**SYDNEY WESTERN CITY PLANNING PANEL**

**COUNCIL ASSESSMENT REPORT**

|  |  |
| --- | --- |
| Panel Reference | PPSSWC-70 |
| DA Number | DA-18/2020 |
| LGA | Liverpool City Council |
| Proposed Development | Removal of trees and the construction of a new residential flat building containing sixty-three (63) dwellings, basement car parking and stratum subdivision. The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009. |
| Street Address | Lot 57, 58, 59, 60, 61 DP 35980  1, 3, 5, 7 and 9 Anderson Avenue |
| Applicant/Owner | BCL2 Limited/NSW Land and Housing Corporation |
| Date of DA Lodgement | 13 January 2020 |
| Number of Submissions | 1 submission |
| Recommendation | Approval, subject to conditions |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011 | The proposal is for an affordable housing development (a ‘community facility’) and has a capital investment value of over $5 million, pursuant to Clause 5 of Schedule 7. It is also carried out in behalf of Land and Housing Corporation (a crown agency), pursuant to Clause 4 of Schedule 7. |
| List of all Relevant s4.15(1)(a) matters | * *List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)* * State Environmental Planning Policy (Affordable Rental Housing) 2009. * State Environmental Planning Policy (Infrastructure) 2007. * State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development. * State Environmental Planning Policy No.55 – Remediation of Land. * State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. * Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. * Liverpool Local Environmental Plan 2008. * *List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)* * Nil * *List any relevant development control plan: Section 4.15(1)(a)(iii)* * Liverpool Development Control Plan 2008. * Part 1 – General Controls for all Development. * Part 3.7 – Residential Flat Buildings. * *List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia)* * No planning agreement relates to the site or proposed development. * *List any relevant regulations: 4.15(1)(a)(iv)* * Consideration of the provisions of the National Construction Code of Australia. |
| List all documents submitted with this report for the Panel’s consideration | 1. Architectural plans 2. Stratum underlay plans, 3. Recommended conditions of consent 4. Landscape plan 5. Survey plan 6. Preliminary Civil Drainage Plans 7. Statement of environmental effects 8. Clause 4.6 variation written justification to height 9. SEPP 65 Design Verification Statement 10. Acoustical Report 11. Arborist Report 12. BCA Report 13. Traffic Report 14. Geotechnical Assessment report 15. Stormwater Assessment Report 16. Waste management plan 17. BASIX certificate and house energy rating 18. DEP comments 19. SWCPP – Record of Briefing |
| Clause 4.6 requests | The applicant has provided an assessment under Clause 4.6 to vary the maximum height limit under Clause 4.3 of LLEP 2008. |
| Summary of key submissions | One submission received |
| Report prepared by | Development Assessment |
| Report date | 21 September 2020 |

|  |  |
| --- | --- |
| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | **Yes** |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Yes** |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | **No** |
| **Conditions**  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | **Yes** |

1. **EXECUTIVE SUMMARY**
   1. **Reasons for the report**

The Sydney Western City Planning Panel (SWCPP) is the determining authority as the development is for affordable housing by a crown agency NSW Land and Housing Corporation (LAHC) with Capital Investment Value (CIV) over $5 million, pursuant to Clause 4 and 5(b) of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

* 1. **The proposal**

Removal of trees and the construction of a new residential flat building containing sixty-three (63) dwellings, basement car parking and stratum subdivision.

The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

* 1. **The site**

The subject site is identified as Lot 57, 58, 59, 60, 61 DP 35980 or 1 – 9 Anderson Avenue, Liverpool. The site is an amalgamation of the five (5) lots with a total combined land area of 3,347.6m2. It has a frontage of 97.29m to Anderson Avenue to the south, a rear lot dimension of 92.9 to the north and length of 28.33m and 25.805m to the east facing Hilliers Road and west facing El Alamein Avenue, respectively.

The site is relatively flat with a crossfall of 1.5% from its highest point (17.3m AHD) at the southwest corner adjoining the intersection of Anderson and El Alamein Avenue to the lowest point (15.72m AHD) at the northeast corner of the site along Hillier Road. All dwellings have been demolished. There are 28 small to medium sized trees located within the site and adjoining road reserve.

* 1. **The issues**

The main issues are identified as follows:

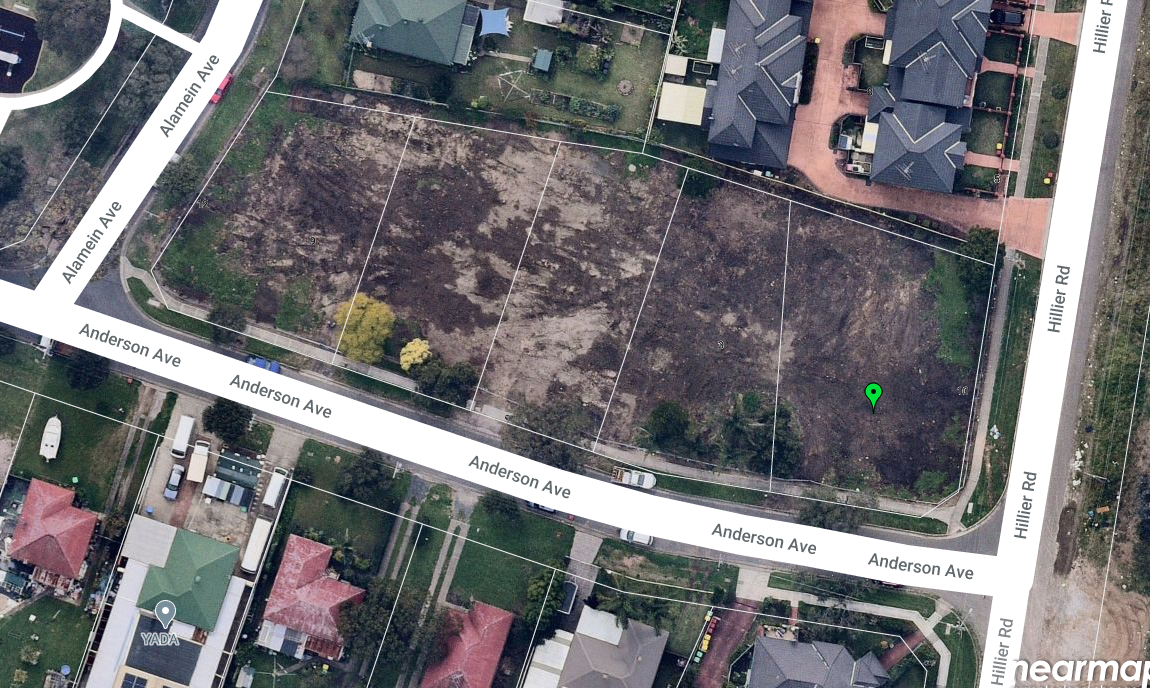
* Non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.3 Height of Buildings. The building exceeds the 15m height limit by 1.63m or 10%. This issue has been resolved by the applicant through the submission of a Clause 4.6 written variation request to vary Clause 4.3 – height of buildings development standard.
* Building separation on Level 4 at the northwest corner of the building where the ADG requires a separation of 9m to habitable rooms and balconies. The proposed building separation is 6m. A condition of consent has been imposed to ensure that the objective of the ADG requirement for separation is met by the proposed development.
* Proposed stormwater discharge to TfNSW property was not supported. The drainage scheme has been amended to discharge stormwater to the existing drainage infrastructure in Council road reserve on Moore Street rather than road reserve of the Liverpool to Parramatta Transitway.
  1. **Exhibition of the proposal**

The development application was notified for 14 days between 21 February 2020 and 9 March 2020 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). One submission was received. The matters raised are considered to be satisfactorily addressed by the applicant. The details are discussed further in the report.

* 1. **Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the additional information and amendments made by the applicant, it is recommended that the DA be approved, subject to the recommended conditions of consent

1. **SITE DESCRIPTION AND LOCALITY** 
   1. **The site**

The subject site is identified as Lot 57, 58, 59, 60, 61 DP 35980 or 1 – 9 Anderson Avenue, Liverpool. An aerial image of the subject site is provided below.

**SITE**

**SITE**

**Figure 1** – Aerial photo of the site (Source: *Nearmap*)

The site is irregular in shape and is an amalgam of five (5) regular residential lots that now encompass a total combined land area of 3,347.6m2, approximately a third of entire block. The lot boundaries are described as follows:

* North boundary (adjoins residential lots): 92.9m,
* East boundary (adjoins Hillier Road): 28.33m,
* South boundary (adjoins Anderson Avenue): 97.29m, and
* West boundary (adjoins El Alamein Ave): 25.805m.

The site is relatively flat with a crossfall of 1.5% from its highest point (17.3m AHD) at the southwest corner adjoining the intersection of Anderson Avenue and El Alamein Avenue to the lowest point (15.72m AHD) at the northeast corner of the site along Hillier Road. All dwellings have been demolished after the application was lodged.

There are 28 small to medium sized trees located within the site and adjoining road reserve.

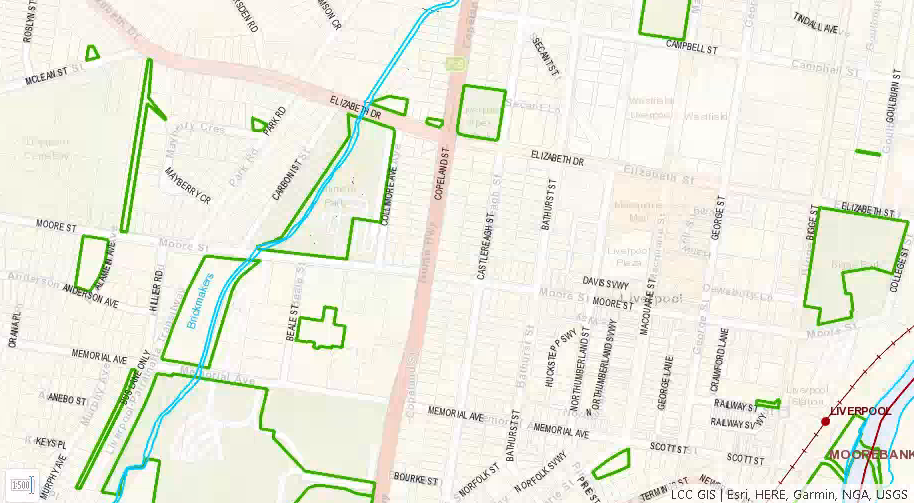


**Figure 2 –** Street views of the site from intersection of Anderson Avenue and Hilliers Road. (Source: *Nearmap*)

* 1. **The locality**

The subject site is located outside the Liverpool CBD area approximately 800m to 1km southwest of Macquarie Mall and Westfield Shopping centres. Liverpool train station is due east at about 1.2km.

Immediately to the east of the site (opposite of Hillier Road) is the Liverpool-Parramatta Transitway and to the west is El Alamein Park. The surrounding development is characterised predominantly by low and medium density residential, consisting of detached dwelling houses and multi dwelling housing. A significant number of these properties are owned by the NSW Land and Housing Corporation for social, affordable and seniors housing.



**SITE**

El Alamein Park

Liverpool Cemetery and Crematorium

Bigge Park

Macquarie St. Mall

Westfield Shopping

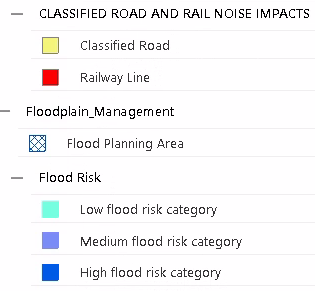
Centre

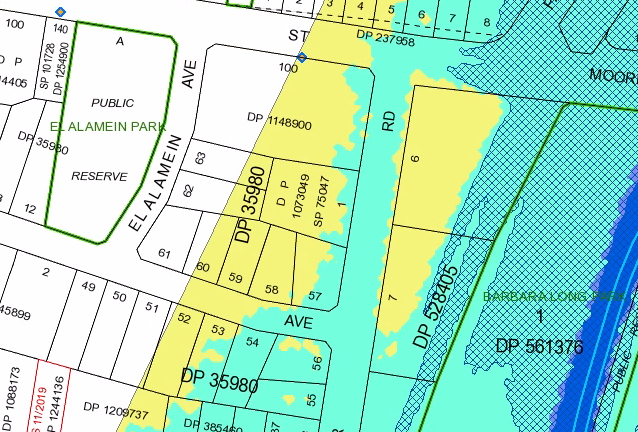
Liverpool Parramatta Transitway

**Figure 3:** Locality Map (Source: *Nearmap*)

* 1. **Site affectations**

Part of the site is identified as area affected by the Probable Maximum Flood (PMF) level; as such, the site is located within a ‘low flood risk category’. See below Figure 4.





**SITE**

**Figure 4:** Flood & Noise Affectation Map (Source: *LCC*)

The site is also impacted by noise associated with the Tway (Liverpool-Parramatta) located immediately to the east (i.e. on the opposite of Hillier Road).

1. **BACKGROUND**

The following list provides a history of the current development application:

* On 5 December 2018, a pre-DA (PL-120/2018) lodgement meeting with Council officers was conducted.
* On 14 February 2019, a pre-DA DEP review was conducted.
* On 13 January 2020, DA-18/2020 was lodged by the applicant.
* On 15 April 2020, a DEP review meeting was conducted with the panel providing overall support to the proposal subject to recommendations being addressed.
* On 25 May 2020, a SWCPP briefing was conducted.
  1. **Design Excellence Panel**

The first DEP meeting for the proposal was conducted on 14 February 2019, prior to DA lodgement. The Panel supported the project in principle yet identified issues to be addressed. The Panel determined it appropriate that amended documentation addressing the identified issues to be returned to the Panel.A copy of the minutes is provided in Attachment 18 to the Report.

On 15 April 2020, the proposal was again presented to the Panel following amendments to the design. Overall, the Panel noted that the design has been significantly improved and confirmed support for the proposal. The Panel made to following recommendations to be addressed and incorporated in the design of the proposal to be reviewed/approved by Council:

* *The staggering of the floor plates, articulation and modulation of the building has been handled successfully.*

**Comment:** Noted.

* *The articulation of the building massing has been carefully considered as illustrated in the 3D renders.*

**Comment:** The mass and bulk of the rectilinear building is well modulated and visual msss is reduced by design.

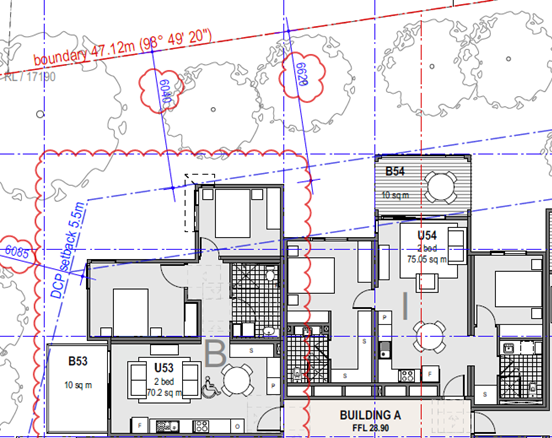
* *The Panel supported the proposed materials and in particular the extensive use of brickwork.*

**Comment:** Multiple brick colours are used for variety not only of colours but of texture. The combined use of brickwork provides a horizontal band that subdivides the upper and lower floors thereby breaking the bulk and scale of the building.

* *Given the quantum of Gross Floor Area (GFA) on the site, non-compliance with setback controls is unacceptable. The overall size of the apartment in the north western corner of the site should be reduced to achieve compliance (e.g. convert into a one-bedroom apartment).*

**Comment:** The ADG recommends a setback distance of 9 metres from the property boundary at Level 4 (fifth storey) between habitable rooms/balconies. Also, for Level 4 (fifth storey), the ADG specifies a setback distance of 6 metres from the property boundary between habitable and non-habitable rooms.

The DEP raised concerns with the bedroom in U53 as it encroaches into the 9 metres separation distance between habitable rooms/balconies. See figure below. However, as can also be seen from the below figure, the bedroom has been setback 6 metres from the property boundary.



9000

6000

The applicant has argued that despite the incursion, there would be no adverse impact to existing residences on adjoining properties or potential future redevelopment of these sites. The variation relates to a bedroom space wherein the primary window has been placed on the western elevation and a secondary window on the northern elevation.

It is considered that the placement of the primary window to the western facade would direct views towards the front setback and road reserve of No. 8 El Alamein Avenue. Furthermore, the secondary window along the northern façade is minor in size and directs any views to the front setback areas of existing residences on adjoining properties.

Given the above, it is considered that the proposed distribution of GFA in the form proposed is acceptable.

* *The Panel supports the design of the north-facing communal open space areas.*

**Comment:** Noted.

* *The Panel recommended implementing measures to improve the energy efficiency, water use and thermal comfort of the development. This included consideration of the performance of windows and doors, tighter building seals, capturing and storing water on-site for irrigation and photovoltaic panels to power common area lighting. In a building of this size, substantial positive outcomes can be achieved from a sustainability perspective. The Panel recommended that the Proponent liaise with Council and set clear sustainability targets for the project.*

**Comment:** The entire development has been thoroughly assessed by an independent thermal energy assessor in order to achieve a satisfactory rating for the entire building as mentioned in the BASIX report submitted with the application. For example, conventional building materials as brick and reinforced concrete have been selected for their low embodied energy and maintenance characteristics. The landscape design features massive planting and trees capable of holding moisture during dry days minimising the need for watering. Appropriate orientation of the site has been utilised for overall thermal comfort in the mid-winter, allowing for natural light to warm up the apartments, and thus minimising the need for cooling in summer due to the use of passive controls through ventilation.

* *The Panel supported the series of independent entry points from Anderson Avenue, all of which provide through-access to the northern landscaped communal areas as well as access to stairs and lift cores.*

**Comment:** Each of the 3 buildings have separate entry points that lead to separate lift foyers that open to the rear COS where all residents and visitors, regardless of building residence have unrestricted access.

* *The Panel considered that the graphics on the landscape plans require revision, e.g. The line work representing changes in paving types can be reading as walls or steps (i.e. inferring a change in level). Revise the plans using lighter line weights to resolve this issue.*

**Comment:** The revised landscape plan has improved the presentation of the paving material and pattern with the use of lighter line-weights.

* 1. **Sydney Western City Planning Panel (SWCPP) Briefing**

A SWCPP briefing was conducted on 25 May 2020. Key issues discussed at the meeting include the following:

|  |  |
| --- | --- |
| **Sydney Western City Planning Panel (SWCPP) Briefing** | |
| **Comments** | **Response** |
| *The panel noted advice that the application has now been considered by the Design Excellence Panel who returned a generally favourable appraisal, although the detail was not yet available to the panel.* | DEP supports the proposal. |
| *The incursions shown into the ADG boundary setback requirements from elements of Building A in the proposed development should be avoided. It is relevant in that regard that the area available to be consolidated to form a future development site from the cottages on Nos 8 and 10 Alamein Avenue is comparatively smaller, which means that encroachment into the setback area by this proposal may significantly constrain the development of that land.* | Overall, the proposal adheres to the ADG recommendations on building separation with the exception of the northwest corner of the development where on Level 5 of Building A, the bedroom on Units 53 and balcony on Unit 54. It is considered that the encroachment will not prejudice 8 and 10 Alamein Avenue from redeveloping in the future. See discussion in Section 2F of the ADG table further down in the report. |
| *The potential for overlooking towards Nos 8 and 10 Alamein Avenue should be considered carefully both in relation to the current use of those properties, and their future potential for redevelopment* | It is considered that opportunities for overlooking to the neighbouring dwellings at 8 and 10 Alamein is avoided due to placement of windows to bedroom of U53 and privacy treatment to the balcony of U54. See discussion in Section 2F of the ADG table further down in the report. |
| *The issue of parking was discussed, with the panel members noting both that rezoning of the site was unlikely to have allowed for the higher parking demand of this form of development under the ARH SEPP and relaxed parking requirements, while also acknowledging that the controls applying under the SEPP were expressed to prevail over the otherwise applicable controls* | The proposal complies with the parking provisions of SEPP ARH. The provisions of the SEPP prevail over the controls of the DCP. |

1. **DETAILS OF THE PROPOSAL**

Development consent is sought for demolition of existing structures and the construction of a new residential flat building containing sixty-three (63) dwellings, basement car parking and stratum subdivision.

The proposal is depicted in the site plan, front elevation and perspective views below:

|  |
| --- |
|  |
| **Site Plan** (Source: Kennedy and Associates) |
|  |
| **South Elevation** (Source: Kennedy & Associates) |
|  |
| **Perspective** (Source: Kennedy & Associates) |

Details of the proposal are provided as follows:

* 1. **Demolition and tree removal**

The application proposes the demolition of all structures at 1, 5, 7 and 9 Anderson Avenue, Liverpool. Development Consent No. DA-2226/2004 approved the demolition of 3 Anderson Avenue, with consented works having been undertaken prior to 2007.

It is noted that demolition of all structures on site have been completed to date.

It is proposed that twenty-four (24) existing trees are to be removed. All trees proposed to be removed would occur within the site boundaries, with all trees with the adjoining Council road reserves to be preserved. All trees to be removed would be replaced with locally endemic species.

* 1. **Construction of the Residential Flat Building**

The application includes the construction of a five (5) storey residential flat building containing sixty-three (63) residential apartments, plus two (2) basement car parking levels.

The residential flat building is a single structure comprising of three (3) buildings (A, B & C) with separate pedestrian entry from Anderson Avenue, each leading into a dedicated lift and lift lobby, fire stairs, garbage chutes and direct access to the shared COS to the rear of the building.

The RFB consists of the following number of units in each of the three (3) buildings:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Building** | | | | | | |
|  | **A** | | **B** | | | **C** | |
| **Level** | 1br | 2br | 1br | 2br | 3br | 1br | 2br |
| Ground Level | 1 | 3 | 3 | 1 | 1 | 1 | 3 |
| Level 1 | 0 | 4 | 3 | 1 | 1 | 0 | 4 |
| Level 2 | 0 | 4 | 3 | 1 | 1 | 0 | 4 |
| Level 3 | 0 | 4 | 2 | 1 | 1 | 0 | 4 |
| Level 4 | 0 | 4 | 2 | 1 | 1 | 0 | 4 |
| Sub-totals | 1 | 19 | 13 | 5 | 5 | 1 | 19 |
| Totals | 20 | | 23 | | | 20 | |

From the table above, a breakdown of the proposed apartment mix and types are as follows:

|  |  |  |
| --- | --- | --- |
| **Dwelling types:** | **Dwelling numbers** | **Percent** |
| 1 br | 15 | 23.8% |
| 2br | 43 | 68.3 |
| 3br | 5 | 7.9% |
| Totals | 63 | 100% |

Five of proposed apartments would be adaptable and each building is provided with a disabled persons ramp access from the road frontage to the lift lobbies.

The design of the building has also sought to pursue very high levels of compliance with solar access and cross-ventilation requirements. Upper floor circulation would be provided by open passageways, with some areas provided with semi-enclosed by balustrades less than 1.4 metres high to allow natural light and ventilation.

* 1. **Communal Open Space (COS) and Landscaping**

The COS is co-located with the landscaping on the ground level and wraps around the periphery of the building along the north, east, west and south setback areas. The landscaped area includes a connected series of open space areas designed to provide a variety of spaces of high amenity to cater to various resident users.

Communal Open Space (COS) areas to the rear of the site includes hard-paved access paths and gathering spaces, open lawns, community gardens, a central shade structure as well as a series of assorted seating types. Materials chosen as part of the proposal are all robust and hardwearing. Private Open Space (POS) areas adjoining the built form at ground level are defined by tiled patios with low-maintenance groundcovers and feature perennial planting provided adjacent.

Privacy to POS areas is afforded by screen planting buffers as specified to the perimeter of each space. Elsewhere, planting as specified is generally provided in a high-density format and includes a variety of low-water use native species of varied form, size, texture and foliage density to create a balanced softening effect to the built form. Large canopy trees have been provided where possible within deep soil areas along the street frontages with a number of small-medium amenity trees also included throughout the remainder of the scheme.

* 1. **Access and Parking**

Vehicular access to the basement is via a ramp located at the eastern frontage on Hillier Road. There are 2 basement levels of carpark that serves all 3 buildings. A total of 77 car parking spaces are provided which includes 8 visitors and 6 accessible carparking spaces. There are also 41 bicycle racks.

The basement levels also contain separate waste collection area for each building, combined bin holding room and bulky goods waste storage room as well as storage and plant rooms.

* 1. **Materials and finishes**

A contemporary and highly articulated building design addresses each street frontage as well as the rear façade. The exterior façade will be finished with a variety of materials, consisting of rendered and brick veneer surfaces in dark and earthy tones finish. The selection of building finishes and materials were considered to reduce maintenance and increase durability.

* 1. **Site Servicing Facilities**

The subject site is connected to all essential services. Utilities and connection points for necessary services will be provided in consultation with the particular agencies and authorities. Connection details will be provided as part of the Construction Certificate process.

Each building and all levels will be served by a waste chute located close to the lift lobby. An ‘e-diverter’ (or similar) chute will be installed and will enable both waste and recycling refuse to be separately placed and diverted to relevant bins located in secured basement waste storage areas.

Waste and recycling products are to be held within the storage areas until collection. Prior to collection, the building manager will move all bins from the basement waste storage areas using a ‘tug’ or ‘seated bin mover’ that will be stored on-site within a temporary waste storage area adjacent to the carpark access ramp.

* 1. **Stormwater Drainage**

The initial drainage proposal was for stormwater to discharge on the T-way road reserve east side of the site. This was rejected by the landowner (TfNSW) and an alternative solution was proposed in consultation with Council engineers. The revised scheme is to connect to an existing underground street drainage located to the north of the site close to the intersection of Moore Street and Hillier Road. Stormwater drainage from the site will be directed across Hillier Road and turn towards the north along the eastern side of the street and connect to the existing drainage system on Moore Street.

* 1. **Amalgamation, subdivision and unit allocation**

It is proposed for the 5 allotments within the subject site (i.e. 1, 3, 5, 7 and 9 Anderson Avenue, Liverpool) to be amalgamated into 1 large allotment.

A stratum subdivision of the consolidated lot is further proposed development and is detailed as follows:

* Lot 1 would include 15 apartments in addition to 9 residential car parking spaces. The subdivision would also include easements/rights of way that would provide access to basement facilities, communal facilities and visitor car parking spaces. The apartments within Lot 1 would be allocated to LAHC and consists of apartments detailed in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Level** | **Unit** | **Area** | |
|  |  | **1 br** | **2br** |
| **Ground** | U06 | 50.25 |  |
| U07 | 51.01 |  |
| U10 | 51.01 |  |
| **Level 1** | U16 |  | 77.4 |
| U18 | 50.25 |  |
| U19 | 51.01 |  |
| U21 |  | 77.4 |
| U22 |  | 77.4 |
| **Level 2** | U29 |  | 77.4 |
| U31 | 50.25 |  |
| U32 | 51.01 |  |
| U35 |  | 77.4 |
| **Level 3** | U44 | 50.25 |  |
| U45 | 51.01 |  |
| **Level 4** | U57 | 50.25 |  |
|  | Total units | 10 | 5 |

* Lot 2 would allocate all remaining apartments and residential car parking spaces to BlueCHP, as follows:
  + 19 affordable housing, and
  + 29 general housing

The apartments within Lot 2 for the purpose of affordable housing are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Level** | **Unit** | **Area** | | |
|  |  | **1 br** | **2br** | **3br** |
| **Ground** | U01 |  | 75.22 |  |
| U02 |  | 70.20 |  |
| U03 | 50.22 |  |  |
| U04 |  | 77.4 |  |
| U05 |  |  | 95.06 |
| U08 |  | 77.4 |  |
| U09 |  | 77.4 |  |
| U11 |  | 72.79 |  |
| U12 |  | 75.03 |  |
| U20 | 50.01 |  |  |
| **Level 1** | U13 |  | 75.22 |  |
| U14 |  | 70.20 |  |
| U15 |  | 75.05 |  |
| U17 |  |  | 95.06 |
| U33 | 50.01 |  |  |
| **Level 2** | U28 |  | 75.05 |  |
| U30 |  |  | 95.06 |
| U34 |  | 77.40 |  |
| U46 | 50.01 |  |  |
|  | Total units | 4 | 12 | 3 |

1. **STATUTORY CONSIDERATIONS**
   1. **Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI’s)

* State Environmental Planning Policy (Affordable Rental Housing) 2009.
* State Environmental Planning Policy (Infrastructure) 2007.
* State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.
* State Environmental Planning Policy No.55 – Remediation of Land.
* State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
* Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
* Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

* No draft Environmental Planning Instruments apply to the site.

Other Plans and Policies

* Apartment Design Guide;

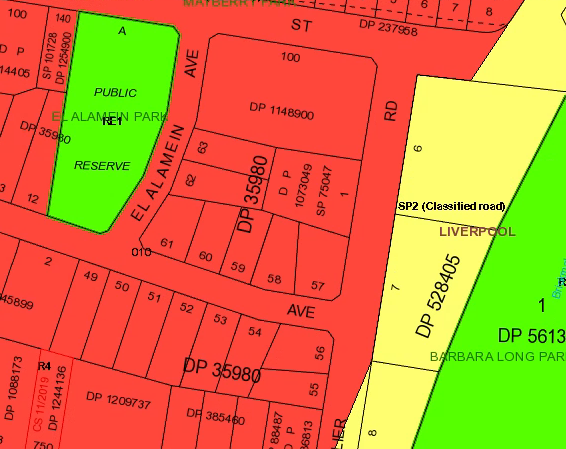
Development Control Plans

* Liverpool Development Control Plan 2008
  + Part 1 – General controls for all development
  + Part 3.7 – Residential Flat Development in the R4 Zone

Contributions Plans

* Liverpool Contributions Plan 2018 applies to the subject development
  1. **Zoning**

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in Figure 5 below.



**SITE**

**Figure 5 -** Extract of LLEP 2008 zoning map

* 1. **Permissibility**

The proposed development would be defined as a “*residential flat building*”, which is a permissible use with consent within the R4 High Density Residential Zone.

**6. ASSESSMENT**

The development application has been assessed in line with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

**6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument**

1. **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. An assessment against the relevant provisions is provided in the table below.

| **Requirement** | **Provided** | **Complies** |
| --- | --- | --- |
| **Part 2 New Affordable Rental Housing, Division 1 In Fill Affordable Housing** | |  |
| **Clause 10 Development to which Division Applies** | |  |
| *(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:*   1. *the development concerned is permitted with consent under another environmental planning instrument, and* 2. *the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the* [*Heritage Act 1977*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1977%20AND%20no%3D136&nohits=y)*.* | 1. The site is zoned R4 High Density Residential and an RFB is a development that is permitted with consent under the LLEP 2008.   (b) The site does not contain a heritage item, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977. | Yes |
| *(2)  Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.*  *accessible area means land that is within—*  *(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*  *(3) N/A* | The site is located in close proximity to the Liverpool-Parramatta bus transitway.  Walking distances from the site to the nearest bus stops are as follows:   * Approximately 100m from the nearest stop serving the northbound T80 bus route; * Approximately 185m from the nearest stop serving the southbound T80 bus route.   The frequency of service of T80 is as follows:  Northbound:   * Monday to Friday:   Minimum four (4) services per hour between 6:00am and 9:00pm   * Saturday and Sunday:   Minimum four (4) services per hour between 8:00am and 6:00pm  Southbound:   * Monday to Friday:   Minimum four (4) services per hour between 6:00am and 9:00pm   * Saturday and Sunday:   Minimum three (3) services per hour between 8:00am and 6:00pm  The T80 bus route satisfies the minimum one service per hour requirement that meets the definition of ‘accessible area’ of the SEPP- ARH. | Yes |
| **Clause 13 Floor Space ratio** | |  |
| *(1)  This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.* | LLEP 2008 prescribes a 1.0:1 FSR to the site.    The applicant proposed that 50% of the GFA of the development would be used for affordable housing. | Yes |
| *(2)  The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:*  *(a)  if the existing maximum floor space ratio is 2.5:1 or less:*  *(i)  0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or.* | A bonus FSR of 0.5 is applicable as more than 50% of the development is being used for affordable housing.  Maximum permissible FSR under LLEP 2008 is 1:1 plus additional of 0.5 bonus under the SEPP ARH = 1.5:1  Required FSR: 1.5:1  Proposed FSR: 1.43:1 | Yes |
| **Clause 14 Standards that cannot be used to refuse consent** | |  |
| 1. *Site and solar access requirements A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*   *(a)(repealed)*  *(b) Site Area*  *if the site area on which it is proposed to carry out the development is at least 450 square metres,* | The site area = 3,349m2 | Yes |
| 1. *landscaped area: if:* 2. *in the case of a development application made by a social housing provider—a minimum 35m2 of landscaped area per dwelling is provided, or* 3. *in any other case—a minimum of 30% of the area of the site is to be landscaped,* | At 35m2 per dwelling, a total of 63 apartments requires that 2,240m2 (i.e. 67%) of the total site area be landscaped.  In this instance, compliance with the standard is considered to be unreasonable. On the other hand, the relevant landscape requirement is contained in the ADG and LDCP, which stipulates a minimum of 25% of the site area.  The proposed landscaped area is 1,317m2, or 39% of the proposed site area.  This amount of landscape area is considered acceptable. | Considered acceptable |
| *(d) Deep Soil Zones*  *In relation to that part of the site area that is not built on, paved or otherwise sealed:*   1. *there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and* 2. *each area forming part of the deep soil zone has a minimum dimension of 3m, and* 3. *if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,* | Required = 3,349m2 x 0.15 = 502.35m2  Proposed = 698m2, or 20.9% of the site area.    All areas are inclusive of minimum dimensions.    Approximately 300m2 or 43% of the total deep soil area would be located to the front building line (i.e. Anderson Avenue) with the remaining area of 57% located to the rear.  This is considered acceptable as there are limitations imposed by the location of the basement access ramp, slope of the site and building design. | Considered acceptable |
| *(e)  solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,* | There are 53 or 84% of apartments would obtain at least three hours of direct solar access between 9:00am to 3:00pm on June 21. | Yes |
| *(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:* | | |
| *(a)  parking*   1. *in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms or.* 2. *in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,* | See discussion below on parking | Yes |
| Discussion on parking assessment methodology:  The site is located in an accessible area and the site is owned by LAHC, a social housing provider.  As discussed, the application proposes subdivision into the following stratum lots:   * Stratum Lot 1 – 15 apartments to be managed by LAHC, and * Stratum Lot 2 – 48 apartments to be vested with BlueCHP including 19 for the purpose of affordable housing and remaining 29 apartments for general housing.   Given the above, the applicable parking rate for Stratum Lot 1 is provided by Clause 14(2)(a)(i) and for Stratum Lot 2, the applicable parking rate is Clause 14(2)(a)(ii).  As shown on the table below and based on Lot 1 of the proposed strata plan, LAHC will retain ownership of 15 units (10 x 1br & 5 x 2br). Apply the parking rate in Clause 14(2)(a)(i), the required parking is 3 spaces.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Standard** | **Bedroom Type** | **LAHC** | **Blue Chip** | **Rate/dwelling unit (du)** | **Required spaces** | | **SEPP - ARH - Clause 14(2)(a)(i)** | 1br | 10 |  | 0.4 | 4 | | 2br | 5 |  | 0.5 | 2.5 | | 3br | 0 |  | 0 |  | | **Sub- Totals** | | 15 |  |  | **7** | | **SEPP - ARH - Clause 14(2)(a)(ii) to proposed stratum 2** | 1br |  | 5 | 0.5 | 2.5 | | 2br |  | 38 | 1 | 38 | | 3br |  | 5 | 1.5 | 7.5 | | **Sub- Totals** | | 15 | 48 |  | **48** | | **Totals** | |  | 63 |  | **55** |   The total requirement for the development is 44 spaces. The applicant provides a total of 77 spaces which is a surplus of 22 car spaces at the site. | | |
| *(b)  dwelling size if each dwelling has a gross floor area of at least:*   1. *35*m2 *in the case of a bedsitter or studio, or* 2. *50*m2 *in the case of a dwelling having 1 bedroom, or* 3. *70*m2 *in the case of a dwelling having 2 bedrooms, or* 4. *95*m2 *in the case of a dwelling having 3 or more bedrooms.* | * All 1 bedroom units are greater than 50m2 * All 2 bedroom units are greater than 70m2 * All 3 bedrooms are over 90m2 | Yes |
| *(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)* | It is noted that the proposed development does not comply with the standards relating to:   * Clause 14(1)(c) in relation to landscaping; and * Clause 14(1)(d) in relation to deep soil.   Subclause 3 allows for consent to be granted despite the non-compliance with the above standards relating to landscaping and deep soil. | Yes |
| **Clause 16 Continued Application of SEPP 65** | |  |
| *Nothing in this Policy affects the application of* [*State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Depi%20AND%20Year%3D2002%20AND%20No%3D530&nohits=y) *to any development to which this Division applies.* | An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report. | Yes |
| **Clause 16A Character of Local Area** | |  |
| *A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.* | The area has been zoned R4 High Density with Residential Flat Buildings permissible in the zone, with a maximum height limit of 15m. The five storey RFB proposes a high quality design which will integrate with the surrounding development and is compatible with the desired character of the local area.  As such, the proposed development is considered to be in accordance with the desired future character of the area. | Yes |
| **Clause 17 Must Be Used for Affordable Housing for 10 Years** | |  |
| *(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:* | |  |
| *(a) for 10 years from the date of the issue of the occupation certificate:*   1. *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and* 2. *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*   *(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the* [*Conveyancing Act 1919*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1919%20AND%20no%3D6&nohits=y)*, that will ensure that the requirements of paragraph (a) are met.* | A condition will be imposed on any consent granted. | Yes |

1. **State Environmental Planning Policy (Infrastructure) 2007.**

State Environmental Planning Policy (Infrastructure) 2007 provides direction for matters to be considered in the assessment of the development.

The proposed development is for a residential use that is within proximity to a classified road, being Parramatta -Liverpool Transitway (Tway). As such, the consent authority must be satisfied that where the development is for the purpose of residential development, certain noise criteria is achieved for the development. Specifically Clause 102 of SEPP (Infrastructure) 2007 prescribes:

*(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

*(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The application was accompanied by an Acoustic Report, which concluded that the proposed development is capable of complying with the noise criteria, subject to the implementation of noise mitigation measures such as laminated glazing, acoustic seals around doors and windows.

Conditions will be imposed prescribing compliance with the Acoustic Report, to ensure that the proposed development incorporates noise attenuation to minimise any adverse impact from road noise. This will ensure that an appropriate level of residential amenity is achieved in accordance with the requirements of the SEPP (Infrastructure) 2007.

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

The DA was accompanied by a SEPP 65 Design Report. The statement provided a full assessment of the proposed development against the 9 key design quality principles of the SEPP and against the guidelines of the ADG.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

| **SEPP 65 Design Quality Principles** | |
| --- | --- |
| **Design Quality Principle** | **Comment** |
| **Design Principle One – Context and Neighbourhood Character** | |
| *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*  *Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*  *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.* | The Architect’s SEPP 65 statement in part states “*the site is situated in an area undergoing a significant change in character with existing free standing dwellings on individual sites being replaced with apartment buildings located on amalgamated sites over time. This is in line with the desired future character of the area that has resulted from the changes to the zoning of the area.*  *Adjacent development on sites located in close proximity to the site establishes a good approximation of what can be expected from this future character with the buildings being predominantly modern in character and adopting simple clean building forms. A significant character of the area is the existing street planting and this should be retained as the area transitions to the new character.”*  It is considered that the design of the proposed development responds and contributes to the future high-density urban character of the area. The scale of building and type of use are compatible with the envisaged proposed redevelopment of the precinct and recognises and generally complies with the requirements of SEPP 65 and LLEP 2008. |
| **Design Principle 2 – Built form and scale** | |
| *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*  *Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.*  *Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.* | The applicants architect considers that *“the height and massing of the building is generally compatible with the desired future character for the area as it is generally in accordance with the permissible building height and boundary setbacks. The form of the building is then strategically modulated throughout the building to articulate the entrances to the building and to articulate the length of the building through a reduction in scale of the building towards it’s centre. The building elevations have been carefully articulated to respond to the building in the round with each elevation responding to the different levels of engagement to either the street or the adjoining public open space areas. Building materials have also been carefully chosen to respond to the scale of the building with more tactile materials such as face brickwork being used adjacent to the public entrances of the building.”*  It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing and desired future character of the street block and surrounding buildings. It aligns with the FSR allowed under Clause 4.4 of the LLEP 2008.  The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council’s Design Excellence Panel (DEP) and is considered to be satisfactory. |
| **Design Principle 3 – Density** | |
| *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*  *Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.* | The Architect’s SEPP 65 Statement provides that “*the site is well located for it’s intended use being close to good quality public transport via the adjacent bus way. The site is also well suited to providing good amenity for residents as it has a favourable orientation with a bulk of the units being able to achieve a northerly orientation. The site is also of a sufficiently narrow proportion that enables the units to exceed requirements for cross ventilation. The density of development on the site is in line with the additional floor space that is permitted through the application of the ARH SEPP and this additional floor space has not come at the expense of adverse amenity impacts to neighbouring properties or the streetscape.”*  The proposal contains a density and mix of units considered appropriate for the location within the City Centre. The proposed density is consistent with the LLEP 2008 and is considered to respond to the demands of the market, availability of infrastructure, public transport, community facilities and environmental quality. |
| **Design Principle 4 – Sustainability** | |
| *Good design combines positive environmental, social and economic outcomes.*  *Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.* | The Architect’s SEPP 65 Statement states “*the design of the building optimises opportunities for solar access and cross ventilation and achieves well above base level compliance. This is of particular importance knowing that many of the future occupants of the building will be on low incomes and will be particularly sensitive to the impact of utility costs. The design also incorporates substantial well located deep soil zones that provide good opportunities for significant tree planting that will be of benefit to the amenity of the streetscape and the communal open areas. Waste recycling has been incorporated into the basement design through the use of a waste diverter system within the garbage chutes*.”  The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate which demonstrates that it is able to achieve all targets relating to water, thermal comfort and energy. However, the DEP recommends higher level of sustainability for the development such as solar panels. Conditions of consent shall be imposed on any consent granted for a strategy be submitted to Council for additional sustainability measures. |
| **Design Principle 5 – Landscape** | |
| *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*  *Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*  *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management.* | *The* Architect’s SEPP 65 Statement provides that *“the landscape design has been carefully considered in the context of the overall building design and responds positively to the opportunities of the site.*  *Building entrances are highlighted within the streetscape through the modulation in scale of the planting and the addition of tactile building elements such as low brick walls and bridges to create a sense of arrival. The rear communal open space carefully balances the need for privacy to the adjacent ground floor private open spaces and provides opportunities for gatherings of different scale throughout the length of the communal open area. The massing of the building has been carefully controlled to create a generously proportioned communal open area right at the centre of the building site that is accessible to all building occupants. The landscape design also incorporates careful selection of planting to reduce the need to excessive maintenance or water use.”*  It is considered that the proposal is well designed in terms of employing landscape elements into the building. The design provides deep soil space around the building for planting and landscaping. |
| **Design Principle 6 – Amenity** | |
| *Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.*  *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.* | The Architect’s SEPP 65 Statement provides that *“the individual apartments within the development have all been designed to optimise amenity with clearly laid out floor plans that are functionally efficient and generous. All minimum room sizes have been accommodated and there is distinction within the development between the social or affordable housing units and the general market housing. All units have been provided with excellent amenity with good outlook to green spaces. The design also accommodates several dwellings that have been specifically designed to cater for the needs of participants within the National Disability Insurance Scheme and exceed the requirements associated with Adaptable Dwellings. All apartments within the development comply with the Silver requirements of the Livable Housing Australia guideline.”*  The design is considered to be satisfactory as it provides appropriate room sizes, access to natural light and ventilation, visual and acoustic privacy and provision of storage spaces, and indoor and outdoor spaces. In addition to the COS, private open spaces have been provided to all residential units in the form of balconies and ground level courtyards.  A mixture of 1, 2 & 3 bedroom units of varying configurations including adaptable units offer a variety of housing choice to the broader community. |
| **Design Principle 7 – Safety** | |
| *Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*  *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.* | The Architect’s SEPP 65 Statement provides that “*all of the communal areas of the development have been designed to provide excellent amenity.* *through the creation of spaces that are clearly navigable and open in nature. The entrances to the building are clearly identifiable from the street. The communal open space is accessible by all building occupants through the same foyers that provide entrance to the building. All foyers to the building are semi open in nature with passive surveillance to the adjacent street or communal open area.*”  It is considered that the proposal maximises the potential for passive surveillance in the overall design of the building as outlined above by the Architect. |
| **Design Principle 8 – Housing Diversity and Social Interaction** | |
| *Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*  *Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*  *Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.* | The Architect’s SEPP 65 Statement provides that “*the project has an excellent balance of apartment designs to cater for a wide variety of future occupants. The inclusion of affordable housing is further enhanced through the inclusion of social housing that will be managed by the community housing operator, the social hosing is ‘salt & peppered’ throughout the development so that it is indistinguishable to other apartments within the complex. The project provides for one, two and three bedroom accommodation and also includes specialist accommodation for participants of the National Disability Insurance Scheme. The communal open area of the site provides several different smaller areas within it to suit different types of interaction including space for vegetable plots and a variety of seating and lawn areas.”*  It is considered that the proposal responds to the demographics, social needs and preferences of the social and affordable housing sector which is in great demand in the LGA.  The floor layout of the building encourages social interaction along the common corridors and lift lobbies as well as a COS on the Ground Floor Level. |
| **Design Principle 9 – Aesthetics** | |
| *Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*  *The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.* | The Architect’s SEPP 65 Statement provides that “*the design of the building responds to the unique opportunities of the site. The longest public frontage of the building is towards Anderson Avenue and care has been taken here to articulate the building into a series of smaller elements to add human scale and interest. These elements are further articulated through the adoption of a varied palette of materials that further break down the scale of the building. The focal points of the Anderson Avenue elevation are the entrances to the building which are expressed a clean vertically proportioned spaces in contrast to the adjacent residential portions of the building. This articulation is supported by the landscape design that also serves to highlight these public entrances to the building. The street corners are significant parts of the building and while they do not provide entrance to the site they are points of highlight within the design that is reflected through the adoption of carefully articulated balcony elements with a wide use of face brick to add further articulation.*  *The rear façade of the building adjoins the common open area of the site and has been deliberately designed with a more utilitarian expression that responds to the need to balance solar access with privacy to the areas that front this space.”*  The proposal is considered responsive to the environment in terms of composition and use of materials, responding to the streetscape within the vicinity of the site. The overall aesthetics is considered to be a suitable response to the existing character of the area. |

Further to the nine (9) design quality principles outlined in SEPP 65, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the Department of Planning Apartment Design Guide (ADG). The following table outlines compliance with the ADG, where design criteria are specified.

| **Apartment Design Guide** | | |
| --- | --- | --- |
| **Provisions** | **Proposed** | **Complies** |
| **2E Building Depth** | | |
| *Suggested maximum of 12-18m* | Maximum depth is not exceeded. The building layout shows a highly articulated building. | Yes |
| **2F Building Separation** | | |
| Minimum separation distances for buildings are:  Up to four storeys (approx. 12m):   * 6m between non-habitable rooms * 9m between habitable and non-habitable rooms * 12m between habitable rooms/ balconies   Five to eight storeys (approx. 25m):   * 9m between non-habitable rooms * 12m between habitable and non-habitable rooms * 18m between habitable rooms / balconies   Nine storeys and above (over 25m):   * 12m between non-habitable rooms * 18m between habitable and non-habitable rooms * 24m between habitable rooms / balconies   **Note:** *It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.* | The proposed development complies with building separation with the exception of a bedroom to apartment U53 and balcony to apartment U54. Both the bedroom and balcony encroach 3m into the required 9m setback distance from the northern property boundary.  See discussion on building separation below. | Yes, by merit |
| Discussion on Building Separation:  Overall, the proposal adheres to the ADG recommendations on building separation with the exception of the northwest corner of the development where on Level 5 of Building A, the bedroom on Units 53 and balcony on Unit 54.  The ADG recommends a setback distance of 9 metres from the property boundary at Level 4 (fifth storey) between habitable rooms/balconies. Also, for Level 4 (fifth storey), the ADG specifies a setback distance of 6 metres from the property boundary between habitable and non-habitable rooms.  However, as can also be seen from the below figure, the bedroom and balcony has been setback 6 metres from the property boundary.    9000  6000  Having regard to the bedroom to apartment U53, the applicant argues that despite the incursion, there would be no adverse impact to existing residences on adjoining properties. The variation relates to a bedroom space wherein the primary window has been placed on the western elevation and a secondary window on the northern elevation.  It is considered that the placement of the primary window to the western facade would direct views towards the front setback and road reserve of No. 8 El Alamein Avenue. Furthermore, the secondary window along the northern façade is minor in size and directs any views to the front setback areas of existing residences on adjoining properties.  Having regard to the balcony to apartment U54, it is considered appropriate to install a 1.3m high privacy louvre to the northern face of the balcony with the roof above the balcony made permeable to retain solar access. These changes were accepted by the applicant as conditions of consent.  Given the above, it is considered that the proposed development is acceptable with regards to building separation. | | |
| **3A Site analysis** | | |
| *Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context* | The proposed development is considered appropriate for its context. | Yes |
| **3B Orientation** | | |
| *Building types and layouts respond to the streetscape and site while optimising solar access within the development*  *Overshadowing of neighbouring properties is minimised during mid-winter* | Buildings have been located on site to address the primary street frontage and to optimise solar access to the development.  Overshadowing to neighbouring buildings has been limited as the site benefits from optimal solar orientation being elongated on the east-west axis and has Anderson Ave. to the south. | Yes |
| **3C Public domain interface** | | |
| *Key components to consider include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting.*  *Design can influence safety and security, opportunities for social interaction and the identity of the development when viewed from the public domain* | The proposal meets the objectives as the proposed improvements on the street frontage will benefit the wider community; the footpath upgrade, new street trees and high quality planting surrounding the new building.  The public domain areas of the development are easily identifiable from the street including building entrances with featured portal structures.  Service areas have been located within the basement and the carpark entrance is located to the side of the building. | Yes |
| **3D Communal and public open space** | | |
| *Communal open space has a minimum area equal to 25% of the site*  *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)*  *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting*  *Communal open space is designed to maximise safety*  *Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood* | The proposal provides 27.6% or 923m2 of site area for COS which includes an uncovered rooftop area (50.3m2) on Level 3  The proposal developments achieves above the minimum of 50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours between 9 am and 3 pm on 21 June  The COS areas are of high quality and provide opportunities for diverse activities to a range of different sized groups.  The COS are overlooked for passive surveillance by a large number of units with balcony areas and a series of foyer spaces that overlook into it.  The COS is easily accessed via the pedestrian entrances on each building. | Yes |
| **3E Deep soil zones** | | |
| *Deep soil zones are to meet the following minimum requirements:*   |  |  |  | | --- | --- | --- | | Site area | Minimum dimension | Deep soil Zone | | Greater than 1,500m2 | 6m | 7% |   *7% of the site area is to be for Deep Soil zone.* | A total of 20.9% of the site features deep soil planting with a minimum dimension of 6m. | Yes |
| **3F Visual Privacy** | | |
| *Minimum separation distances from buildings to the side and rear boundaries are as follows:*   |  |  |  | | --- | --- | --- | | *Building Height* | *Habitable Rooms and Balconies* | *Habitable and Non Habitable Rooms* | | *Up to 12m (4 storeys)* | *6m* | *4.5m* | | *12m to 25m (5-8 storeys)* | *9m* | *6m* | | *Over 25m (9+ storeys)* | *12m* | *9m* | | The proposed development complies with building separation with the exception of a bedroom to apartment U53 and balcony to apartment U54. Both the bedroom and balcony encroach 3m into the required 9m setback distance from the northern property boundary.  See discussion on building separation above under heading 2F of the ADG. | Yes, by merit |
| **3G Pedestrian Access and Entries** | | |
| *Building entries and pedestrian access connects to and addresses the public domain.* | The proposal meets the objectives. Access, entries and pathways are accessible and easy to identify.  The pedestrian access to the building is via one of three porticos that are prominent on Anderson Avenue. Each of the entrances is well articulated, clearly identifiable and accessible from the street.  The entry points are linked in a network of pathways that encircle the RFB and connect open space areas in a secured manner. | Yes |
| Objective 3G-2  *Access, entries and pathways are accessible and easy to identify* |
| *Large sites provide pedestrian links for access to streets and connection to destinations* |
| **3H Vehicle Access** | | |
| *Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes* | The proposal meets the objectives. The car park entry point is located to allow the smooth ingress of traffic and to avoid conflicts with pedestrian routes.  The vehicular entrance to the development has been consolidated within a single driveway that is located to the edge of the building within the landscape zone at the lowest point of the site at the northeast corner facing Hillier Rd.  Pedestrian and vehicle access points to and from the buildings are kept separate. | Yes |
| **3J Bicycle and Car Parking** | | |
| *For development in the following locations:*   * *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. The car parking needs for a development must be provided off street.* | Refer to carparking provision in the SEPP ARH.  Bicycle and motorcycle parking are provided for alternate transport choice.  Car park access is secured and car parking is in the basement and accessed off Hillier’s Road.  The entry to the basement is minimised in width and appearance where possible while complying with the development standards.  There is no on-grade car parking. There is no above ground enclosed car parking. | Yes |
| *Parking and facilities are provided for other modes of transport* |
| *Car park design and access is safe and secure* |
| *Visual and environmental impacts of underground car parking are minimised* |
| *Visual and environmental impacts of on-grade car parking are minimised* |
| *Visual and environmental impacts of above ground enclosed car parking are minimise* |
| **4A Solar and Daylight Access** | | |
| *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* | 53 units of the total 63 units (equates to 82% of total number of units) will receive at least 2 hours of direct solar access on June 21. | Yes |
| *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* |
| *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter* | Only 5 units of the total 63 units or 7.8% will not receive direct sunlight between 9am – 3pm during the winter solstice. |
| **4B Natural Ventilation** | | |
| *All habitable rooms are naturally ventilated to create healthy indoor living environments.* | Windows and doors are provided to habitable rooms.  57 units (89.1% of the proposed apartments) would be cross-ventilated.  Cross-through apartments do not exceed 18m glass line to glass line. | Yes |
| *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* |
| *The layout and design of single aspect apartments maximises natural ventilation* |
| **4C Ceiling Heights** | | |
| *Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.* | Habitable rooms are proposed to have a minimum 2.7m ceiling heights and non-habitable rooms a minimum of 2.4m ceiling heights | Yes |
| **4D Apartment Size and Layout** | | |
| 1. Apartments are required to have the following minimum internal areas:   |  |  | | --- | --- | | *Apartment Type* | *Minimum Internal Area* | | *Studio* | *35m2* | | *1 bedroom* | *50m2* | | *2 bedroom* | *70m2* | | *3 bedroom* | *90m2* |   *The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each.*  *A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each* | The proposal achieves the design criteria.   * 1 bedroom units range between 50m2 to 51m2; * 2 bedroom units range between 70m2 to 79m2; * 3 bedroom units are 95m2 | Yes |
| *2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms* | Windows are provided to all habitable rooms and have a total glass area of more than 10% of the floor area of the room. |
| *4D-2 Habitable room depths are limited to a maximum of 2.5 x the ceiling height* (2.7m x 2.5 = *6.75m)*  *Note : For single aspect open plans with combined living, dining and kitchen = 8m* | Maximum habitable room depths from windows is 8m. |
| *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window* |
| *4D-3 Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)* | Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobes). |
| *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)* | Bedrooms have a minimum dimension of 3m (excluding wardrobes). |
| *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* | * 1-bedroom apartments have a minimum width of 4m * 2-bedroom and 3-bedroom apartments have a minimum width of 5.1m |
| **4E Private Open Space and Balconies** | | |
| *All apartments are required to have primary balconies as follows:*   |  |  |  | | --- | --- | --- | | *Dwelling Type* | *Minimum Area* | *Minimum Depth* | | *Studio* | *4m2* | *-* | | *1 bedroom* | *8m2* | *2m* | | *2 bedroom* | *10m2* | *2m* | | *3 bedroom* | *12m2* | *2.4m* |   *The minimum balcony depth to be counted as contributing to the balcony area is 1m* | Areas and depths of balconies and private open space meet or exceed the minimum requirements of the ADG. | Yes |
| *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* |
| **4F Common Circulation and Spaces** | | |
| *The maximum number of apartments off a circulation core on a single level is eight* | Each building is provided with 1 lift. The RFB development has three lifts in total. Each building complies as follows:   * Building A has a total of 20 units with 4 units of each floor level. * Building B has a total of 23 units with 4 or 5 units of each floor level. * Building C has a total of 23 units with 4 or 5 units of each floor level. | Yes |
| *For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40* | N/A |
| *Common circulation spaces promote safety and provide social interaction between residents* | Common circulation spaces are well lit and take on the form of open gallery spaces located along the edges of the building with good passive surveillance.  Upper level circulation spaces (lift lobby and hallways) are provided with natural light and ventilation.  Communal open space is easily accessible from the Ground Floor lobbies. | Yes |
| **4G Storage** | | |
| *In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:*   |  |  | | --- | --- | | *Dwelling Type* | *Storage Size Volume* | | *Studio* | *4m3* | | *1 bedroom* | *6m3* | | *2 bedroom* | *8m3* | | *3 bedroom* | *10m3* |   *At least 50% of the required storage is to be located within the apartment.* | Each apartment is provided with the required amount of storage space. | Complies |
| **4H Acoustic Privacy** | | |
| Noise transfer is minimised through the siting of buildings and building layout | Noise transfer within the development has been controlled through the adequate separation of buildings and the stacking of dwellings with similar usage patterns.  Noise transfer has been controlled within apartments through the use of doors to separate spaces and the inclusion of laundry spaces within bathroom areas.  Walls, glazing, and roofs are to be designed to meet the requirements of the acoustic report for sound mitigation, particularly from the T-way. | Yes |
| Noise impacts are mitigated within apartments through layout and acoustic treatments |
| **4K Apartment Mix** | | |
| *A range of apartment types and sizes is provided to cater for different household types now and into the future* | A variety of apartment types are provided. The proposed development includes the following mix:   * 15 x One bedroom; * 43 x Two bedrooms; and * 5 x Three bedroom. | Yes |
| *The apartment mix is distributed to suitable locations within the building* |
| **4L Ground Floor Apartments** | |  |
| *Street frontage activity is maximised where ground floor apartments are located.*  *Direct street access should be provide to ground floor apartments.* | Direct access to units on the ground floor level was not adopted for security reasons. However, most ground floor apartments have their private open space located to the north of the building and are facing away from the street.  The limited number of apartments with private open spaces fronting the street have been located behind a commonly maintained landscaped area.  Provision of gates and fences will be designed to offer a surveillance of the public domain and privacy for residents through a balance of permeability and opacity. | Yes |
| *Design of ground floor apartments delivers amenity and safety for residents* |
| **4M Facades** | | |
| *Building facades provide visual interest along the street while respecting the character of the local area* | The building façade has been designed to create visual interest through a careful control of scale and use of materials and the careful modulation of the scale of the building.  The entrances to the building front the street directly and are clearly identifiable through the changing scale of the building at the entrances and the use of different materials to highlight the entrances. This is also supported through the design of the landscaped areas adjacent to the entrances. | Yes |
| *Building functions are expressed by the facade* |
| **4N Roof Design** | | |
| *Roof treatments are integrated into the building design and positively respond to the street* | The roof of the building has been articulated to create the greatest scale adjacent to the building entrances, with a general reduction in scale of the roof line towards the balcony elements that make up the street front corners of the site.  The roof top areas of this development are not accessible as ample high quality communal spaces have been better located at ground floor level where they can be passively observed with access to deep soil planting.  The flat roof nature of this project is optimal for the location of photovoltaic solar collectors. | Yes |
| *Opportunities to use roof space for residential accommodation and open space are maximised* |
| *Roof design incorporates sustainability features* |
| **4O Landscape Design** | | |
| *Landscape design is viable and sustainable* | The landscape design has been carefully prepared to take into account the ongoing viability of the landscape through the selection of diverse plantings that are robust in nature and suited to the amount of space available to them. Provision has also been made for larger plantings and substantial canopy trees within the deep soil zones at the periphery of the site. The design of the common open areas also makes provision for an area of vegetable garden with associated composting facilities.  The substantial landscape elements that relate to this site are the existing tree plantings within the council footpath and these plantings will be retain and enhanced through the addition of new planting within the proposed development. The proposed new planting has been carefully selected to provide a variety of habitats including indigenous species that are well suited to this development. | Yes |
| *Landscape design contributes to the streetscape and amenity* |
| **4P Planting on Structures** | | |
| *Appropriate soil profiles are provided* | Planting is proposed on the podium level at the top of the basement carpark. Soil depths have been calculated to suit the proposed planting and in some cases raised garden beds are provided to achieve the required soil depths.  The landscape treatment has been designed to be low maintenance with the selection of hardy species that are well suited to the local climate and the space available for them to grow naturally without pruning to shape.  The communal open space areas are surrounded by landscaping and contain numerous landscaped treatments including deep soil planting. | Yes |
| *Plant growth is optimised with appropriate selection and maintenance* |
| *Planting on structures contributes to the quality and amenity of communal and public open spaces* |
| **4Q Universal Design** | | |
| *Universal design features are included in apartment design to promote flexible housing for all community members* | All units in the development are Livable Housing Australia Silver level.  Five of the apartments in the development have been designed to exceed adaptive housing requirements as they comply with the design standards applicable to the provision of High Physical Support Specialist Disability Accommodation.  The development proposes a range of apartment layouts to suit various needs including one, two and three bedroom apartments for the National disability Insurance Scheme | Yes |
| *A variety of apartments with adaptable designs are provided* |
| *Apartment layouts are flexible and accommodate a range of lifestyle needs* |
| **4T Awnings and Signage** | | |
| *Awnings are well located and complement and integrate with the building design* | Awnings are proposed to the pedestrian entrances to the building to provide weather protection at door openings.  Street address signage will be incorporated in the landscape walls at the edge of the letterboxes at each of the building entrances. | Yes |
| *Signage responds to the context and desired streetscape character* |
| **4U Energy Efficiency** | | |
| *Development incorporates passive environmental design* | Natural light will be provided to all habitable rooms.  The proposed building envelope is to be highly insulated and airtight to optimise thermal performance.  Water use throughout the building meets BASIX targets through the use of efficient fitting and rainwater collection and reuse.  The massing, internal layouts and orientation have been organised so as to provide good natural daylighting and solar access into the primary living spaces, external living areas and courtyard.  The massing also allows a greater proportion of apartments to have a northern aspect. Eastern and Western aspects are then prioritised over south aspect apartments.  Photovoltaics will be included on the roofs to provide energy to common area lighting. | Yes |
| *Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer* |
| *Adequate natural ventilation minimises the need for mechanical ventilation* |
| **4V Water Management and Conservation** | | |
| *Potable water use is minimised* | Water use throughout the building meets BASIX targets through the use of efficient fitting and rainwater collection and reuse.  The development will incorporate water efficient fittings, and rain-water re-use.  Plant selections are designed for the microclimate and are typically low-water use. | Yes |
| *Urban stormwater is treated on site before being discharged to receiving waters* | Rainwater that is collected on site that is unsuited to reuse is discharged through an on site detention system. |
| *Flood management systems are integrated into site design* | Not Applicable. |
| **4W Waste Management** | | |
| Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | Waste storage and recycling facilities have been located in basement areas and are easily accessible via waste chutes located within each building core.  Source separation is provided by a waste diverter attached to each of the waste chutes to separate recyclables. | Yes |
| Domestic waste is minimised by providing safe and convenient source separation and recycling |
| **4X Building Maintenance** | | |
| *Building design detail provides protection from weathering* | Building materials have been chosen for their longevity and will be detailed during construction to avoid ledges that will create future staining.  All mechanical systems in the building will be able to be maintained without the need to resort to the use of scaffolding.  Materials have generally been selected on the basis that they do not require painting or finishing being face brickwork, colour through fibre cement or off form concrete | Yes |
| *Systems and access enable ease of maintenance* |
| *Material selection reduces ongoing maintenance costs* |

Based on the above assessment, the proposed development satisfies the objectives of the ADG and the application is considered to be worthy of support.

1. **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The objectives of SEPP 55 are:

* *To provide for a state wide planning approach to the remediation of contaminated land.*
* *To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to clause 7 the above SEPP, Council must consider:

* Whether the land is contaminated.
* If the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Council’s records indicate that historically the uses on site were predominately residential in nature. As such Council considers that previous historic uses do not involve activities that may cause contamination.

The proposal also involves a significant amount of excavation to cater for basement parking. This excavation will also lend itself to remove any potential contamination concerns on site. There will also be conditions imposed requiring any imported soils to the site to undergo a contamination site assessment to ensure all imported soils are free of contaminants.

Contamination management conditions have been incorporated in the consent should any new information come to light during works (demolition or construction).

Based on the above, it is considered that the proposal satisfies Clause 7 of SEPP 55 and the site is suitable for residential purposes, subject to conditions.

**(d) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.**

A BASIX certificate (Certificate Number 1057987M\_02, prepared by Gradwell consulting and dated 13 November 2019) and report has been submitted with the development application. It demonstrates that the proposal is able to achieve all targets relating to water, thermal comfort and energy.

1. **Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)**

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. When a consent authority determines a development application planning principles are to be applied (Clause 7(2)).

Stormwater Concept Plans have been submitted with the DA that provide a scheme for capturing, detaining and treating stormwater flow and connecting to Council’s system. The plans have been assessed by Council’s Land Development Engineers and are considered satisfactory for the purpose of dealing with stormwater on site and protecting the quality of water discharging to the Georges River.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction, the development will have minimal impact on the Georges River Catchment.

1. **Liverpool Local Environmental Plan 2008**
   * 1. **Permissibility**

The proposed development is defined as a ‘Residential Flat Building’, which is permissible within the R4 Zone.

* + 1. **Objectives of the zone**

The objectives of the R4 – High Density Residential zone are identified 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 proposal satisfies the above objectives of the R4 zone as follows:

* It would provide for the housing needs of the community (particularly lower-income and/or disadvantaged people) within a form of development that is consistent with a high-density residential environment,
* A variety of housing would be provided in the form of one, two and three-bedroom affordable dwellings as well as adaptable units.
* The development would not affect the ability of surrounding allotments to provide services and/or facilities that would serve the daily needs of local residents,
* The development would concentrate housing in close proximity to frequent public transport services, that would provide short and direct travel routes to the railway station and Liverpool CBD where main services and facilities are located.
* The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.
  + 1. **Principal Development Standards and Provisions**

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. Assessment of the application against the relevant standards is provided below.

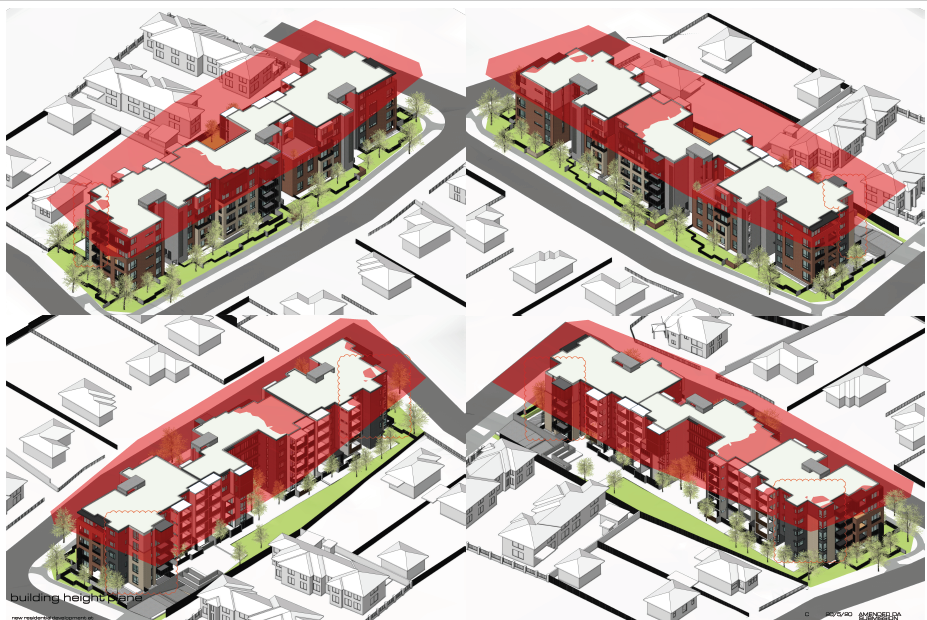
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| --- | --- | --- | --- |
| **Clause** | **Provision** | **Comment** | **Complies** |
| *2.6*  *Subdivision— consent requirements* | *Land to which this Plan applies may be subdivided, but only with development consent.* | Lot consolidation is included in this application. | Yes |
| *2.7 Demolition requires development consent* | *The demolition of a building or work may be carried out only with development consent.* | All dwellings have been demolished. | N/A |
| *4.1 Minimum Subdivision Lot Size* | *Minimum lot size of 1000m2* | The amalgamated lots result in a total land area of 3,347m2. | Yes |
| *4.3 Height of Buildings* | *Maximum height of 15m* | The current proposal seeks a maximum building height of 16.7m to the top of the lift overrun. The greatest variation is therefore equivalent to 1.63m or 10%. | No, See discussion below. |
| *4.4 Floor Space Ratio* | *The LEP requires a maximum FSR of 2:1 for the site. Additional bonus of 0.5 is provided under the SEPP ARH or a total of 2.5:1* | The proposed GFA = 4,748 m2 that translates to an FSR of 1.43:1 distributed as follows:   * Affordable = 2,419m2 (34 units) or 51% of GFA * General = 2,329m2 (29 units) or 49% of GFA   Even with the combined area of the surplus car parking spaces, the proposed development achieves a FSR less than 1.5:1. | Yes |
| *4.6 Exceptions to development standards* | *Provisions relating to exceptions to development standards* | A written request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below. | Yes |
| *7.7 Acid Sulfate Soils* | *Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage* | N/A. | N/A |
| *7.14 Minimum Building Street Frontage* | *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 -*  *(b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or*  *(c) any residential flat building.* | The site has a total frontage of 63.995m to Anderson Avenue. | Yes |

**Discussion on variation under Clause 4.6 of LLEP 2008 development standards**

As identified in the compliance table above, the proposed building height does not comply with the provisions of the LLEP 2008 and is discussed as follows:

**Variation to Clause 4.3 Height of Buildings**

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site. The majority of the proposed development complies with the exception of the lift overrun and some parts of the parapet. The current proposal seeks a maximum building height of 16.7m to the top of the lift overrun which represents a numerical variation of up to 1.63m or 10% to the maximum height limit.



**Figure 6**: A 3D image of the proposed development. Intrusion on the 15-metre height plane is denoted by the pink shade on top of the building (Source: Kennedy Associates).

|  |  |
| --- | --- |
|  |  |
| **Figure 7:** – Extract of the cross sections of Buildings A (left) and B (right) within the proposed development. The 15-metre height plane is denoted by the red lines (Source: Kennedy Associates) | |

Consequently, the applicant has provided an assessment under Clause 4.6 to vary the maximum height allowed on this proposal.

The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone. These are discussed below.

The objectives of Clause 4.6 Exceptions to development standards of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

(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 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*

1. Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

*No impact on the surrounding area*

*As demonstrated by the SEE to which this variation request is attached, the proposed variations would have no adverse or unreasonable impacts on the amenity of the surrounding sites and the public domain in terms of privacy impacts, reduced solar access, view loss and adverse streetscape impact.*

*Character of the built form*

*With regard to the significant size of the subject site (3,347m²) and the R4 High Density Residential zoning, the proposed building height is considered to be appropriate both for the site and the locality more broadly. Development within the surrounding area consists predominantly of low-density residential structures, however Council’s LEP anticipates that the surrounding locality will be progressively redeveloped and transition from a low to predominantly high-density residential area. While the proposed development would be inconsistent with the current form and context of the surrounding area, given the development standards and controls which apply to the area, future development on surrounding sites is likely to be of a similar (if not larger) scale to that being proposed in terms of building height and/or FSR.*

*In terms of height, bulk and scale, examples of similar such approvals under current planning provisions within the surrounding area include the following:*

* *21-23 Anderson Avenue (approximately 95 metres west of the subject site), which was approved by Development Consent No. DA-1109/2016. This development included a five-storey, twenty-eight (28) apartment (including fourteen affordable dwellings) residential flat building, with a maximum building height of 17.18 metres (i.e. a 2.18 metre/14.5% variation to the building height standard) and a 1.5:1 Floor Space Ratio (FSR).*
* *188-190 Moore Street (approximately 85 metres northwest of the subject site), which was approved by Development Consent No. DA-970/2015. This development included a four-storey residential flat building, containing twenty-three (23) affordable housing apartments, with a maximum building height of 14.15 metres and a 1.5:1 FSR.*
* *88-92 Elizabeth Drive (approximately 395 metres north of the subject site), which was approved by Development Consent No. DA-108/2018. This development included a five-storey residential flat building containing forty-nine (49) affordable housing dwellings, with a maximum height of 17.417 metres (i.e. a 2.417 metre/16.1% variation to the building height standard)3 and a 1.49:1 FSR.*
* *4 Mayberry Crescent (approximately 295 metres northeast of the subject site), which was approved by Development Consent No. DA-4/2014 (later modified). This development included a five-storey residential flat building containing nine units, with a maximum building height of 16.14 metres (i.e. a 1.14 metre/7.6% variation to the building height standard) and an FSR of approximately 1:1.*

*Aside from being consistent with the future character of the locality, approval of the development would be consistent with other similar approvals within the surrounding area as outlined by the above dot points and would therefore not set an undesirable development precedent.*

*Transition of height*

*The subject site is located well within both the R4 zone and an area where a 15-metre height limit applies (noting that R4 zoned areas east of Brickmakers Creek have a height limit of 21 metres). As the site is located at least 130 metres from areas with a lower height limit, the height of the building would not result in an undesirable height transition between development on the site and lower density zones to the north, west and south of the site.*

*Visual impact of the variation*

*Only relatively small sections of the roof breach the height standard; further, given that:*

* *The highly articulated design of the building,*
* *The landscape design of the site (which includes deep soil areas that are well in excess of minimum requirements, and which accommodate large trees that would progressively filter and screen the development as they mature), and*
* *The 15 metre height limit of both the site and surrounding areas, it is unlikely that the 700-800mm breaches created by the roof would be discernible from areas immediately surrounding the site. Any visual impact associated with the development’s height is also unlikely to be discernible from public and residential areas to the east, northeast and southeast due to well-established lines of mature trees which follow the alignment of the bus transitway immediately to the east of the site.*

*The largest breaches of the standard would be created by the lift overruns; aside from being integrated into the overall design of the building, these relatively small (i.e. 2.95m x 5.8m) features would be recessed within the building (i.e. they would not be located at the peripheries of the building, thereby forming dominant features when viewed from the public domain). As such, elements which breach the height standard would have very minimal (if any) visual impact.*

*Excavation limitations*

*Given that the site is relatively level, it is not possible to excavate further into the site in order to attain compliance with the height standard. The proposed ground floor levels are unable to be lowered further as a result of overland flow paths and the storage levels of the proposed Onsite Detention System (OSD). Irrespective of drainage issues, further lowering of the ground floor levels would create design issues relating to streetscape presentation and both the amenity and functionality of ground floor apartments.*

*Amenity, social benefits and dwelling yield*

*As the proposed development is to be occupied by social and affordable housing, dwelling yield is critical to maximising the social benefit that is to be gained by such a project. Rather than just designing a structure that satisfies minimum design standards however, the applicant has sought to construct housing that would also provide superior amenity (in terms of solar access and natural ventilation) to as many units as possible.*

*Given the unique circumstances of the subject site (in terms of orientation, width and depth), the height of the proposed development correlates directly to maximising dwelling yield and the amenity of those proposed apartments. To permit a small breach of the building height standard would enable both the addition of a fifth storey and a reduction of the building’s depth; this would substantially increase the number of dwellings and maximise both north-facing and cross-through (i.e. multi-aspect) apartments, thereby maximising both dwelling yield and internal amenity. A lower and wider building would likely be too wide to contain cross-through apartments with depths capable of satisfying Apartment Design Guide requirements.*

*As it is not possible to further lower the height of the development as proposed, strict enforcement of the height standard would require removing the entire upper floor of the building; as a development containing a significant proportion of affordable housing, a substantial reduction in dwelling yield would therefore have adverse social consequences.*

*It is therefore submitted that a building with minor breaches of the height standard would result in a better planning outcome, in that the dwelling yield is maximised (thereby providing better social outcomes through the provision of more affordable housing) while also providing high levels of amenity to the majority of apartments. Given the critical need for affordable housing within the Liverpool LGA, it is submitted that compliance with the development standard in this instance would be unreasonable and unnecessary. Given that the relatively minor breaches would not adversely affect the surrounding area, for the consent authority to deny a small breach of the building height standard would:*

* *Significantly reduce the amount of housing available for vulnerable members of the community, and/or*
* *Likely reduce the amenity that could otherwise be afforded to the proposed apartments.*

*In summary, there are substantive environmental planning grounds which demonstrate why strict application of the development standard in this instance would be both unnecessary and unreasonable. Noting the importance of maximising the number of affordable dwellings on the site, permitting minor breaches of the height standard would enable the maximum dwelling yield to be realised while also providing optimal amenity to the vast majority of proposed dwellings. Further, the proposed variation to the building height standard will not adversely affect surrounding sites and the locality more broadly, and would not present to surrounding areas in a manner that would be inconsistent with the future character of the area.*

In response to the applicant’s submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

* It is noted that the breach in height limit is associated with portions of the roof (non trafficable area) and the lift overruns.
* In order to negate any breach in the maximum height limit, the applicant would need to reduce the height of the ground floor level thereby reducing the whole height of the RFB development. It is considered that such a design is not ideal as reduced ground floor level would result in a development whereby the ground floor level is significantly lower than the street level, which is considered to detract from the streetscape. In the circumstances, it is considered that the height of the ground floor level is suitable for the purpose of achieving adequate stormwater drainage of the proposed development and so that the ground floor adequately addresses the streetscape.
* Shadow diagrams submitted shows that the impacts of the proposal to the south is predominantly on Anderson Ave. It can be seen from the diagram that exceedance of the height limit as a result of the roof structure and lift overrun does not result in additional shadow impacts to neighbouring dwellings.
* The subject site accommodates a 5 storey building which is an anticipated built form in a zone that permits a height of buildings of 15m. In order to achieve a compliant building height, it would be necessary to remove the fifth storey of the building thereby reducing the dwelling yield of the development and possibly the amount of affordable housing onsite; or retaining the development yield but not without substantial changes to the building design which may result in an inferior design outcome. In this case, it is considered that there are adequate environmental grounds to support a variation.
* The proposed non-compliant building height was reviewed by the DEP. The panel raised no objections with the additional height of the proposed development.
* Given the amalgamated site area, it is considered that the proposed development is of an appropriate bulk and scale.

1. Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

* + - * 1. *to establish the maximum height limit in which buildings can be designed and floor space can be achieved*
        2. *to permit building heights that encourage high quality urban form,*
        3. *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
        4. *to nominate heights that will provide an appropriate transition in built form and land use intensity.*

Having regard to Objective *(a)*, the breach of the standard does not result in an inconsistency with this objective; as follows:

* The anticipated built form is consistent with the FSR controls. The proposed development has a floor space ratio of 1.44:1, which is lower than the permissible floor space ratio of 1.5:1 for the site, in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009.
* The proposal is consistent with the desired future character of the area and is not incongruous with the locality, with at least 2 RFB buildings already constructed in the vicinity of the site, west of the T-way line.

Having regard to Objective *(b)*, the breach of the standard does not result in an inconsistency with this objective; as follows:

* The overall built form (including the height) of the proposal has been carefully designed, along with its bulk and scale to improve residential amenity and provide an attractive and carefully articulated building. The articulation and quality of materials proposed in the built form will result in a modern and desirable development. The marginal exceedance of the permissible height limit are undiscernible from the intervening streetscape and adjoining dwellings.
* Despite the minor variation, the proposed built form is appropriate for the site and is contextually in keeping with the scale of the future character of the area.

Having regard to Objective *(c)*, the breach of the standard does not result in an inconsistency with this objective; as follows:

* The building is centrally located on the site and the building is predominantly consistent with the required DCP setbacks for the site. This allows for good building separation between the proposed development and adjoining properties, which in turn enables direct sun to reach the surrounds.
* The area of non-compliance will cause minimal overshadowing to adjoining properties, as confirmed in the shadow diagrams provided. Additional overshadowing as a result of the breach is limited to a very small extent of the road reserve along Anderson Avenue. The additional overshadowing caused by the breach is considered to be marginal.

Having regard to Objective *(d)*, the breach of the standard does not result in an inconsistency with this objective; as follows:

* The rooftop structure and lift overrun which exceed the height standard are largely indiscernible from the streets below and from adjoining dwellings. When viewed from the street below and adjoining roads, the proposed building will read as a well-defined and appropriately scaled residential building.

1. Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 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 Liverpool LGA is an area that is subject to significant housing stress and where there is significant and growing need for housing catering specifically for people on low incomes and/or with a disability. The proposed development would provide apartments of varying sizes that are to be dedicated as affordable housing. The proposal would satisfy the housing needs of this sector of the community; as a residential flat building, the development would also be consistent with that found within a high-density residential environment. As such, the objectives would be satisfied.

The proposed development would provide a mix of one, two- and three-bedroom apartments, which are a form and variety of residential accommodation that is consistent within the context of a high-density residential environment.

The development would not affect the ability of surrounding sites to provide development containing facilities and/or services that would meet the regular needs of local residents.

The proposed development would provide for a high concentration of dwellings on a site that has good access to local transport facilities. The site is within 200 metres walk of numerous bus stops that service high-frequency routes providing fast and direct access to facilities and services within Liverpool, Parramatta and other local centres within the Western Sydney district.

The proposed development would not result in the fragmentation of surrounding sites. Three of the subject site’s four boundaries adjoin public road reserves, therefore development to the east, west and south of the site would not be fragmented; two residential allotments which adjoin the northern boundary, are also unlikely to be fragmented.

1. Consistency with Clause 4.6 objectives
2. *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
3. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

As detailed above, the request to vary the development standard of Clause 4.3 - Height of Buildings is considered to be well founded and justified under the circumstances. It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site. Moreover, it is considered that achieving a greater height in this instance will allow for the creation of a high quality development within the locality and in turn represents a design outcome that is suitable for the locality.

1. Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 *“height of buildings”* has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

**6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument**

There are no draft Environmental Planning Instruments that apply to the site.

**6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 3.7 *Residential Flat Buildings in the R4 Zone.*

The table below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

| **LDCP 2008 Part 1: General Controls for All Development** | | | |
| --- | --- | --- | --- |
| **Development Control - Section** | **Required** | **Provided** | **Complies** |
| 2.Tree Preservation | Controls relating to the preservation of trees | Twenty-four (24) trees are proposed to be removed, with landscaping and replacement trees to consist of locally endemic and drought-resistant species in accordance with Council requirements. | Yes |
| 3. Landscaping and Incorporation of Existing Trees | Controls relating to landscaping and the incorporation of existing trees. | As detailed in the Arborist Report (Ents Tree Consultancy) all existing trees on site are proposed for removal to accommodate the building works of the development. The trees are located within the footprint of the proposed development and are not suitable to be considered for retention. | Yes |
| 4. Bushland and Fauna Habitat Preservation | Controls relating to bushland and fauna habitat preservation | Not Applicable | N/A |
| 5. Bush Fire Risk | Controls relating to development on bushfire prone land | Not Applicable | N/A |
| 6. Water Cycle Management | Stormwater runoff shall be connected to Council’s drainage system by gravity means. A stormwater drainage concept plan is to be submitted. | Drainage from the site is intended to connect directly to Council's drainage network. | Yes |
| 7. Development Near a Watercourse | If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water. | Not Applicable | N/A |
| 8. Erosion and Sediment Control | Erosion and sediment control plan to be submitted. | Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development. | Yes |
| 9. Flooding Risk | Provisions relating to development on flood prone land. | Only parts of 1 and 3 Anderson Avenue are located within a ‘low flood risk” area. The proposed development is not a type of development considered to be a vulnerable land use. | Yes |
| 10. Contaminated Land Risk | Provisions relating to development on contaminated land. | Refer to the assessment of SEPP 55 above. | Yes |
| 11. Salinity Risk | Provisions relating to development on saline land. | Based on available information from the NSW Department of Planning, Industry and Environment, testing sites within relatively close proximity to the subject site indicate that no salinity is evident within the locality. As such, the DCP classifies the site as being within an area of low salinity potential, and a Salinity Management Response is not required. | Yes |
| 12. Acid Sulphate Soils | Provisions relating to development on acid sulphate soils | Not Applicable | N/A |
| 13. Weeds | Provisions relating to sites containing noxious weeds. | Not Applicable | N/A |
| 14. Demolition of Existing Development | Provisions relating to demolition works | The site is currently vacant of all structures and does not require further demolition. | N/A |
| 15. On Site Sewage Disposal | Provisions relating to OSMS. | OSMS is not proposed. | N/A |
| 16. Aboriginal Archaeology | An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology. | It is unlikely that the site contains Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including excavation, work is to cease immediately. | TBC |
| 17. Heritage and Archaeological Sites | Provisions relating to heritage sites. | The site is not identified as a heritage item or within the immediate vicinity of a heritage item. | N/A |
| 18. Notification of Applications | Provisions relating to the notification of applications. | The application was notified in accordance with the LDCP 2008. One submission was received. | Yes |
| 19. Used Clothing Bins | Provisions relating to used clothing bins. | The DA does not propose used clothing bins. | N/A |
| 20. Car Parking and Access | Residential Development Car Parking Requirements:   * + - * 1 space per one bedroom;       * 1.5 spaces per two bedroom units;       * 2 spaces per three or more bedroom dwelling;       * 1 space per 4 units or part thereof, for visitors       * One service bay | Car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009 | Yes |
| 21. Subdivision of Land and Buildings | Minimum Subdivision Lot Size: 1000m2 | Amalgamated lot size is greater than 1000m2. No further subdivision is proposed. | Yes |
| 22. and 23 Water Conservation and Energy Conservation | New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). | Conditions of consent will be imposed to ensure compliance with the BASIX commitments. | Yes |
| 25. Waste Disposal and Re-use Facilities | Provisions relating to waste management during construction and on-going waste. | A detailed Waste Management Plan (prepared by Elephants Foot) has been prepared and accompanies this development application | Yes |
| 26 Outdoor Advertising and Signage | Provisions relating to signage. | The DA does not propose any signage. | N/A |
| 27. Social Impact Assessment | A social impact comment (SIC) shall be submitted for residential flat buildings greater than 200 units or affordable rental housing. | The proposal would have significant social benefits, as it would be considerably increasing the local supply of affordable housing within an LGA where there is an identified need for such facilities.  A Social Impact Comment has been submitted by the applicant. | Yes |

| **LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone** | | | |
| --- | --- | --- | --- |
| **Development Control** | **Provision** | **Comment** | **Complies** |
| **Frontage and Site Area** | | |  |
|  | Minimum frontage of 24m | The site provides for a frontage of 63.995m to Anderson Ave. | Yes |
| **Site Planning** | | |  |
|  | The building should relate to the site’s topography with minimal earthworks, except for basement car parking. | Aside from excavation for the basement carpark and OSD system, the building footprint of the building has been stepped to minimise cut and fill. | Yes |
| Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design | The siting and design of the development would provide sizeable ground level communal open space that would obtain large amounts of direct solar access. The location and design of the building would maximise energy efficiency, noting high levels of compliance with solar access and cross-ventilation requirements |
| Site layout should provide safe pedestrian, cycle and vehicle access to and from the street. | Highly visible pedestrian and bicycle access points are provided to the building at ground level. |
| Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity. | The siting of the building would be sympathetic to surrounding development in terms of height, bulk, scale and setbacks. The location of the building footprint would maximise solar access to, and would minimise overlooking of, surrounding sites. |
| Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate | Stormwater would be directed to the OSD system, which would then discharge to the Council drainage system. |
| The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development. | The requirements of SEPP 65 are satisfied by the proposed development. |
| **Setbacks** | | |  |
| **Front Setback** | Front setback of 5.5m is required to Anderson Avenue.  Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m. | The front setback of 5.5m is breached by the balcony in Building B and fire stair in Building C by 1.3 and 1.2m respectively. | Considered acceptable |
| The front setback of 5.5m is breached by the balcony in Building B and fire stair in Building C by 1.3 and 1.2m respectively.  Despite the non-compliances, the primary and secondary frontages contain very large landscaped/deep soil areas that would be capable of accommodating large trees/vegetation that would be capable of filtering and screening both the building and the non-compliant elements from the surrounding area.  Furthermore, due to the small area of the encroachments, the non-compliances would not contribute to excessive overshadowing of surrounding sites and/or the public domain (including the park immediately to the west of the site).  In addition to the above, considering that the development is setback in accordance with the DCP to a large extent along Anderson Avenue, the proposed non-compliances are minor and acceptable in the circumstances of the case.    5500  5500 | | | |
| **Side Setback** | Boundary to land in R4 zone:  3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3) | The site has three road frontages and the eastern and western setbacks are considered secondary setbacks. Therefore, the building is to be setback 5.5m from the western and eastern property boundary. The proposed development complies with the minimum setback of 5.5m. | Yes |
| Boundary to land in R4 zone:  8m building setback required for a building height greater than 10m | As above | Yes |
| **Rear Setback** | Boundary to land in R4 zone:  8m building setback required for all building heights | ADG setback adopted | N/A |
| **Landscaped Area and Private Open Space** | | |  |
| **Landscaped Area** | A minimum of 25% of the site area shall be landscaped area. | The proposed landscape area is 1,317m2, or 39% of the proposed site area. | Yes |
| A minimum of 50% of the front setback area shall be landscaped area | At least 50% of the front setback area is landscaped area. |
| Optimise the provision of consolidated landscaped area within a site by:  - The design of basement and sub-basement car parking, so as not to fully cover the site.  - The use of front and side setbacks.  - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. | The layout of the site would both situate and size the basement so that it does not cover the entire site and provide deep soil space in accordance with ADG requirements. |
| Promote landscape health by supporting for a rich variety of vegetation type and  size | Landscape design and deep soil dimensions would provide for a variety of trees and vegetation. |
| **Open Space** | Provide communal open space, which is appropriate and relevant to the context and the building’s setting. | Communal open space in accordance with ADG requirements have been provided. | Yes |
| Where communal open space is provided, facilitate its use for the desired range of activities by:  - Locating it in relation to buildings to optimise solar access to dwellings.  - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.  - Designing its size and dimensions to allow for the range of uses it will contain.  - Minimising overshadowing.  - Carefully locating ventilation duct outlets from basement car parking. | Communal open space has been provided in accordance with the DCP and ADG as follows:   * Ground level communal open space, accounting for approximately 89% of the total proposed communal open space area, is located on the north side at the rear of the site, to allow maximum direct solar access, * The ground level communal open space would be rationalised into a large area that would encompass well-dimensioned facilities and landscaped areas, * The dimensions of the communal open space areas would enable a large range of activities, * The vast majority of the communal open space would not be subject to overshadowing, and * Ventilation ducts from the basement car park would not open onto communal open space areas. |
| Locate open space to increase the potential for residential amenity. | The communal open space increases residential amenity. |
| **Private Open Space** | Private open space shall be provided as follows:  - 10m2 for a dwelling size less than 65m2  - 12m2 for a dwelling size over 65m2 | Private open space requirements are provided in accordance with the requirements of the ADG. | Yes |
| Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. | Private courtyards are provided for units on the ground floor and balconies are provided for units above the ground floor. |
| Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. | All POS areas would form an extension of adjoining living room areas |
| Private open space should be clearly defined for private use. | Balustrades would provide clear delineation between private and communal space areas |
| **Building Design, Style and Streetscape** | | |  |
| **Building Appearance and Streetscape** | Objectives of the controls are as follows:  a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.  b) To promote high architectural quality in residential flat buildings.  c) To ensure that new developments have facades which define and enhance the public domain and desired street character.  d) To ensure that building elements are integrated into the overall building form and facade design. | The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape. | Yes |
| **Roof Design** | Objectives of the controls are:  a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;  b) To integrate the design of the roof into the overall facade, building composition and desired contextual response;  c) To increase the longevity of the building through weather protection. | The height of the roof has been reduced in accordance with Council’s pre-DA minutes. The removal of gross floor space within the centre of the building would increase setbacks within these areas and reduce apparent upper level bulk when viewed from the adjoining road reserve. | Yes |
| **Building Entry** | Objectives of the controls are:  a) To create entrances which provide a desirable residential identity for the development.  b) To orient the visitor.  c) To contribute positively to the streetscape and building facade design. | Three lobby entrances are proposed long the Anderson Avenue frontage. These are integrated into the building design and are clearly identifiable from the public domain.  Direct pathway connections are provided from the lobbies to Anderson Avenue.  Clear lines are provided in all areas between the public domain and all dwellings.  Separate lift access for Buildings A, B & C is provided to all levels.  All lobbies and the basement carpark will be secured from the public domain. All circulation spaces will be well lit, and clear sightlines are provided.  Separate pedestrian and vehicular entrance points are provided.  Entries and circulation space are dimensioned to ensure movement of large items through the buildings.  Letterboxes are designed in accordance with Australian Post standards, and to minimise visual impact on the public domain | Yes |
| **Balconies** | Objectives of the controls are:  a) To ensure that balconies contribute positively to the façade of a building.  b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.  c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.  d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address. | Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.  . | Yes |
| **Daylight Access** | Objectives of the controls area:  a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.  b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.  c) To provide residents with the ability to adjust the quantity of daylight to suit their needs. | The majority of apartments are oriented to the north to maximise solar access in mid-winter.  The northern orientation of the COS would maximise solar access between March and September. Landscaping treatments will provide appropriate shading in mid-summer.  The majority of apartments would obtain sufficient solar access in mid-winter.  South-facing apartments have been avoided where possible, with only 8% of apartments being oriented in this direction.  Ceiling heights have been proposed in accordance with ADG requirements.  Measures to both maximise shading from summer sun and energy efficiency have been utilised where necessary. | Yes |
| **Internal Design** | Objectives of the controls are:  a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties. | The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.  All communal stairways are internalised.  Common wall lengths are to be minimised.  Basement carparking is situated beneath the building footprint. Deep soil provided is in excess of minimum requirements.  The building layout and setbacks would prevent direct overlooking of adjoining residential sites.  The design has considered the location of noise generating areas in relation to bedrooms.  Habitable and active rooms are placed to overlook proposed COS areas. | Yes |
| **Ground Floor Dwellings** | Objectives of the controls are:  a) To contribute to the desired streetscape of an area and to create active safe streets.  b) To increase the housing and lifestyle choices available in dwelling buildings. | The ground floor units complement the streetscape and are provided safe access from the inside of the building.  Private open spaces and terraces are to overlook the adjoining public domain.  Planting to terrace edges is proposed. | Yes |
| **Security** | Objectives of the controls are:  a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.  b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.  c) To ensure buildings are safe and secure for residents and visitors.  d) To contribute to the safety of the public domain. | The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.  Blank walls are not proposed on any frontage.  One street-entry point is proposed for each building.  Safety and functionality of the development boundary is proposed utilising the following measures:   * Orienting public entrances towards the public domain, * Providing clear sightlines between entrance lobbies and the street, * Providing direct (i.e. lift) and well-lit access between the basement carpark and all apartments, * Orienting living areas so that they overlook COS areas and the public domain, * Designing balconies that protrude beyond the façade and able vision to the public domain, * Providing casual views of common areas and approaches, * Opportunities for concealment would be prevented by providing well-lit common lobby areas that avoids blind corners.   Access control is maintained by the following measures:   * Preventing access from adjoining sites, and providing sufficient separation between proposed apartments, * Providing direct (i.e. lift) access from the basement carpark to internal lobbies | Yes |
| **Natural Ventilation** | Objectives of the controls are:  a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.  b) To provide natural ventilation in non-habitable rooms, where possible.  c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning. | The design of the building would maximise natural ventilation. | Yes |
| **Building Layout** | Objectives of the controls are:  a) To provide variety in appearance.  b) To provide increasing privacy between dwellings within the building.  c) To assist with flow through ventilation.  d) To improve solar access. | Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation. | Yes |
| **Storage Areas** | A secure storage space is to be provided for each dwelling with a minimum volume of 8m3 (minimum dimension 1m2). This must be set aside exclusively for storage as part of the basement or garage. | Inadequate storage spaces are provided within units and the basement. | **TBC** |
| Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas. | Storage areas within the building are adequately lit. | Yes |
| **Landscaping and Fencing** | | | |
| **Landscaping** | Objectives of the controls are:  a) To ensure that the development uses ‘soft landscaping’ treatments to soften the appearance of the buildings and complement the streetscape.  b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.  c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.  a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.  b) To provide privacy, summer shade and allow winter sun.  c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.  d) To add value to residents’ quality of life within the development in the forms of privacy, outlook and views. | The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.  The site will be landscaped with a variety of locally-endemic and drought resistant landscaping treatments (i.e. turfed areas, shrubs, larger vegetation and mature trees); dep soil areas around the periphery of the site (i.e. outside the footprints of both the building and basement) will contain large/mature trees to filter the development from the public domain, maximise visual privacy of adjoining sites and provide appropriate shading for communal open space areas during summer months. | Yes |
| **Planting on Structures** | a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards.  b) To encourage the establishment and healthy growth of trees in urban areas. | Landscaping on the rooftop communal open space (Level 3 in Building C) is provided and detailed within the landscape plan. | Yes |
| **Fencing** | Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence. | Fencing adjoining road frontages is consistent with the DCP requirements of height (1.2m), finishes and materials.  Fencing to adjoining residential properties to the north would be a maximum height of 1.8 metres.  Refer to the landscape plans for further information. | Yes |
| Fences should not prevent surveillance by the dwelling’s occupants of the street or communal areas. |
| The front fence must be 30% transparent. |
| Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. |
| The maximum height of side boundary fencing within the setback to the street is 1.2m. | Fencing to be provided as required. |
| Boundary fences shall be lapped and capped timber or metal sheeting. | Fencing to be provided as required. |
| **Car Parking and Access** | | | |
| **Car Parking** | Visitor car parking shall be clearly identified and may not be stacked car parking. | See discussion in the SEPP ARH Cl 14(2)(a) carparking. | N/A |
| Visitor car parking shall be located between any roller shutter door and the front boundary. |
| Pedestrian and driveways shall be separated. | Pedestrian and driveways are separated. | Yes |
| Driveways shall be designed to accommodate removalist vehicles. | Driveway has been designed to accommodate a range of vehicle types. | Yes |
| Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street. | Side vehicular entrance is not appropriate in this instance. | N/A |
| Give preference to underground parking | Underground parking is provided. | Yes |
| **Pedestrian Access** | Objectives of the controls are:  a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain.  b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts. | Pedestrian entries are clearly defined and accessible. | Yes |
| **Amenity and Environmental Impact** | | | |
| **Over-shadowing** | Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:  - One living, rumpus room or the like; and  - 50% of the private open space. | The shadow diagrams demonstrate that the proposal is unlikely to generate an overshadowing impact on the immediate properties to the south. | Yes |
| **Privacy** | Objectives of the controls are:  a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents.  b) To avoid any external impacts of a development, such as overlooking of adjoining sites.  c) To provide reasonable levels of visual privacy externally and internally, during the day and at night.  d) To maximise outlook and views from principal rooms and private open space. | The building has been designed to largely comply with the building separation distances of the ADG, which will ensure that a reasonable amount of privacy is afforded to future development. | Yes |
| **Acoustic Impact** | Objectives of the controls are:  a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings. | The development is able to achieve an acceptable level of amenity, subject to the implementation of noise attenuation measures as recommended in the submitted Acoustical Report. | Yes |
| **Site Services** | | | |
|  | Objectives of the controls are:  a) To ensure that the required services are provided.  b) To ensure that the services provided are easily protected or maintained. | All required site services will be provided to the site and maintained.   * the letterboxes are designed in accordance with Australian Post standards and are situated to minimise streetscape impact. * Waste management facilities are provided in accordance with Council requirements. * An electricity substation is proposed on the northwest (i.e. El Alamein Avenue) frontage, and dedication of the substation area as a public road for access purposes is acknowledged. | Yes |

The above assessment has found that the development is generally compliant with the LDCP 2008 and is satisfactory.

**6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed development.

**6.5 Section 4.15(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the National Construction Code (NCC). If approved, appropriate conditions of consent will be imposed requiring compliance with the NCC.

**6.6 Section 4.15(1)(b) – the likely impacts of the development**

1. **Natural Environment**

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The temporary removal of vegetation will be replaced by trees and shrubs in new landscaping for the site. While some tree removal would be associated with the works, most of the vegetation and trees to be removed consist of exotic species weeds, therefore the replacement of such vegetation with locally endemic species would improve the environmental health of the locality.

Construction of the building will include excavation but good separation from adjoining boundaries is proposed which should provide a buffer to established development. A Geotechnical Report has accompanied the DA which concludes that site is suitable for the proposed works.

There are no constraints on the site (i.e. biodiversity considerations, acid sulphate soils, etc.) that would pose an identifiable risk to, or be affected by, the proposed development.

Impacts associated with demolition and construction works such as dust, noise, vibration and soil run-off can be satisfactorily mitigated by appropriate conditions of consent and the implementation of the submitted Erosion and Sediment Control Plan and Waste Management Plan.

1. **Built Environment**

The impact of the development on the built environment have been assessed and as the proposal represents the desired future character for development in the R4 High Density Residential zone, is considered to be acceptable.

The proposed development includes the construction of a residential flat building that would include sixty-three (63) dwellings; such development is permissible within the zone, and as demonstrated above would satisfy the objectives of the zone. The development will also provide additional affordable housing within a well-designed development that is in close proximity to a wide range of services and public transport options.

While the scale of the development (i.e. building height, FSR) is not be consistent with the current surrounding low density detached dwellings, the high-density zone will overtime be adopted and the area transformed into corresponding residential development typology.

The development is considered to be consistent with the height and FSR of a number of previously approved residential flat building developments within the surrounding area, and more specifically within Memorial Avenue, Anderson Avenue, Moore Street, Mayberry Crescent and Elizabeth Drive.

As a high-density residential development within an area that is zoned for such proposals, the development would not result in foreseeable impacts (such as excessive noise generation) that would affect the amenity more broadly. As demonstrated by the submitted acoustic assessment, both the design and operation of plant equipment and residential activities (including use of the communal open space area) would not adversely affect residential amenity.

1. **Social Impacts**

The proposed development will have significant beneficial social impacts for the surrounding community through the provision of high-quality affordable housing that has been designed to cater for all members of the community, including those with a disability. This in turn is expected to have a positive social impact on the wider community.

Accordingly, it is submitted that the proposed development will not contribute to any negative community/social impacts, but rather a positive community/social impact the local area.

1. **Economic Impacts**

Significant and positive economic impacts would be associated with the proposed development, both within the Liverpool LGA and the western Sydney district more broadly as a result of the following:

* More efficient use of land resources, existing infrastructure and existing services;
* Employment of tradesmen and other construction-related professionals during construction;
* Ongoing employment of building managers and other such professions;
* On-going consumption of local products and services by the residents of the development; and
* Cost savings associated with improved energy and water efficiency of a new consolidated development.

The development would also not adversely affect the development potential of, and subsequent economic activity on, surrounding sites. As such, there are no adverse economic impacts that would be associated with the proposed development.

**6.7 Section 4.15(1)(c) – the suitability of the site for the development**

The subject site is located within an accessible area as defined by the ARH SEPP. The proposed development is permissible on the site and is consistent with the objectives of both the zone and ARH SEPP. There are no constraints or hazards on the subject site that would prevent the development from proceeding, and both the boundaries and orientation of the subject site would enable construction of the development without adverse impacts on the surrounding area. Further, it is envisioned that the surrounding area will eventually be redeveloped to accommodate development similar to that being proposed by the subject development application.

Given the above, the site is considered suitable for the proposed development.

**6.8 Section 4.15(1)(d) – any submissions made in accordance with the Act or the regulations**

1. **Internal Referrals**

The following comments have been received from Council’s Internal Departments:

|  |  |
| --- | --- |
| **Internal Department** | **Response** |
| Building | No objection, subject to conditions |
| Land Development Engineering | No objection, subject to conditions |
| Flooding Engineers | No flooding impact on the site |
| Traffic Engineering | No objection, subject to conditions |
| Waste Management | No objection, subject to conditions |

1. **External Referrals**

The following comments have been received from External agencies:

|  |  |
| --- | --- |
| **External Department** | **Status and Comments** |
| Transport NSW | No objection |

1. **Community Consultation**

The development application was notified for 14 days between 21 February 2020 and 9 March 2020 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). One submission was received. The following issues were raised in the submission:

* Obstruction of sunlight

The development would not affect the amenity of surrounding sites and the public domain as the orientation, surrounding subdivision layout and highly articulated nature of the design would prevent overshadowing impacts of the neighbouing area (including the public park located immediately to the west). The proposal would therefore fully comply with the requirements of LDCP 2008 in this regard.

* Drop in property valuation

Impacts on property value are not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (‘Act’).

* Use of units for housing commission

It is unclear what issue is being raised with regard to social housing. Regardless, in-fill affordable housing is permissible with the zone under the provisions of Division 1 the ARH SEPP.

* Traffic levels

The submitted Traffic and Parking Impact Assessment indicates that the proposal is unlikely to have an adverse impact on the surrounding road network. Further, the site is located in a highly accessible area, with multiple bus routes providing high-frequency services along the nearby Parramatta-Liverpool Bus Transitway and Memorial Avenue. As such, it is expected that resident utilisation of such services would further reduce traffic generation.

* Noise pollution

It is not clear what the specific issue is in relation to noise. Conditions associated with any approval of the development would require adherence with relevant standards and regulation to prevent excessive disturbance of surrounding sites. Plant equipment for the development would be internalised and the waste collection area would also be located on the eastern side of the development (i.e. the elevation facing away from surrounding properties), thereby minimising any operational noise impacts. Given that the development would be used for residential purposes, the occupation of the dwellings should not foreseeably create noise that would adversely affect the general residential amenity of the area.

* 1. **Section 4.15(1)(e) – The Public Interest**

The proposed development is consistent with the zoning of the land and would represent a quality development for the area by developing a vacant land. The development will provide additional housing opportunities in proximity to public transport, local shopping, services and employment opportunities. It will also add to the availability of affordable rental housing in the locality, thereby providing an important social benefit.

1. **SECTION 7.11 CONTRIBUTIONS**

The Liverpool Contributions Plan 2018 is applicable to the proposed development. Accordingly, the payable Section 7.11 Contribution fee for the development proposed is **$544,034**, subject to the Consumer Price Index (CPI) increases applicable at the time of payment.

1. **CONCLUSION**

In conclusion, the following is noted:

* The subject DA has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
* The proposed development is permissible and is consistent with the general aims and objectives of both the R4 High Density Residential zone and the ARH SEPP;
* The proposal provides an appropriate response to the context of the site and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form are consistent with the desired character of the area envisaged under the LLEP 2008 and LDCP 2008. There are variations proposed to the height and building separation, however these are considered acceptable on merit.
* The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings and facilities.
* The development will generate a social benefit for the community, given the provision of affordable rental housing.

1. **RECOMMENDATION**

That DA-18/2020 for the demolition of existing structures and the construction of a new residential flat building containing sixty-three (63) dwellings, basement car parking and stratum subdivision. The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009

1. **ATTACHMENTS**

1. Architectural plans

2. Stratum underlay plans,

3. Recommended conditions of consent

4. Landscape plan

5. Survey plan

6. Preliminary Civil Drainage Plans

7. Statement of environmental effects

8. Clause 4.6 variation written justification to height

9. SEPP 65 Design Verification Statement

10. Acoustical Report

11. Arborist Report

12. BCA Report

13. Traffic Report

14. Geotechnical Assessment report

15. Stormwater Assessment Report

16. Waste management plan

17. BASIX certificate and house energy rating

18. DEP comments

19. SWCPP – Record of Briefing