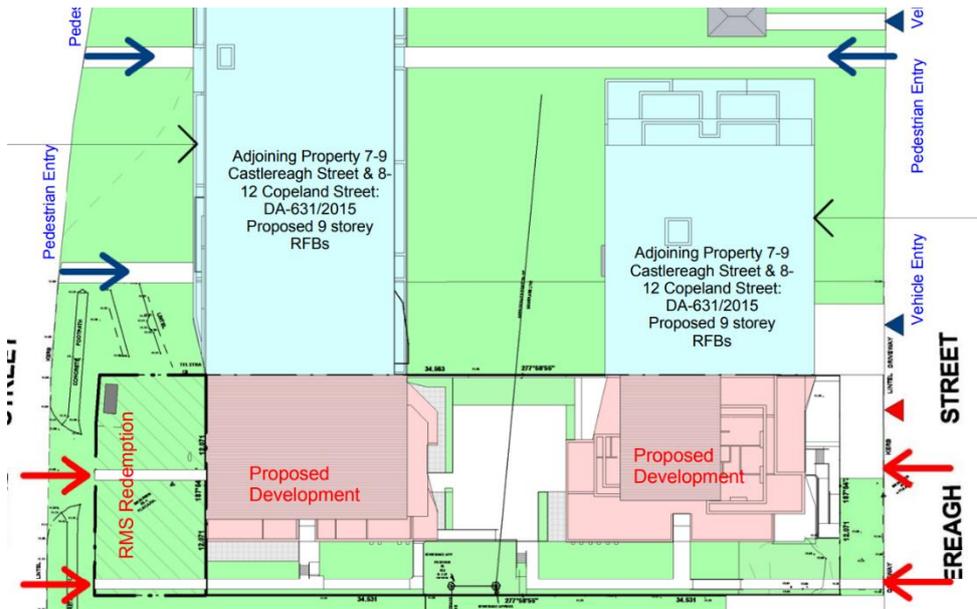


Figure 3: Approved development scheme DA-508/2017

This relationship as previously approved between the subject site and the southern neighbour is being replicated with this proposal. This zero-lot boundary alignment of built form was previously considered appropriate and no change is being proposed.

With respect to the variation sought to the northern side setbacks, it should be noted that if the current approvals i.e. DA-631/2015 and DA-436/2007 were to be acted upon, the segregation of No. 6 Copeland Street would occur. The holistic development approach which has been applied in this instance has incorporated No. 6 Copeland Street, therefore no isolation would result. This is also beneficial from an overshadowing perspective. If No. 6 were to be redeveloped in isolation, the overshadowing impacts upon the balance of the subject site would be increased. Given its incorporation within the DA no such effects would result as a holistic design approach can be applied and thus an enhanced overshadowing outcome.

In this case, strict compliance with the development standard for separation distances in the LLEP08 is unnecessary and unreasonable.

7. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out. It is considered that this written variation provides sufficient environmental planning grounds to justify contravening the development standard.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 7.4. The building contextually has regard to its surrounding properties and provides for a well-articulated built form and heightened amenity for future occupants and visitors.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

The objectives of the zone are as follows:

- *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.*

The following comments are made with respect to the objectives, demonstrating that the development is consistent with the above-mentioned objectives of the zone.

- The proposed development provides a positive response to the evolving high density character of the locality which will contribute to the housing stock with the local government areas and specifically within the Liverpool City Centre.
- The proposal offers an appropriate mix of 1, 2 and 3-bedroom apartments to cater for the diverse housing needs of the community.
- The proposal includes a child care centre to part of the ground floor of Block B. The centre will provide for a service to meet the day to day needs of residents.
- With the subject site located within the Liverpool City Centre, the site benefits from its proximate location to an array of local businesses, shops, amenities and infrastructure which are located throughout the Liverpool City Centre. Several bus stops are located within a proximate location to the site, offering alternative transport modes for the benefit of future residents.
- There is no fragmentation of land that would result from the proposed development. It should be noted that the proposal encompasses No. 6 Copeland Street which the previous approval at the site did not, therefore avoiding any isolation of sites.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that the public benefit will not be undermined by varying the standard:

- ❑ The proposal provides for a high quality residential building that is in keeping with the high density residential zoning and desired future character of the land.
- ❑ Given the site's orientation, location and context, it is considered that the site is well suited for the development.
- ❑ The development is generally consistent with relevant planning controls.
- ❑ It is not considered that the variation sought raises any matter of significance for State or Regional environmental planning.

- ❑ The departure from the separation distances control within the Liverpool LEP 2008 allows for the orderly and economic development of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed throughout this written request for a variation. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Liverpool LEP 2008 in that:

- ❑ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- ❑ There are sufficient environmental planning grounds to justify the departure from the standards;
- ❑ The development meets the objectives of the standard to be varied (separation distances) and objectives of the R4 High Density Residential zoning of the land;
- ❑ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ❑ The breach does not raise any matter of State or Regional Significance; and
- ❑ The development submitted aligns with the residential nature of the neighbourhood.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

“(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to*

*which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 (c) clause 5.4,
 (caa) clause 5.5,
 (ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.”*

The following notes to the above are:

- The variation sought is not contrary to subclause (6) and the proposed variation does not relate to the subdivision of land in the stated land use zones.
- Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.
- The development proposed is not complying development.
- A BASIX Certificate has been prepared and submitted under separate cover.
- Clauses 5.4, 5.5, 6.4 and 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30 are not applicable in this instance.

11. Conclusion

The proposal does not strictly comply with the separation distances control as prescribed by Clause 7.4 of the Liverpool LEP 2008. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP08 are satisfied as the breach to the controls does not create any adverse environmental impacts, and is a result of environmental constraints and opportunities.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance.

Based on the above, it is sensible to conclude that strict compliance with the prescribed separation distances standard is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

GAT & Associates
 Plan 3202

Appendix H Social Impact Comment

SOCIAL IMPACT COMMENT

ADDRESS:	7 – 9 Castlereagh Street and 6 – 12 Copeland Street, Liverpool
LOT NUMBER AND REGISTERED PLAN:	Lot A in DP374032 Lot B in DP374032 Lot 2 in DP110597 Lot B in DP433791 Lot D in DP374032 Lot C in DP374032
PROPOSED DEVELOPMENT:	Alterations and additions to an approved residential flat building with basement car parking, landscaping and associated site works at 7 – 9 Castlereagh Street & 6-12 Copeland Street, Liverpool. The proposal also includes a change of use to part of the approved ground floor to create a 90 place child care centre.

A Social Impact Assessment Comment has been prepared in accordance with Section 27, Table 22 of Part 1 of the Liverpool Development Control Plan 2008, as well as Liverpool Council's Social Impact Policy, specifically in accordance with Appendix A – Social Impact Comment Initial Assessment Form, which is provided within Council's Policy. With respect to the social impacts resulting from the proposed child care centre and residential flat building, the following comments are made:

1. Population Change

Will the development result in significant change/s to the local area's population (either permanently and/or temporarily)?

Explanation: Changes to the size, structure and capacity of the population can have significant implications for the provision and adequacy of community facilities, services, community cohesion and/or social sustainability

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Comment:

CHILD CARE CENTRE: It is not expected that the proposed child care centre use will influence the population of the locality either temporarily as part of the construction of the development or permanently once the development is operational. Rather it is expected that the development is likely to support a growing community by creating employment opportunities for the surrounding residential areas and supporting access to childcare services for families in the community.

RESIDENTIAL FLAT BUILDING: The proposal will increase the density of the subject site in line with its high density residential zoning, replacing the existing part vacant/part low density residential site with 132 new residential unit. The subject site is located in proximity to public transport and local goods/services and is capable of supporting this growth.

2. Housing**Will the proposal increase or reduce the quantity, quality, mix, accessibility and/or affordability of housing?**

Explanation: *A mix of housing types, sizes and costs is necessary for social diversity (in terms of age, family life cycles, income, cultural background) and social inclusiveness. Retention or expansion of affordable housing is necessary for social equity and to avoid displacement of individuals and families on lower incomes*

Comment:

CHILD CARE CENTRE: The site is located in proximity to several existing primary schools including All Saints Catholic Primary School, Liverpool Boys High School and Liverpool Girls High School .The proposed child care centre, therefore, provides a service well suited to young families that are complemented by existing local infrastructure.

RESIDENTIAL FLAT BUILDING: The proposal includes 132 residential units with a varied mix of unit types ranging from 1, 2 and 3 bedroom layouts and adaptable designs to cater to different household types and individual needs. The proposal will accordingly increase the quantity, quality, mix and accessibility of housing. Affordability will also be improved through increased supply and through the proposed unit mix.

3. Accessibility**Will the development improve or reduce physical access to and from places, spaces and transport?**

Explanation: *'Access for all is an essential component of a fair and equitable society. Accessible developments encourage inclusive communities, improve the affordability of goods and services, maximise access to public transport, pedestrian and cycle networks and provide convenient and continuous paths of travel (thereby promoting healthy, sustainable lifestyles). Consideration must also be given to accessibility for people with a disability. Refer to Council's Disability Strategy 2012-2017 available for download from Council's website*

Comment:

CHILD CARE CENTRE: The proposal will provide a positive response with respect to access to and from places, spaces and public transport. The subject site is adequately serviced by public transport with bus stops located 450m walking distance to the north of the site and Liverpool Train Station 1.4kms to the east. The site is 240m west of Liverpool Westfield and closer to portions of the centre for other businesses, shops, services and the like.

RESIDENTIAL FLAT BUILDING: As above. In addition, the proposal includes 14 adaptable units and 29 livable units promoting diversity in housing.

4. Community and Recreation Services/Facilities

Will the development increase, decrease or change the demand or need for community, cultural and recreation services and facilities?

Explanation: *Access to diverse and adequate community and recreation services and facilities is necessary for physical and mental health, well-being, personal productivity, social cohesion and social sustainability. Examples of facilities include community centres, leisure centres, recreation centres, sports fields and playgrounds*

Comment:

CHILD CARE CENTRE: The proposal addresses the specific need for child care facilities within the local community, and for those who may work in the local area and require such services close to their place of employment. It is considered unlikely that the proposed childcare centre will significantly impact the requirement for other community services and facilities. It is also anticipated that an increase in the use of surrounding facilities or involvement in community clubs and activities related to children or family use could be expected.

RESIDENTIAL FLAT BUILDING: Four (4) distinct areas of communal open space are proposed with two (2) at ground level and two (2) additional spaces proposed at roof level to promote social interaction within the development.

5. Cultural and Community Significance

Will the development impact on any items or places of cultural or community significance?

Explanation: *There may be certain places, items or qualities that are culturally valuable or significant to the community. They provide significant meanings and reference points for individuals and groups.*

This may include specific sites of Aboriginal significance. The acknowledgement and protection of these places, items or qualities is a key element in building strong and resilient communities.

For information about Liverpool's cultural and linguistically diverse communities, refer to Council's LEAPS Multicultural Plan available for download from Council's website

Comment:

CHILD CARE CENTRE & RESIDENTIAL FLAT BUILDING: There are no impacts that would result upon any items or places of cultural or community significance. The subject site has not been identified as an item of heritage nor is it located within a heritage conservation area. Furthermore, there are no items of Aboriginal heritage that would be impacted by the proposed development as the site has not been identified to contain any items of significance.

6. Community Identity and Sense of Belonging

Will the development strengthen or threaten opportunities [for] social cohesion and integration within and between communities?

***Explanation:** Social cohesion and integration require places and spaces for informal and safe social interaction. Developments can increase or decrease these interaction opportunities through their provision (or otherwise) of safe and connected pathways and linkages and attractive gathering places (town centres, parks, squares / plazas, civic spaces and streets). Consideration should be given to incorporating principles of good urban design into the development proposal. Refer to the Creating Places for People: An Urban Design Protocol for Australian Cities, available for download from the Federal government's Urban Design website.*

Comment:

CHILD CARE CENTRE: It is expected that the proposed child care centre will strengthen social cohesion and community interaction in the community. Whilst creating ties between the children in the community, the centre would encourage conversation and interactions between their parents, particularly those with similar drop-off and pick-up times and through organised play dates outside of the centre. The centre will provide an opportunity for social interaction between children and families of nearby residents that can continue outside of the facility and will allow for a connection amongst the community.

RESIDENTIAL FLAT BUILDING: The proposal will promote social cohesion through communal open spaces which provide opportunities for interaction particularly at ground level through a centralised area of communal open space which connects the two residential towers.

7. Health and Well-being

Will the development strengthen or threaten opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity?

Explanation: Developments can increase or decrease opportunities for healthy lifestyles through improving or reducing the liveability of places (due to things such as safety, noise, dust, aesthetics) or increasing or decreasing opportunities for:

- *Walking, cycling, play and other physical activity*
- *Healthy food choices*
- *Drinking, gambling and smoking*

Consideration should be given to incorporating healthy urban design principles into the development proposal. Refer to the Healthy Urban Development Checklist, available for download from the NSW Health website

Comment:

NB: Healthy Urban Development Checklist is no longer available.

CHILD CARE CENTRE: The proposed childcare centre will involve a range of healthy lifestyle influences for the children attending, including healthy and active play, recreational and learning activities, and healthy and positive dietary options. In keeping with the Childcare Planning Guideline, 7m² of outdoor space per child has been included in the proposal and both allow children to explore the natural environment by the inclusion of landscaping and include adequate shaded areas for sun protection.

The development is also expected to increase opportunities for healthy lifestyles due to the location being within walking distance of several residences.

In terms of liveability, the proposal includes acoustic treatments and landscaping surrounding the development that will limit noise pollution from the development. This is expected to minimise disturbance to residential properties in proximity to the subject site.

RESIDENTIAL FLAT BUILDING: The subject site is proximate to a range of existing services that encourage walking. Alternatively, the proposal promotes sustainable transport modes with a number of bicycle spaces provided at both basement and ground level.

8. Crime and Safety

Will the development increase or reduce public safety and opportunities for crime (perceived or actual crime)?

Explanation: Developments can increase or decrease perceived and actual safety. For example, through generating increased traffic, providing venues that may attract unruly behaviour. This can diminish social cohesion and integration however impacts can be mitigated by appropriate design, traffic controls and management.

Safer by Design principles should be considered in the development proposal. Refer to Council's Community Safety and Crime Prevention Strategy available for download on Council's website. The Crime Prevention Through Environmental Design (CPTED) Guidelines are available for download on the NSW Police website

Comment:

CHILD CARE CENTRE & RESIDENTIAL FLAT BUILDING: The proposal will have a positive response with respect to crime and safety outcomes with it having been designed in accordance with Crime Prevention Through Environmental Design Principles. The following comments are made about the principles of surveillance, access control, territorial reinforcement and space management.

Surveillance

- Habitable rooms and private open space in the development have been orientated towards Castlereagh Street, Copeland Street and internally within the development, enabling casual surveillance of both the public domain and communal spaces within the development.
- The lobby areas are well defined with a clear pathway to the primary entry.
- Common areas are to be well lit, internally and externally, to ensure surveillance is possible at all hours and to minimise dark shadows.
- The internal aspects of the design have minimised blind corners, with clear sightlines down corridors. Primary habitable areas (living rooms) are oriented to the street frontages, allowing surveillance from upper levels.

Access Control

- The development will be clearly identified with street numberings designed in accordance with Council's requirements.
- Wayfinding signage will be used to identify what is semi public (where visitors can access) and what is private (where visitors cannot access). Signage will clearly direct people to key areas in the development.
- Each unit will be clearly identified with street numberings designed in accordance with Council's requirements. Security can be incorporated into the development with an intercom system and secured access keys/cards or a similar mechanism. Similarly, the basement parking levels will incorporate a similar mechanism for residential and visitor access.
- Access to the child care centre will be controlled by a keycard/code or similar mechanism, to prevent unauthorised access to the centre.
- CCTV will be installed to monitor access in the foyer areas.
- Door closers and alarms on fire exits to ensure may be used to ensure fire doors are not left open.

Territorial Reinforcement

- The development will be constructed of high quality materials that can be easily cleaned should vandalism occur. External areas will be well-lit and monitored to discourage such negligent activities.
- The pedestrian and vehicular entries to the building will be clearly defined through the use of clear signage and lighting.
- Landscaping will assist in the distinction of public and private spaces.

Space / Activity Management

- The proposed building is designed with clear intended uses.
- Each unit, through the security system, will be allocated a unique access key. Communal areas will be maintained privately through strata/building management for landscape maintenance and cleaning.
- CCTV, signage and controlled access will be employed to manage public access to the buildings entry, residential storage and basement level.

- Pedestrian entries to the development, particularly to the child care centre will be defined by an entry feature at Castlereagh Street. Internally, the landscape design includes paved pathways leading to common lobbies.

9. Local Economy and Employment Opportunities

Will the development increase or reduce the quantity and/or diversity of local employment opportunities (temporary or permanent)?

***Explanation:** Unemployment and low income are associated with poor health and reduced social inclusiveness and resilience. Accessible and diverse local jobs (suited to the capacities of local populations) reduce the risk of unemployment (and the associated poorer health and social sustainability outcomes)*

Comment:

CHILD CARE CENTRE: The proposed childcare centre will create employment opportunities for teaching and administrative staff as well as opportunities for other forms of external service providers including cleaning services, maintenance and so on.

RESIDENTIAL FLAT BUILDING: In the short term, the proposal will generate employment opportunities through the construction stage of the development. Ongoing, opportunities for various services such as building management, landscape maintenance and cleaning will be generated by the development. On a smaller scale, residents may engage in home business and/or contribute to the local economy as staff/management of local businesses.

10. Needs of Specific Population Groups

Will the development increase or decrease inclusive opportunities (social, cultural, recreational, employment, governance) for groups in the community with special needs?

***Explanation:** Council has a Social Justice Policy, which promotes access to life opportunities (e.g. jobs, education, full participation in the cultural life of the community) and inclusiveness for all (including those with special needs – young people, aged population, CALD communities, Aboriginal community, people with a disability, children and women). Developments can increase inclusiveness through the provision of culturally appropriate facility design and programs, and the avoidance of communication barriers.*

Refer to Council's Community Strategic Plan, Growing Liverpool 2023, Social Justice Policy, LEAPS Multicultural Plan, Youth Strategy and Disability Strategy available for download on Council's website.

Comment:

CHILD CARE CENTRE: The proposed child care centre will offer open and equal opportunities for children in the community and will be inclusive in this regard. Local area employment and service provision opportunities will also be generated on an inclusive basis, providing equal opportunity for all available and suitable employees and providers.

RESIDENTIAL FLAT BUILDING: The proposal include adaptable and livable dwelling designs to promote diversity in housing. The proposed unit mix also caters to a variety of households ranging from individuals, couples and families.

The assessment above provides details and justification with respect to the positive social aspects created by the proposed development, whilst demonstrating the positive response and sympathetic integration it will have upon the locality.

GAT & Associates
P3202

Appendix I Pre-Development Application Minutes

GAT & ASSOCIATES
SUITE 15
LEVEL 1
469-475 PARRAMATTA RD
LEICHHARDT NSW 2040

Dear Sir/Madam,

Pre - Development Application Advice

Reference Number:	PL-42/2023	
Proposed Development:	The proposal seeks alterations and additions to an approved residential flat building to create 133 residential units over two levels of basement parking including a proposed change of use to part of the approved ground floor to create a 90 place child care centre.	
Property Address:	6 COPELAND STREET, LIVERPOOL NSW 2170, 8 COPELAND STREET, LIVERPOOL NSW 2170, 10 COPELAND STREET, LIVERPOOL NSW 2170, 12 COPELAND STREET, LIVERPOOL NSW 2170, 7 CASTLEREAGH STREET, LIVERPOOL NSW 2170, 9 CASTLEREAGH STREET, LIVERPOOL NSW 2170 LOT 2 DP 110597, DP 433791 Pt Lot B, LOT D DP 374032, LOT C DP 374032, LOT A DP 374032, LOT B DP 374032	
Date of Meeting:	14 June 2023	
Present at Meeting:	Council Representatives:	
	Name	Title
	Emily Lawson	Senior Development Assessment Officer
	Charbel Ishac	Senior Development Assessment Advisory
	Jason Marshall	Development Assessment Officer

	Zeal Hoque	Flood Engineer
	Rajendra Kumar	Traffic Engineer
	Paul; Rokobauer	Building Surveyor
	Shahad AL-Ghurani	Senior Land Development Engineer
	Tim Hays	Urban Design
	Applicant Representatives:	
	Name	Company
	Melissa Rodrigues	Gat & Associates
	Vince Bilotta	Zhinar
	Jeffrey Anwar	Zhinar

EXECUTIVE SUMMARY

Zoning:	R4 High Density Residential
Permissible Development:	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
Relevant Environmental Planning Instruments & Codes	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

	<ul style="list-style-type: none"> • State Environmental Planning Policy (BASIX: Building Sustainability Index) 2004 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Liverpool Local Environmental Plan 2008 (LLEP 2008) • Liverpool Development Control Plan 2008 (LDCP 2008)
<p>Relevant external referrals:</p>	<ul style="list-style-type: none"> • Roads and Maritime Services • Transgrid / Endeavour Energy • Sydney Water
<p>Other Relevant Matters:</p>	

Issue / Planning Control	Comments							
<u>Planning</u>	<ul style="list-style-type: none"> It is highly recommended a new application be submitted for the proposed RFB and childcare centre. The applicant is to demonstrate they have attempted to include surrounding sites into the design to ensure site isolation does not occur. The proposal is required to consider electric charging stations with the basement carpark. Consideration for more 3 bedroom apartments for variety of apartment mix. Accessible parking is to be located a close to lifts as possible. Consideration the Childcare locality may not comply with required solar access. Cavity sliding doors should be considered for internal areas for childcare centre. Application is required to comply with the ADG, in particular floor to floor is required to be 3100. 							
Urban Design	<ol style="list-style-type: none"> CDPD notes that the applicant is to refer to previous urban design comments provided for PL-75/2022 that are still applicable to this new proposal (PL-42/2023). The comments below were recorded in the design excellence panel based on the nine urban design principles. The comments provided in this Pre DA respond to these comments. The applicant is required to demonstrate as part of any future development application how the proposal has addressed the recommendations provided by the DEP (22 November 2022). <table border="1" data-bbox="363 1276 1507 1778"> <thead> <tr> <th data-bbox="363 1276 935 1346">Pre DA Comments PL-75/2022 (22 November 2022)</th> <th data-bbox="935 1276 1507 1346">Pre DA PL-42/2023</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="363 1346 1507 1381">Context</td> </tr> <tr> <td data-bbox="363 1381 935 1778"> <i>The Panel acknowledges that a portion of the subject site has an approved development consent for a construction of two 9-storey RFB's. The revised proposal now includes the adjoining site (i.e., 6 Copeland Street) as part of the development. The Panel emphasises the importance of the site and requires the applicant to work with the adjoining owners (i.e., towards the north) to develop a master plan for the larger site. The master plan for the precinct should</i> </td> <td data-bbox="935 1381 1507 1778"> The applicant has not demonstrated this recommendation as of yet. The applicant is required to provide a detailed urban design and contextual study as part of any future DA. </td> </tr> </tbody> </table>		Pre DA Comments PL-75/2022 (22 November 2022)	Pre DA PL-42/2023	Context		<i>The Panel acknowledges that a portion of the subject site has an approved development consent for a construction of two 9-storey RFB's. The revised proposal now includes the adjoining site (i.e., 6 Copeland Street) as part of the development. The Panel emphasises the importance of the site and requires the applicant to work with the adjoining owners (i.e., towards the north) to develop a master plan for the larger site. The master plan for the precinct should</i>	The applicant has not demonstrated this recommendation as of yet. The applicant is required to provide a detailed urban design and contextual study as part of any future DA.
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	<p><i>include all adjoining sites that are yet to be developed (as future proposals) and existing development around the subject site. Prepare a detailed urban design and contextual study to support the proposed outcome</i></p>	
	<p><i>The Panel notes that a large open space is indicated on the northern portion of the adjoining site. Consider / establish the potential and feasibility of this open space as part of the master plan for the precinct</i></p>	<p>The applicant is required to consider the feasibility of the open space in any future development application.</p>
	<p><i>The Panel notes that the proposal includes a piece of land (i.e., on the south-eastern corner) that is yet to be acquired. The Panel requires the applicant to resolve all acquisition prior to progressing with detailed design.</i></p>	<p>The applicant needs to demonstrate how all acquisition has been resolved prior to detailed design.</p>
	<p><i>The Panel notes that the site is located at a prominent corner along Copeland Street and will be visible from a distance while approaching Liverpool CBD along the Cumberland Highway. The Panel requires the applicant to address the gateway character for the site and demonstrate various treatments / measures being considered as part of this response. A series of views from the South and the North would help this study.</i></p>	<p>The applicant needs to provide a site analysis study and provide indicative view lines of the proposal demonstrated through renders and visualisations that highlights how the proposal responds to the existing and future context.</p>
	<p><i>The Panel notes that there are multiple non-compliances to be addressed (e.g., setbacks, amenity, cross-vent, etc.). The Panel recommends the applicant to reconsider the proposal and resolve all non-compliances in the first instance (i.e., with ADG and DCP). The Panel requires the applicant to achieve full compliance with the requirements as per the SEPP 65 Apartment Design Guide (ADG)</i></p>	<p>The applicant is strongly encouraged to provide a detailed response to the ADG demonstrating how the proposal will achieve best design outcomes. This will form the basis for the urban design assessment of the proposal.</p>
	<p><i>The Panel notes that the streetscape outcome / urban design response along Castlereagh Street is not adequate. The proposed ground floor apartment is compressed between the driveway, accessway for childcare and loading zone</i></p>	<p>CDPD notes issues with the proposed layout of the ground floor apartment. The applicant is to demonstrate how the ground floor plane will function which should include a through site link as per the objective 1 of 4.3.1 Pedestrian</p>

	<i>for garbage trucks, which is not ideal. The Panel recommends the applicant to resolve the interface along Castlereagh Street to achieve a better design response along this frontage.</i>	Permeability within the DCP 'Improve access and choice in the city centre by providing through site links as redevelopment occurs.'
	<i>The Panel is concerned with the childcare facility location along Copeland Street (as it will be subject to significant noise / air pollution). The Panel requires the applicant to demonstrate measures that will be incorporated to ameliorate the impacts of traffic noise/ air pollution (especially for the outdoor play areas).</i>	The applicant needs to demonstrate how any impacts from noise and air pollution will be mitigated for both the childcare centre and the residential apartments.
	<i>The Panel notes that the apartment units above the Childcare Facility will be subjected to noise from the facility. Demonstrate the proposed treatments that will be used to ameliorate the impacts</i>	As per previous comment.
	<i>The Panel notes that the proposed setback along the northern boundary (i.e., 3m) is does not comply with the minimum requirements of the ADG. The Panel requires the applicant to ensure full compliance with the ADG and provide the required 6m / 9m setbacks along the northern boundary.</i>	The applicant needs to clearly demonstrate in the architectural plans the compliance with the minimum setback requirements as per the ADG.
	<i>The Panel encourages the applicant to adequately address both street frontages and strive for design excellence for this site. Refer to the design of Bourke St Apartment by McGregor Westlake in Woolloomooloo (for its response to the two contrasting street typologies).</i>	CDPD notes that the applicant has not considered changes to the design based on the example provide. The applicant is encouraged to explore this option as part of a future development application to ensure best design outcomes.
	<i>The Panel requires the applicant to respond to the aspect of 'Country' as part of the development. Demonstrate the overall response to 'Country' as part of the revised documentation. (reference material/ information & engagement can be gained by First Nations knowledge holders/ consultants & from the Government Architect of NSW)</i>	CDPD notes that the applicant still needs to demonstrate the aspect of country within the proposal within a future development application.
	Built Form and Scale	
	<i>The Panel raises concerns regarding the vehicular access and drop-off for the childcare facility. The location of the</i>	The applicant has not addressed this as part of the new plans. CDPD does not support the drop off of the childcare

	<i>childcare parking / drop-off at Basement 2 is not supported and the current arrangement is quite convoluted</i>	facility at basement 2. The applicant is required to reconsider the drop off and childcare facility at the ground floor plane.
	<i>The panel requires the applicant to consider the impact of the Child Care Centre on traffic to and from the site and to demonstrate that queuing along Castlereagh St and within the development will not occur at pick up and drop off times.</i>	As per previous comment.
	<i>The Panel notes that there are deep slots proposed to provide cross-vent / natural light to the corridors and adjoining units. The Panel requires the applicant to demonstrate that these will provide adequate cross ventilation and light, as they do not comply with the requirements of the ADG (i.e., a 2:1 width to depth ratio).</i>	The applicant is required to address this as part of any future development application.
	<i>The Panel notes that the southern adjoining lot has an approved DA with zero set back on the north, and the current proposal is working in-line with this approved DA. The Panel requires the applicant to provide a setback between the two developments.</i>	CDPD notes that the applicant has not addressed this comment. The applicant is encouraged to explore the option of providing a setback along the southern boundary. This could form the basis for the through site link between Castlereagh and Copeland Street while also ensuring the amenity of the residential apartments.
	<i>The panel requires the setback along Copeland St to be maintained and not contravened, particularly along the north west corner. The panel requires the applicant to ensure adequate amenity for the southern apartments abutting the adjoining site. Demonstrate the level of solar amenity / cross vent being achieved for these apartments</i>	The applicant is required to demonstrate how this has been addressed as part of a future development application.
	<i>The Panel notes that the current proposal will result in a long street wall building along the Hume Highway which will reduce the amenity for the Eastern apartments. The Panel requires the applicant to review the proposed built form typology and ensure adequate amenity for all the units. Consider splitting the built form into two buildings and or reducing the buildings' length to achieve a better design outcome.</i>	CDPD notes that the applicant has responded to the this recommendation as part of the development and would be supported as part of any future development application.

<p><i>The Panel requires the applicant to refine / resolve the architectural treatments being proposed along Copeland Street (i.e., respond to the site context, building orientation and climatic conditions within Liverpool).</i></p>	<p>The applicant is required to demonstrate this as part of any future development application.</p>
<p>Density</p>	
<p><i>The Panel requires the applicant to resolve all non-compliances for the current proposal included, but not limited to, these minutes.</i></p>	<p>As per comments provided.</p>
<p>Sustainability</p>	
<p><i>The Panel requires the applicant to incorporate all adequate sustainability initiatives and consider ESD principles as part of the development. Demonstrate the initiatives being considered in the next DEP meeting supported by consultant reports and detail drawings specifically highlighting all ESD measures applied.</i></p>	<p>The applicant is required to demonstrate this as part of any future development application.</p>
<p>Landscape</p>	
<p><i>The Panel notes that the deep soil zone between the eastern and western buildings is located above the sewer main which is not ideal, and also notes that the sewer main needs to be maintained / protected as part of the development. The Panel requires the applicant to demonstrate the measures being proposed to protect the sewer main whilst providing deep soil planting. The Panel requires the applicant to ensure that the proposed tree planting on top of sewer main is not ruled out by regulation / compliance.</i></p>	<p>The applicant is still required to demonstrate how this has been addressed in the future development application.</p>
<p><i>The Panel notes that a large portion of deep soil is proposed along the western boundary which interfaces with the Childcare facility. The Panel emphasises the importance of dense canopy tree planting in this deep soil areas being critical for the development. The Panel requires the applicant to consider two rows of dense tree planting along the western boundary and minimise the extent of synthetic shade (i.e., through shade structures). The Panel requires the</i></p>	<p>As per previous comment. The applicant is required to achieve a 40% canopy coverage across the site and should ensure that all tree plantings proposed can maximise the canopy of the trees across the site.</p>

	<i>applicant to detail the interface along the western boundary (1:20 sections) and to demonstrate the treatments being proposed along the interface.</i>	
	<i>The Panel requires the applicant to resolve / develop a program for the outdoor areas within the childcare facility. Provide detailed landscape plans for the play spaces as part of revised documentation.</i>	The applicant needs to provide detailed landscape plans as part of any future development application that provides details of the outdoor play spaces.
	<i>The Panel supports the provision of COS at roof top level. Provide adequate facilities for these roof top spaces (i.e., lift access, seating with shade / pergolas, vegetation within planters, barbeque facilities, accessible toilet, etc.)</i>	The applicant needs to provide further detail regarding the COS and include facilities demonstrating how the spaces can be used.
	<i>The Panel notes that the landscape proposal indicates considerable planting / vegetation on slab / upper levels of the building. The Panel requires the applicant to provide adequate soil volume / depth for all vegetation being proposed on slab. Demonstrate soil depth / volume being proposed as part of the landscape drawings.</i>	The applicant is required to demonstrate this as part of any future development application.
	<i>The Panel requires the applicant to detail the roof terraces' design. Engage an AILA registered Landscape Architect to develop a landscape scheme for the site.</i>	The applicant is required to address this as part of the development of requested landscape plans.
	<i>The Panel requires the applicant to demonstrate the amount of tree canopy cover being proposed as part of the development and encourages the applicant to achieve 40% canopy cover for the site (may include all vegetation being proposed on roof level).</i>	The applicant is required to address this as part of any future development application.
	<i>The Panel recommends the applicant consider water elements as part of the landscape treatment (e.g., water elements, cascades, mist gardens) that can provide a cooling micro-climate during peak summer)</i>	The applicant is required to address this as part of the development of requested landscape plans.
	Amenity	
	<i>The Panel notes that the proposal will cast considerable shadows on the existing building along Castlereagh</i>	CDPD notes that the applicant has provided a shadow study as part of the Pre DA package. The applicant is

	<p><i>Street. The Panel requires the applicant to demonstrate solar compliance for existing buildings as part of the master plan. Prepare a built-form solar analysis for the site and identify the impacts on the existing adjoining developments.</i></p>	<p>required to demonstrate how the impacts are mitigated in the development.</p>
	<p><i>The Panel requires the applicant to develop detailed solar / sun-eye and cross-vent diagrams for all units within the development. The Panel advises the applicant that the controls provided within ADG / DCP are minimum provisions; and the design must be able to demonstrate compliant amenity and should aim to achieve a better outcome. The Panel requires the applicant to provide detailed solar analysis and sun-eye diagrams to demonstrate the level of solar compliance for each unit. Provide hourly intervals between 8am and 4pm for Winter, Summer solstices and the equinox</i></p>	<p>The applicant is required to provide this as part of any future development application.</p>
	<p><i>The Panel notes that traffic noise and air pollution is a significant issue for the site which needs to be addressed. Demonstrate all measures / treatments that will be incorporated as part of design to ameliorate the negative impacts</i></p>	<p>As per previous comments.</p>
	<p><i>The amenity for the children and parents at the drop off is poor. This facility needs a safe, well lit, friendly environment, and basement two does not provide the necessary amenity. Considerable work will be needed to solve this issue.</i></p>	<p>The applicant is required to address this issue in the detailed plans as per previous comments.</p>
<p>Safety</p>		
	<p><i>The Panel requires the applicant to apply CPTED principles to address any safety concerns within the development and demonstrate applied principles with specific drawings to highlight them</i></p>	<p>The applicant is required to demonstrate how the proposal addresses CPTED principles as part of the development application.</p>
<p>Housing Diversity and Social Interaction</p>		
	<p><i>The Panel supports (in principle) the overall mix being proposed as part of the development.</i></p>	<p>CDPD supports this outcome. No further action required.</p>
<p>Aesthetics</p>		

	<p><i>Prepare a detailed materials palette for Panel to consider. The Panel will comment on the aesthetics / materiality in the next DEP presentation.</i></p> <p><i>The Panel encourages the applicant to consider elements of public art as part of the overall proposal.</i></p> <p><i>Provide a detail 1:20 section of the façade including all materials, change of form and use.</i></p> <p><i>Please provide renders of the building from eye height from all public domain areas (streets and laneways) and 4 other vantage points within the site sites (also at eye height).</i></p>	<p>The applicant is required to include a detailed materials palette for CDPD to assess as part of a future development application.</p> <p>The applicant is encouraged to explore the integration of sacrificial public art on any blank wall facades and/or the incorporation of public art consulted with Council's Public Art Officer</p> <p>The applicant is required to provide this section as part of any future development application.</p> <p>The applicant is required to provide this section as part of any future development application.</p>
<p>Engineering</p>	<p><u>Stormwater</u></p> <ul style="list-style-type: none"> • Stormwater drainage for the site must be in accordance with Council's Development Control Plan. • A stormwater concept plan shall be submitted with the application. • The stormwater concept plan shall be accompanied by a supporting report and calculations. • On-site detention is not required for the site due to overland flooding. • A basement car park shall ensure that the stormwater drainage system has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks. • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. A MUSIC model shall be submitted with the development application. <p><u>Traffic & Access</u></p> <ul style="list-style-type: none"> • The application shall be supported by a Traffic Impact Assessment prepared by a suitably qualified person. • The application must demonstrate that access, car parking and manoeuvring 	

	<p>details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan.</p> <ul style="list-style-type: none"> • The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road. • No vehicular access is permitted from Copeland Street. <p><u>Roadworks and Road Reserve Works</u></p> <ul style="list-style-type: none"> • The development will require the following external road works: <ul style="list-style-type: none"> ○ CBD Footpath paving as per the Liverpool City Centre Public Domain Master Plan to full site frontage on Castlereagh Street and Copeland Street. <p><u>Earthworks</u></p> <ul style="list-style-type: none"> • No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • The application is to be supported by a geotechnical report prepared by a suitably qualified person to address (salinity / acid sulphate) soils. <p><u>Subdivision Works</u></p> <ul style="list-style-type: none"> • Consolidation of all lots is required. If Consolidation of lots is not intended, building envelopes shall not straddle lot boundaries and any proposed easements or right of ways are to be shown on a plan.
Flood	<ul style="list-style-type: none"> • The proposed development site is situated within the catchment area of Brickmakers Creek. Flood map obtained from the Council's overland study indicates that the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood level at the proposed development site is 11.8m Australian Height Datum (AHD). • Non-habitable floor levels shall be no lower than the 1% AEP flood (i.e., 11.8m Australian Height Datum). • Habitable floor level shall be no lower than the 1% AEP flood plus 300mm freeboard (i.e., 11.8m + 0.3m = 12.1m Australian Height Datum). • The structure shall be constructed from flood compatible building components

	<p>below the 1% AEP flood plus 300mm freeboard (i.e., 11.8m + 0.3m = 12.1m Australian Height Datum).</p> <ul style="list-style-type: none"> • An engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus 300mm freeboard (i.e., 11.8m + 0.3m = 12.1m Australian Height Datum). • The basement shall be protected from inundation of floodwaters for floods up to and including the 1% AEP flood plus 0.1m freeboard (i.e., 11.8m + 0.1m = 11.9m Australian Height Datum). • Fencing shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding. • Fencing shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris. • An evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. • On-site water quality treatment facilities shall be incorporated in the proposal to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. <p>The following submission requirements are to be incorporated into any written correspondence provided to the applicant.</p> <ul style="list-style-type: none"> • A stormwater management concept plan along with supporting calculations shall be submitted. • Water quality modelling report and electronic copies of MUSIC model shall be submitted.
Building	If amended plans are requested the location of any substation infrastructure is to be shown.
Traffic	<ul style="list-style-type: none"> • A Traffic Impact Assessment (TIA) report addressing traffic generation and impacts on the surrounding road network is to be submitted. • The DA proposal must meet all of the requirements of the Education and child care facilities NSW and State Environmental Planning Policy – NSW Legislation particularly minimum number of educators required in order to maintain educator to child ratios.

	<ul style="list-style-type: none"> • The design of the driveway, ramp access and car parking provision are to be in accordance with the DCP and AS2890 parts 1, 2 and 6. • The application shall be supported by submission of turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring of all vehicles within the basement carpark and from the development site into Castlereagh Street and into the development site off Castlereagh Street. • Street lighting to Council's specifications. • Provide scope of the residential units to determine actual number of on-site parking spaces required for this development.
Environmental Health	<p>Statement of Environmental Effects The Application shall be supported by a detailed Statement of Environmental Effects (SEE) in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>. The SEE must detail the likely impacts of the proposed development. Measures shall be outlined to mitigate impacts on the natural and built environment. The Statement of Environmental Effects shall include a detailed assessment of the proposal against the relevant planning controls.</p> <p>Waste Management The Application shall specify how refuse and waste will be managed during demolition, construction and operation. Suitable waste storage facilities are to be provided as part of the proposal.</p> <p>Construction Phase Sediment and Erosion Control Plan A sediment and erosion control plan shall be prepared and submitted to Council for the construction phase of the project.</p> <p>Stage 1 - Preliminary Site Investigation The proposed development may be impacted by contaminated soils. The <i>State Environmental Planning Policy (Resilience and Hazards) 2021 Clause 4.6</i> requires a consent authority when assessing a development application to consider whether the land is contaminated, it is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and/or if the land requires remediation, it is satisfied the land will be remediated before the land is used for that purpose.</p> <p>A suitably qualified and experienced contaminated land consultant is to prepare a Stage 1 - preliminary investigation for the property. The preliminary site investigation is to comply with guidelines made or approved by the NSW EPA under the Contaminated Land management Act 1997 and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.</p> <p>If contaminating activities are suspected or known to have occurred, or if the site history is incomplete it may be necessary to prepare a Stage 2 – Detailed Site Investigation. This investigation shall give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density</p>

outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

Where the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to Liverpool City Council for review.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

Council is unable to recommend specific consultants or auditors.

(a) Residential Accommodation in or Adjacent to a Classified Road

Council's records indicate that the proposed residential accommodation is located on land in or adjacent to a road corridor for a freeway, tollway, transitway or any other road with an annual average daily traffic (AADT) volume of more than 20,000 vehicles. Consequently, the proposed development may be adversely impacted by noise or vibration. To address Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the Development Application shall be supported by an acoustic report prepared by a suitably qualified acoustic consultant for the noise sensitive development.

The acoustic report shall take into consideration any guidelines issued by the Director-General including the NSW Department of Planning document titled 'Development Near Rail Corridors and Busy Roads- Interim Guideline' dated December 2008. The development may generate additional traffic and affect existing residential or other noise-sensitive land uses. If required, road traffic noise impacts must be assessed in accordance with the 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

Council is unable to recommend specific consultants or auditors.

(b) Construction Noise and Vibration Assessment

Given the location of the proposed development, the inclusion of an underground basement carpark and the close proximity to existing residential dwellings, a site-specific Construction Noise and Vibration Assessment prepared by a suitably qualified acoustic consultant shall be submitted for review. The Construction Noise and Vibration Assessment must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise and Vibration Assessment shall take into consideration and be consistent with the following documents:

- 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009,
- Assessing Vibration: A Technical Guideline published by the Department of Environment and Conservation (NSW EPA), February 2006
- Structural damage criteria as presented in German Standard DIN4150-Part 3 "Structural vibration in buildings – Effects on structures" and British Standard BS7385-Part 2: 1993 "Evaluation and Measurement for Vibration in Buildings.

The assessment is to include, but not necessarily be limited to the following information:

- Identification of nearby residences and other noise sensitive land uses;
- Assessment of expected noise and vibration impacts;
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise and vibration impacts;
- Strategies to promptly deal with and address noise and vibration complaints;
- Details of performance evaluating procedures (for example, noise and vibration monitoring or checking work practices and equipment);
- Methods for receiving and responding to complaints;
- Procedures for notifying nearby residents of forthcoming works that are likely to produce noise and vibration impacts; and
- Reference to relevant licence and consent conditions.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

Council is unable to recommend specific consultants or auditors.

Acoustic Assessment for Centre-Based Child Care Facility

The proposed child care facility may be a source of offensive noise and potentially impact upon health and amenity. Consequently, the Application shall be supported by an acoustic report prepared by a suitably qualified acoustic consultant in accordance with the 'Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment' (AAAC) (Version 3.0) dated September 2020 and NSW

Environment Protection Authority's 'Noise Policy for Industry' (2017).

The **cumulative effect** of **noise** must be considered when assessing the **impact upon receivers**. In this regard, an assessment shall be undertaken of all noise generating sources and activities including but not limited to indoor activities, mechanical plant, pick-up and drop off, traffic noise, attendees, playground activities and if applicable noise intrusion into the centre.

Where applicable, consideration must be given to Sections 2.99 and 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and Department of Planning's 'Development Near Rail Corridors and Busy Roads- Interim Guideline' dated December 2008. The proposed development may generate additional traffic and affect existing residential or other noise-sensitive land uses. Therefore, road traffic noise impacts may need to be assessed in accordance with the 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011.

If the predicted level of noise exceeds the criteria, recommendations and noise control measures shall be specified to achieve compliance. The acoustic assessment shall also incorporate a Noise Management Plan and complaints handling procedure for the child care facility prepared under the supervision of a suitably qualified acoustic consultant. Management measures that may be incorporated in the Noise Management Plan are outlined in the AAAC Guideline.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

Council is unable to recommend specific consultants or auditors.

(c) Centre-Based Child Care Facility in or Adjacent to a Classified Road

Council's records indicate that the proposed centre-based child care facility is located on land in or adjacent to a road corridor for a freeway, tollway, transitway or any other road with an annual average daily traffic (AADT) volume of more than 20,000 vehicles. Consequently, the proposed development may be adversely impacted by noise or vibration. To address Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the Development Application shall be supported by an acoustic report prepared by a suitably qualified acoustic consultant for the noise sensitive development.

The acoustic report shall take into consideration any guidelines issued by the Director-General including the NSW Department of Planning document titled 'Development Near Rail Corridors and Busy Roads- Interim Guideline' dated December 2008. The proposed development may generate additional traffic and affect existing residential or other noise-

sensitive land uses. Therefore, road traffic noise impacts may need to be assessed in accordance with the 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011.

Furthermore, the child care centre may be a source of offensive noise and impact unreasonably upon nearby receivers. Therefore, the acoustic report shall include an assessment of the cumulative noise impact arising from the proposed child care centre in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017) and 'Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment' (AAAC) (Version 2.0) dated October 2013. The project noise trigger levels for the proposed development shall be selected according to the most stringent intrusive or amenity criteria.

If required, the report shall specify recommendations and noise control measures to achieve compliance with the project noise trigger levels for the proposed development. In addition, the assessment shall be representative of all noise generating activities on-site including but not limited to mechanical plant, patron noise, amplified music, outdoor play and motor vehicle movements. When assessing noise levels at commercial or industrial premises, the noise level shall be determined at the most affected point on or within the property boundary.

Alternatively, when gauging noise levels at residences, the noise level shall be assessed at the most affected point on or within the residential property boundary. Where necessary, sound levels shall be adjusted in accordance with NSW Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

Council is unable to recommend specific consultants or auditors.

Noise Management Plan

The Application shall be supported by a Noise Management Plan prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. *The Noise Management Plan by a suitably qualified consultant may be incorporated into the Plan of Management for the child care*

centre.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

Council is unable to recommend specific consultants or auditors.

(d) Air Quality Assessment – development affected

Council's records indicate that the proposed development may be impacted by poor air quality as a result of surrounding land uses. As a result, a suitably qualified and experienced air quality consultant is to undertake an assessment to identify the impacts air quality may have on the development, in particular the proposed child care centre and associated outdoor play areas.

The air quality assessment is to be undertaken in accordance with the NSW EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants* (revised 2016, published 2017), *Technical Framework for the Assessment and Management of Odour from Stationary sources in NSW* produced by the Department of Environment and Conservation November 2006, administered by the NSW Environment Protection Authority and any subsequent documents. Detailed guidance is also provided in the *Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW* produced by the Department of Environment and Conservation November 2006, administered by the NSW Environment Protection Authority.

The assessment must include modelling of the air quality impact at the nearest affected receptor. Recommendations resulting from the report shall be in accordance with AS/NZS 1668.1-2015, AS 1668.2-2012 (if required) and relevant NSW EPA Guidelines.

Note: A 'suitably qualified and experienced air quality consultant' is a person who is a Certified Air Quality Professional CAQP member administered by the Clean Air Society of Australia and New Zealand (CASANZ) or is a Certified Environmental Practitioner (CEnvP) administered by the Environment Institute of Australia and New Zealand (EIANZ).

The report's cover or title page must include membership details or include a watermark for the relevant certification scheme.

Council is unable to recommend specific consultants or auditors.

Construction Details – Child Care Facility

To ensure compliance with the relevant standards and requirements, the following details are to be submitted for approval. Detailed floor and section plans to scale for all kitchens, bottle preparation areas, nappy change areas, bathrooms and laundries demonstrating

the proposed floor layout as well as compliance with:

- AS4674-2004 – Design, construction and fit-out of food premises
- Food Standards Code (Australia)
- Building Code of Australia
- Education and Care Services National Regulation 2011

Mechanical Ventilation System

Detailed plans and specifications of the mechanical ventilation system servicing the food preparation and dining areas of the premises shall be prepared by an appropriately qualified person. The plans shall certify compliance with *AS/NZS 1668-‘The Use Of Ventilation and Air-Conditioning In Buildings’* and include the following:

- a) The location of the mechanical ventilation system outlet including detailed specifications of the stack height and discharge velocity required to service the food preparation and dining area;
- b) Proposed methods to mitigate odour and noise impacts arising from the operation of the mechanical ventilation system; and
- c) The sound output level (Sound Pressure Level at 1 metre) of the mechanical ventilation system.

Please note: In addition to the requirements of AS/NZS 1668.1 and AS 1668.2, an extraction system shall be provided where there is any dishwasher and other washing and sanitizing equipment that vents steam into the area to the extent that there is, or is likely to be, condensation collecting on walls and ceilings.

Waste Storage

The garbage/waste storage area shall be clearly identified on the site plan and be located within the proposed building. The designated garbage/waste storage area shall comply with the following requirements:

- a) The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
- b) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
- c) The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.

Please refer to the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.

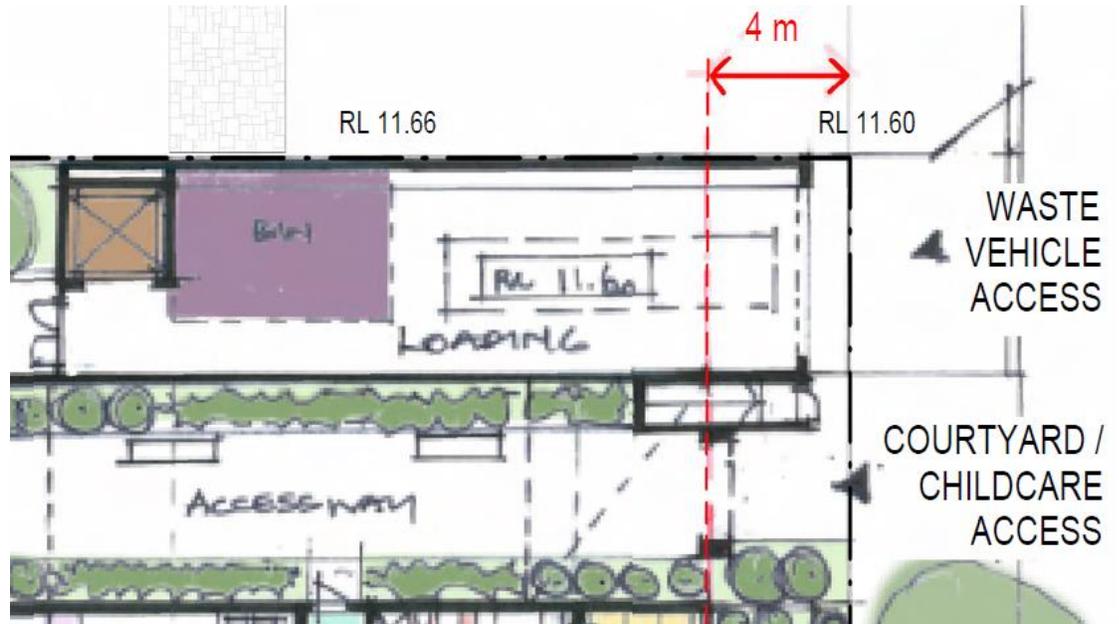
(e) Detailed Floor and Section Plans for Vehicle/ Equipment Wash Bays

Detailed floor and section plans shall be provided for any proposed the vehicle/ equipment wash bays for the basement. The plans to be submitted with the Application must include the following information:

- a) Environmental safeguards such as trafficable bunds installed at the entry and

	<p>exits of the vehicle/ equipment wash bays to prevent contamination of the surrounding environment;</p> <p>b) The roof covering the vehicle/ equipment wash bays shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;</p> <p>c) The location of any oil/water separator or pre-treatment device for the vehicle and equipment wash bays and their connection to Sydney Water’s sewer in accordance with a Trade Waste Agreement;</p> <p>d) The location of spill kits, stormwater pits and stormwater drainage infrastructure. A detailed drainage diagram shall be submitted with the Application to clearly identify the proposed location of surface drains, sewerage and stormwater infrastructure;</p> <p>e) Separate approval is required under the Local Government Act 1993 as the Applicant intends to hold or process sewage that is to be subsequently discharged to the public sewer; and</p> <p>f) Manufacturer’s specifications for any pre-treatment devices to be installed at the subject premises;</p>
<p>Waste</p>	<ul style="list-style-type: none"> • With regard to the 90-place childcare centre, Council will not be providing any waste bins or waste services to this facility. Council does not run <u>any</u> waste services for commercial premises, so the waste bins and services for the childcare centre must be provided by licensed private waste company and be kept completely separate from those of the residential part of the building at all times. This is noted, because the plans provided do not appear to show any waste storage spaces specifically for the childcare centre, unless this is the unlabelled space of 22.2m² on the northern side of Playroom 3. If the intention is that the childcare centre will simply ‘piggy-back’ off the bin facilities of the residential part of the building, this is not correct. The design of this ‘mixed-use’ development must show complete separation of waste storage between residential and commercial (childcare centre) from point of disposal to removal from site. • The proposed arrangement with respect to the collection of bins will not be considered. As has been covered in previous pre-lodgements for this same site, on-site collection of bins is required, having the bins picked up from the street is not acceptable. This is entirely consistent with the pre-lodgement advice that was provided in PL-75/2022, which is quoted directly below. <p>“Given that this proposal is the complete redevelopment of a substantially sized site in the Liverpool CBD, as defined under the Liverpool DCP 2008 Part 4, the expectation of Council is that on-site collection of waste bins will be available. There are well identified traffic and parking issues that further speak against trying to pick waste bins up at kerbside. The RFBs will be provided with bulk bins, which will be emptied on-site, by a rear-lift waste truck of the dimensions and turning characteristics referred to in the table below, of the type ‘Rear’.”</p> <ul style="list-style-type: none"> • The snip from PL-75/2022, which is provided immediately following this section of text, shows the type of waste collection arrangement that Council expects to see

for a development of this many dwellings in this part of the LGA. This clearly shows a waste collection bay located on the subject property.



- The dimensions and turning characteristics of the waste trucks that will be used for performing waste collections from this development are shown below, in the type marked 'Rear'.

Vehicle lift type	Length	Width (at cab and mirror to mirror)	Height (inc. safe clearance)	Weight (loading)	Turning Radius
Side	9.5m	2.5m, 3.0m	3.9m	24.0t	Kerb to kerb 10.3m Wall to Wall 11.0m
Rear	9.9m	2.5m, 3.0m	3.9m	23.5t	Kerb to kerb 10.5m Wall to Wall 11.5m

Please note that the 'height' dimension quoted has an in-built margin of safety included as a buffer against coming into contact with any of the structure or services of the building, whereas the other dimensions are actual dimensions of the vehicle and require a safety margin to be added.

- Viewing the plans provided, there do not appear to be any spaces that have been set aside specifically for the storage of resident's bulky household waste. This is a requirement under the relevant DCP, and for a development of this size (133 units), Council would be expecting to see 32m² reserved specifically for the

storage of bulky household waste. Placing materials at kerbside will not be permitted under the conditions of consent, and the building will have to store all the unwanted items from its own population for up to a month.

- Both the current NSW Waste Strategy and LCC's own current local waste strategy flag that FOGO (Food Organics and Garden Organics) will be introduced in the near future. This means that the proposed development must provide the necessary facilities, equipment and fixtures and the ongoing management arrangements to permit three distinct waste streams to be collected.

The following submission requirements are to be incorporated into any written correspondence provided to the applicant.

- As for all DAs, the package of supporting documents must include a Waste Management Plan (WMP). This must include waste tables or matrices showing volumes or weights of the various different types of materials (credible estimates based on recognised industry averages are acceptable), that will be generated by the demolition and construction phases of the development. This also includes any materials from site clearing works. In line with the State Government's priority of minimising materials going to landfill, these waste tables/matrices must show whether the materials will be re-used or recycled (preferred), or landfilled, and identify the facilities to which they will be taken.
- Demolition works will result in wastes being generated that include asbestos or other hazardous materials, so the WMP must include details of the safe removal, handling, management, and disposal of all those materials. This includes the use of a licenced asbestos contractor, and adherence to all legislation, regulations, and safe work practices from the NSW EPA and WorkCover. The licensed disposal facility that is to be used to dispose of this material must be nominated in the WMP.
- Swept path vehicle diagrams for the development must be provided to the satisfaction of Council's Traffic section, to show how waste trucks of the dimensions and turning characteristics referenced above, will get into and out of the site. Consideration must also be given to any areas of kerbside that will need to be protected by timed 'No Stopping' signage, to enable waste trucks to safely carry out all turning manoeuvres.
- With regard to the movement of bulk bins around the site, if any portion of the path of travel of the bins from where they are stored, to where they will be emptied exceeds a 7% slope, then an appropriately rated powered bin moving device must be supplied by the developer. If needed, this must be securely stored in a location where the residents cannot interfere with it – if it is battery powered, then a charging point will be required.
- Council will supply only the bulk bins for residential that will be tipped to the waste

	<p>truck. Any other bins required by the development are regarded as 'transfer bins' which must be supplied by the developer, and maintained and replaced when necessary by the strata.</p> <ul style="list-style-type: none"> • Provide full details of the chute system that will convey waste from the residential levels to the basement bin rooms. It is strongly recommended that the internal dimensions of the chute are at least 100mm larger than the actual chute hopper openings, to minimise the likelihood of chute blockages. • Identify the rooms to be used exclusively for bulky waste storage rooms for the residential portion of the development. • In the WMP, provide a breakdown of the duties and responsibilities of all parties involved in waste management within the development. The strata/building management must retain the responsibility of educating and providing feedback to residents with regard to correct waste disposal, as well as undertaking periodic waste audits, and instituting any necessary corrective actions where residents are getting things wrong. • In the WMP, in support of the above point, it is strongly suggested that the intention to create appropriate strata by-laws to control waste practices be mentioned. This may include mandatory building inductions for new residents, procedures to be followed when moving out, and capacity for building management to charge back to the residents responsible any costs of any misuse or damage to waste equipment/infrastructure, or incorrect waste disposal or dumping. • In the WMP, provide details of any waste separation equipment, such as clearly marked and easily distinguishable bins that will be provided as part of the kitchen fit-outs, to assist residents with doing correct waste separation in their homes, and transporting recyclables to the nearest disposal point in a loose and unbagged condition - no plastic bags. Waste storage within each unit is to be sufficient to take at least one days' worth of waste and recycling. • The WMP provided in support of the DA Application must cover in detail how a FOGO waste service will operate within the development, as this will create a third distinct waste stream comprising of solid food waste, which will be produced by residents and collected separately for composting.

Note:

This Pre-Lodgement advice is only a preliminary review of the concept development and the comments provided, written or otherwise, must not be considered as assessment of your proposal. Council is unable to make a recommendation on the proposal until such time as a full merit assessment of a lodged Development Application and its supporting documentation is undertaken.

The advice provided in no way fetters the discretion of Council in the assessment and determination of any potential application for the site. Additionally, any matters not identified in the below advice may emerge during the consideration of the complete application.

Information to be submitted with a Development Application

The following information is required to be submitted with any potential application. All the requested information is required to be submitted to enable a complete, proper and timely assessment of the application.

Please be advised that any potential application will not be accepted for lodgement unless all the required information is submitted.

Architectural Plans
<ul style="list-style-type: none">• Survey Plan (confirming no building encroachments to easements, if any),• Architectural plans (site plan, floor plans, elevations and sections), ensuring that all survey details including boundaries and other site constraints are shown on the architectural plans),• Site analysis,• Shadow diagrams and shadow analysis of adjoining elevations,• Coloured perspectives,• Colour schedule of external building materials, colours and finishes,• Landscaping plan prepared by a qualified Landscape Architect,• Stormwater Drainage plan,• Demolition plan and statement, clearly identifying all structures to be demolished.• Strata subdivision plan if subdivision is sought;
Reports
<ul style="list-style-type: none">• A quantity surveyors report which identifies the Capital Investment Value (CIV) and estimated cost of works,• Statement of Environmental Effects (SEE) including addressing section 4.15 of the <i>EPA & Act 1979</i> and Table of Compliance against provisions of LLEP 2008, DCP 2008 and SEPPS,• Traffic and Parking Assessment,• Site contamination investigation report,• Essential services report.• SEPP 65 Design Verification Statement,• Waste Management Plan (for demolition, construction and on-going waste management),• BASIX Certificates,• Erosion and sediment control plan,• Earthworks plan and cut/fill and retaining wall details,• Sections depicting the relationship between proposed surface levels, floor levels, openings, type of opening, setbacks etc in comparison to the same elements on adjoining sites,• Written justification of any variations to LLEP 2008 development standards in accordance with Clause 4.6 of the LLEP 2008,• Written justification of any variations to LDCCP 2008 controls• Social Impact Statement

- CPTED Report
- PSI Stage 1 or Stage 2 if required
- Acoustic Report
- Traffic Impact Assessment
- Plan of Management.

Please do not hesitate to contact the undersigned on the phone number at the top of this page if you wish to discuss this matter further.

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Appendix J Design Excellence Panel Minutes

**MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday the 10th of November 2022**

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chair	Carter Williamson Architects
David Moir	Panel Member	Moir Landscape Architecture
Michael Mandl	Panel Member	Mandl Consults Pty Ltd

APPLICANT REPRESENTATIVES:

Ian Conry	Zhinar Architects
Jeffry	Zhinar Architects
Melissa Rodrigues	Gat & Associates

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Ariz Ashraf	Convenor / Senior Urban Designer	Liverpool City Council
Melanie Smith	Senior Dev Planner	Liverpool City Council

ITEM DETAILS:

Item Number: 2

Application Reference Number: PL-75/2022

Property Address: 6-12 Copeland Street And 7-9 Castlereagh Street, Liverpool

Council's Planning Officer: Melanie Smith

Applicant: Gat and Associates

Proposal: The proposal seeks the demolition of all existing structures across the subject site and development of a mixed-use building comprising of a childcare centre, residential flat building, and basement parking. Development over land known as 6-12 Copeland Street will comprise of a 90-place childcare centre at ground floor and a total of 102 units including 8 x1 bedroom units, 81 x2 bedroom units and 13 x3 bedroom units. Development over land known as 7-9 Castlereagh Street will comprise of a total of 43 units including 3 x1 bedroom units, 28 x2 bedroom units and 12 x3 bedroom units

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

NIL

3.0 PRESENTATION

The applicant presented their proposal for PL-75/2022, 6-12 Copeland Street And 7-9 Castlereagh Street, Liverpool

4.0 DEP PANEL RECOMMENDATIONS

The nine design principles were considered by the panel in discussion of the Development Application. These are 1] **Context**, 2] **Built Form + Scale**, 3] **Density**, 4] **Sustainability**, 5] **Landscape**, 6] **Amenity**, 7] **Safety**, 8] **Housing Diversity + Social Interaction**, 9] **Aesthetics**.

The Design Excellence Panel makes the following recommendations in relation to the project:

4.1. Context

- The Panel acknowledges that a portion of the subject site has an approved development consent for a construction of two 9-storey RFB's. The revised proposal now includes the adjoining site (i.e., 6 Copeland Street) as part of the development. The Panel emphasises the importance of the site and requires the applicant to work with the adjoining owners (i.e., towards the north) to develop a master plan for the larger site. The master plan for the precinct should include all adjoining sites that are yet to be developed (as future proposals) and existing development around the subject site. Prepare a detailed urban design and contextual study to support the proposed outcome.
- The Panel notes that a large open space is indicated on the northern portion of the adjoining site. Consider / establish the potential and feasibility of this open space as part of the master plan for the precinct.
- The Panel notes that the proposal includes a piece of land (i.e., on the south-eastern corner) that is yet to be acquired. The Panel requires the applicant to resolve all acquisition prior to progressing with detailed design.
- The Panel notes that the site is located at a prominent corner along Copeland Street and will be visible from a distance while approaching Liverpool CBD along the

Cumberland Highway. The Panel requires the applicant to address the gateway character for the site and demonstrate various treatments / measures being considered as part of this response. A series of views from the South and the North would help this study.

- The Panel notes that there are multiple non-compliances to be addressed (e.g., setbacks, amenity, cross-vent, etc.). The Panel recommends the applicant to reconsider the proposal and resolve all non-compliances in the first instance (i.e., with ADG and DCP). The Panel requires the applicant to achieve full compliance with the requirements as per the SEPP 65 Apartment Design Guide (ADG).
- The Panel notes that the streetscape outcome / urban design response along Castlereagh Street is not adequate. The proposed ground floor apartment is compressed between the driveway, accessway for childcare and loading zone for garbage trucks, which is not ideal. The Panel recommends the applicant to resolve the interface along Castlereagh Street to achieve a better design response along this frontage.
- The Panel is concerned with the childcare facility location along Copeland Street (as it will be subject to significant noise / air pollution). The Panel requires the applicant to demonstrate measures that will be incorporated to ameliorate the impacts of traffic noise / air pollution (especially for the outdoor play areas).
- The Panel notes that the apartment units above the Childcare Facility will be subjected to noise from the facility. Demonstrate the proposed treatments that will be used to ameliorate the impacts.
- The Panel notes that the proposed setback along the northern boundary (i.e., 3m) is does not comply with the minimum requirements of the ADG. The Panel requires the applicant to ensure full compliance with the ADG and provide the required 6m / 9m setbacks along the northern boundary.
- The Panel encourages the applicant to adequately address both street frontages and strive for design excellence for this site. Refer to the design of Bourke St Apartment by McGregor Westlake in Woolloomooloo (for its response to the two contrasting street typologies).
- The Panel requires the applicant to respond to the aspect of 'Country' as part of the development. Demonstrate the overall response to 'Country' as part of the revised documentation. (reference material/ information & engagement can be gained by First Nations knowledge holders/ consultants & from the Government Architect of NSW).

4.2. Built Form + Scale

- The Panel raises concerns regarding the vehicular access and drop-off for the childcare facility. The location of the childcare parking / drop-off at Basement 2 is not supported and the current arrangement is quite convoluted.
- The panel requires the applicant to consider the impact of the Child Care Centre on traffic to and from the site and to demonstrate that queuing along Castlereagh St and within the development will not occur at pick up and drop off times.
- The Panel notes that there are deep slots proposed to provide cross-vent / natural light to the corridors and adjoining units. The Panel requires the applicant to demonstrate that these will provide adequate cross ventilation and light, as they do not comply with the requirements of the ADG (i.e., a 2:1 width to depth ratio).

- The Panel notes that the southern adjoining lot has an approved DA with zero set back on the north, and the current proposal is working in-line with this approved DA. The Panel requires the applicant to provide a setback between the two developments.
- The panel requires the setback along Copeland St to be maintained and not contravened, particularly along the north west corner.
- The panel requires the applicant to ensure adequate amenity for the southern apartments abutting the adjoining site. Demonstrate the level of solar amenity / cross-vent being achieved for these apartments.
- The Panel notes that the current proposal will result in a long street wall building along the Hume Highway which will reduce the amenity for the Eastern apartments. The Panel requires the applicant to review the proposed built form typology and ensure adequate amenity for all the units. Consider splitting the built form into two buildings and or reducing the buildings' length to achieve a better design outcome.
- The Panel requires the applicant to refine / resolve the architectural treatments being proposed along Copeland Street (i.e., respond to the site context, building orientation and climatic conditions within Liverpool).

4.3. Density

- The Panel requires the applicant to resolve all non-compliances for the current proposal included, but not limited to, these minutes.

4.4. Sustainability

- The Panel requires the applicant to incorporate all adequate sustainability initiatives and consider ESD principles as part of the development. Demonstrate the initiatives being considered in the next DEP meeting supported by consultant reports and detail drawings specifically highlighting all ESD measures applied.

4.5. Landscape

- The Panel notes that the deep soil zone between the eastern and western buildings is located above the sewer main which is not ideal, and also notes that the sewer main needs to be maintained / protected as part of the development. The Panel requires the applicant to demonstrate the measures being proposed to protect the sewer main whilst providing deep soil planting. The Panel requires the applicant to ensure that the proposed tree planting on top of sewer main is not ruled out by regulation / compliance.
- The Panel notes that a large portion of deep soil is proposed along the western boundary which interfaces with the Childcare facility. The Panel emphasises the importance of dense canopy tree planting in this deep soil areas being critical for the development. The Panel requires the applicant to consider two rows of dense tree planting along the western boundary and minimise the extent of synthetic shade (i.e., through shade structures). The Panel requires the applicant to detail the interface along the western boundary (1:20 sections) and to demonstrate the treatments being proposed along the interface.
- The Panel requires the applicant to resolve / develop a program for the outdoor areas within the childcare facility. Provide detailed landscape plans for the play spaces as part of revised documentation.

- The Panel supports the provision of COS at roof top level. Provide adequate facilities for these roof top spaces (i.e., lift access, seating with shade / pergolas, vegetation within planters, barbeque facilities, accessible toilet, etc.)
- The Panel notes that the landscape proposal indicates considerable planting / vegetation on slab / upper levels of the building. The Panel requires the applicant to provide adequate soil volume / depth for all vegetation being proposed on slab. Demonstrate soil depth / volume being proposed as part of the landscape drawings.
- The Panel requires the applicant to detail the roof terraces' design. Engage an AILA registered Landscape Architect to develop a landscape scheme for the site.
- The Panel requires the applicant to demonstrate the amount of tree canopy cover being proposed as part of the development and encourages the applicant to achieve 40% canopy cover for the site (may include all vegetation being proposed on roof level).
- The Panel recommends the applicant consider water elements as part of the landscape treatment (e.g., water elements, cascades, mist gardens) that can provide a cooling micro-climate during peak summer).

4.6. Amenity

- The Panel notes that the proposal will cast considerable shadows on the existing building along Castlereagh Street. The Panel requires the applicant to demonstrate solar compliance for existing buildings as part of the master plan. Prepare a built-form solar analysis for the site and identify the impacts on the existing adjoining developments.
- The Panel requires the applicant to develop detailed solar / sun-eye and cross-vent diagrams for all units within the development. The Panel advises the applicant that the controls provided within ADG / DCP are minimum provisions; and the design must be able to demonstrate compliant amenity and should aim to achieve a better outcome. The Panel requires the applicant to provide detailed solar analysis and sun-eye diagrams to demonstrate the level of solar compliance for each unit. Provide hourly intervals between 8am and 4pm for Winter, Summer solstices and the equinox.
- The Panel notes that traffic noise and air pollution is a significant issue for the site which needs to be addressed. Demonstrate all measures / treatments that will be incorporated as part of design to ameliorate the negative impacts.
- The amenity for the children and parents at the drop off is poor. This facility needs a safe, well lit, friendly environment, and basement two does not provide the necessary amenity. Considerable work will be needed to solve this issue.

4.7. Safety

- The Panel requires the applicant to apply CPTED principles to address any safety concerns within the development and demonstrate applied principles with specific drawings to highlight them.

4.8. Housing Diversity + Social Interaction

- The Panel supports (in principle) the overall mix being proposed as part of the development.

4.9. Aesthetics

- Prepare a detailed materials palette for Panel to consider. The Panel will comment on the aesthetics / materiality in the next DEP presentation.
- The Panel encourages the applicant to consider elements of public art as part of the overall proposal.
- Provide a detail 1:20 section of the façade including all materials, change of form and use.
- Please provide renders of the building from eye height from all public domain areas (streets and laneways) and 4 other vantage points within the site sites (also at eye height).

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.