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Statement of Environmental Effects

Demolition of existing structures and the construction of a new residential flat building containing sixty-three (63) dwellings, basement car parking and stratum subdivision under the provisions of Division 1 – In-Fill Affordable Housing of *State Environmental Planning Policy (Affordable Rental Housing) 2009*

1 – 7 Anderson Avenue, Liverpool & 12 El Alamein Avenue, Liverpool
Lot 57, 58, 59, 60, 61 DP 35980

Prepared for: BCL2 Limited
Project No:
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Document Control

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If this document has not been signed for review and approval then it is deemed a preliminary draft.

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Disclaimer:

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

Contents

1.0 Introduction

This Statement of Environmental Effects ('**SEE**') has been prepared to accompany a Development Application ('**DA**') for BlueCHP Limited ('**Client**') for the demolition of existing structures and the construction of a residential flat building development, that has been lodged pursuant to the provisions of Division 1 (In-fill affordable housing) of *State Environmental Planning Policy (Affordable Rental Housing)* 2009 and *Liverpool Local Environmental Plan 2008* at 1 – 9 Anderson Avenue, Liverpool (Lot 57, 58, 59, 60 and 61 DP 35980).

This DA is being lodged for consideration by Liverpool City Council ('**Council**') pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* ('**the Act**') by Creative Planning Solutions Pty Limited ('**CPS'**).

This SEE includes a description of the site and proposed development, as well as an assessment of the proposed development pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000* ('**the Regulations**').

1.1 Purpose

The purpose of this SEE is to outline the development proposal for the subject site, consider any environmental effects that may result from the proposed development and address how such effects can be mitigated.

1.2 Cost of proposal

The Capital Investment Value ('**CIV**') of the proposal is $19,534,900 (excluding GST). A Quantity Surveyors Report (prepared by MBM, dated November 2019) has been submitted as part of the development application package. This document should be referred to when verifying the cost of the proposal.

1.3 Consent authority

As detailed above the proposal has a CIV of over $5 million. Pursuant to clause 5(b) within Schedule 7 of *State Environmental Planning Policy (State and Regional Development)* 2011, the Sydney Western City Planning Panel ('**SWCPP**') is the consent authority for the proposed development.

2.0 Context of the Site and Surrounding Area

2.1 Location and site description

The land which is the subject of this DA ('**subject site**') contains five (5) allotments that are legally described as 1, 3, 5, 7 Anderson Avenue and 12 El Alamein Avenue, Liverpool (Lot 57 DP 35980, Lot 58 DP 35980, Lot 59 DP 35980, Lot 60 DP 35980, and Lot 61 DP 35980 respectively). Combined, the five allotments form an irregularly shaped site with an area of 3,347m^2. The site is mostly level, with a gentle west-to-east (i.e. side-to-side slope) of approximately 1.6 metres. The site has four boundaries including three road frontages that are detailed as follows:

- **Northern boundary:**
  - Adjoins two residential sites
  - Total length: 92.9 metres
- **Eastern boundary:**
  - Adjoins the Hillier Road road reserve
  - Total length 28.33 meters (excluding corner splay)
- **Southern boundary:**
  - Adjoins the Anderson Avenue road reserve
  - Total length: 97.29 meters (excluding corner splays)
- **Western boundary:**
  - Adjoins the El Alamein Avenue road reserve
  - Total length: 25.805 metres (excluding corner splay)

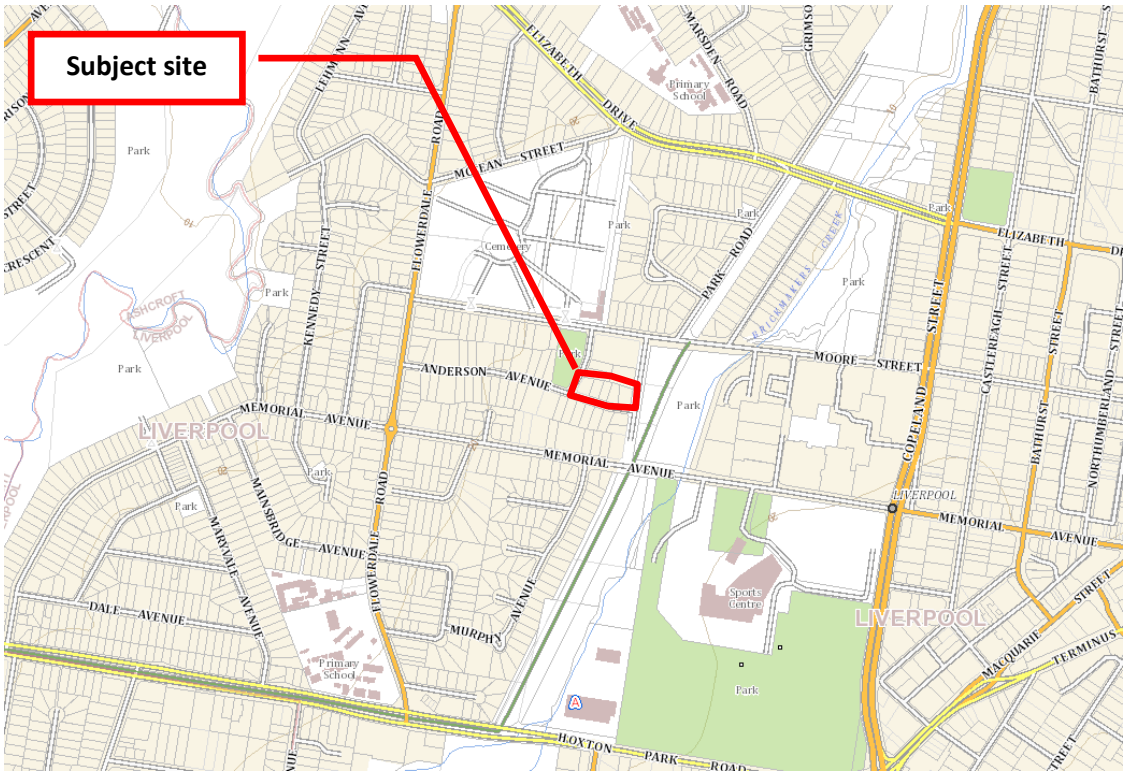

Figure 1: A map of the locality, showing the location of the site in relation to the surrounding area.
Source: Six Maps

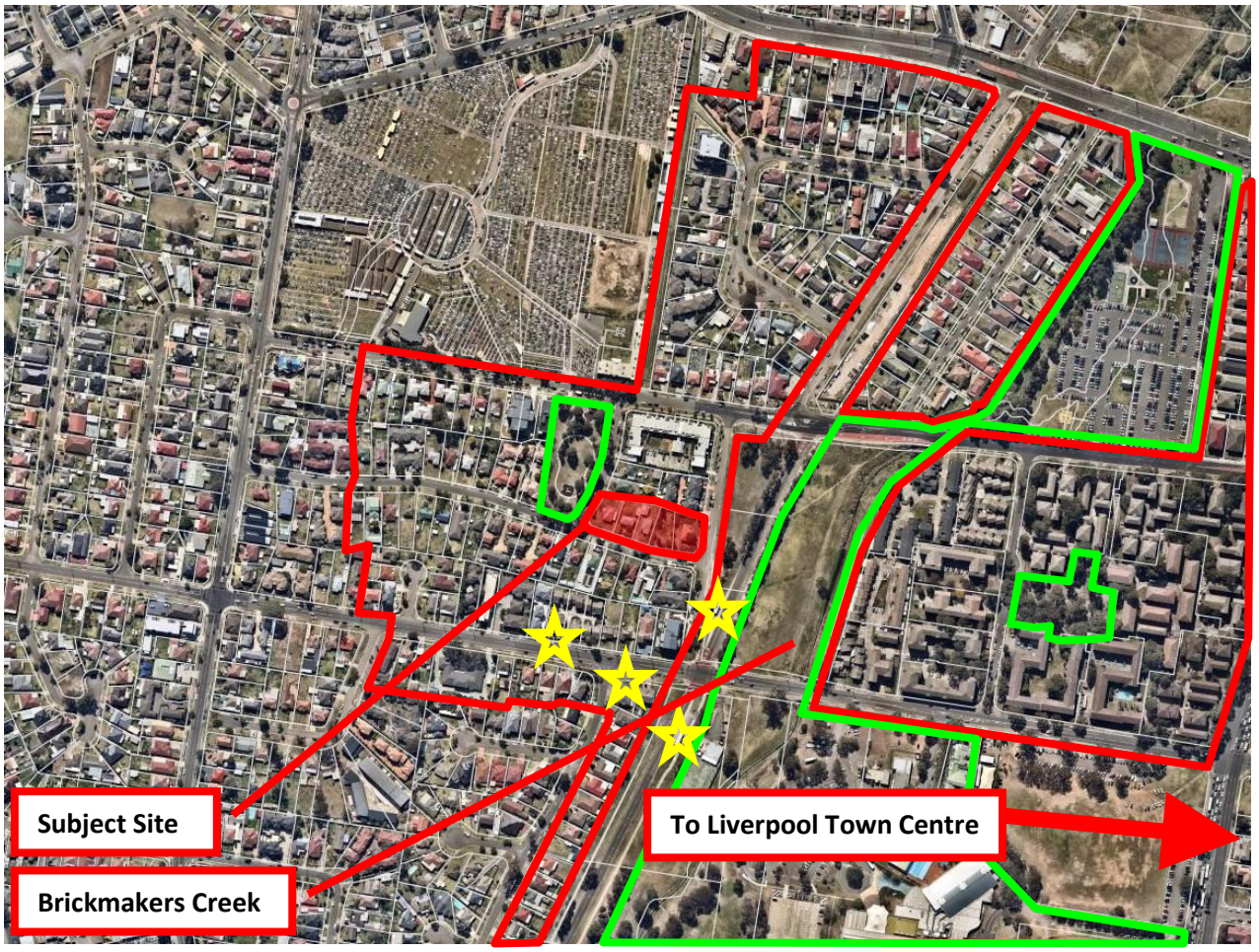

Figure 2: An aerial photo of the wider area. Areas outlined by the red borders denote the edge of R4 residential zones that surrounding the subject site, areas outlined by green borders denote the edge of RE1 Public Recreation zones and yellow stars denote the four nearest bus stops to the subject site (refer to the assessment of SEPP ARH for further information).
Image source: Nearmap, 4 September 2019

3 Anderson Avenue is a vacant allotment, while 1, 5, 7 Anderson Avenue and 12 El Alamein Avenue are each occupied by a single-storey detached dwelling house and associated development (paved areas, sheds, etc.). Access to all five allotments are obtainable via driveway crossovers from Anderson Avenue.

There are twenty-eight (28) trees both on the subject site and within the adjoining Council road reserves. Such vegetation consists of a range of mature trees of varying significance and value, and some of the trees consist of weeds, dead trees and exotic species.

The subject site is located within the suburb of Liverpool, which is located within the Liverpool Local Government Area ('**LGA**'). The site is approximately 700 metres from the Liverpool town centre, which itself is approximately twenty-six kilometres southwest of the Sydney Central Business District ('**CBD**').

The subject site is located within an R4 High Density Residential zone; all boundaries also adjoin R4 zoned areas. A public park is approximately 20 metres west of the subject site (i.e. on the opposite side of El Alamein Avenue) is zoned as an RE1 Public Recreation zone. Another site approximately 20 metres to the east (i.e. on the opposite side of Hillier Road) is zoned as an SP2 Infrastructure (Classified Road) zone, beyond which is another RE1-zoned public reserve.

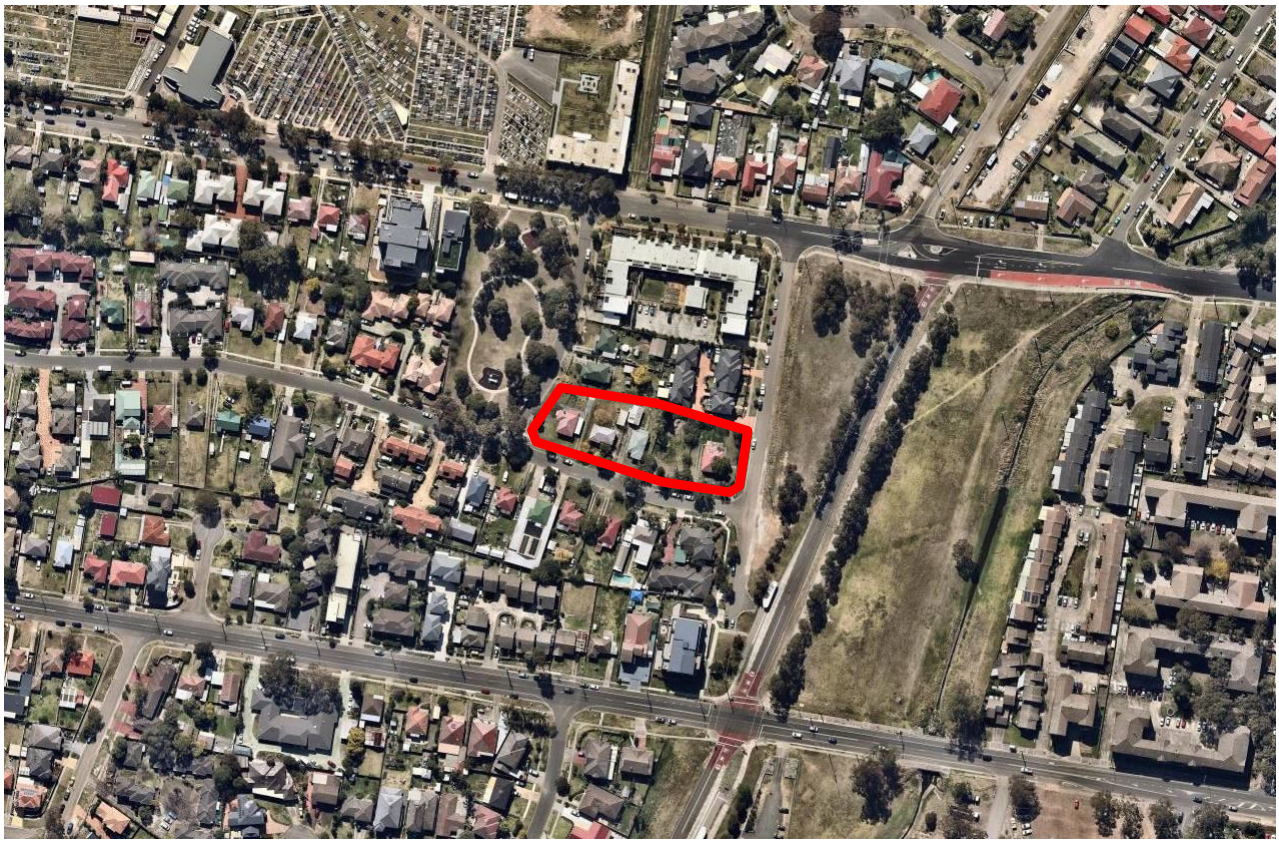

Figure 3: A aerial photo of the subject site (outlined by the red border) and the surrounding area.
Source: Nearmap, 4 September 2019

Figure 4: A close-up aerial photo of the subject site, which is outlined by the red border.
Source: Nearmap, 4 September 2019

Figure 5: A photo from the southwest point of the subject site (i.e. at the intersection of Anderson Avenue and El Alamein Avenue).
Source: CPS, October 2019

Figure 6: A photo from the southeast point of the subject site (i.e. at the intersection of Anderson Avenue and Hillier Road).
Source: CPS, October 2019

Figure 7: 1 Anderson Avenue, Liverpool
Source: CPS, October 2019

Figure 8: 3 Anderson Avenue, Liverpool
Source: CPS, October 2019

Figure 9: 5 Anderson Avenue, Liverpool
Source: CPS, October 2019

Figure 10: 7 Anderson Avenue, Liverpool
Source: CPS, October 2019

Figure 11: 12 El Alamein Avenue, Liverpool
Source: CPS, October 2019

Liverpool Local Environmental Plan 2008 maps eastern parts of 1 and 3 Anderson Avenue as being within flood-prone area (though the site is not within a flood planning area). The site is not identified as being affected by any other hazards or major constraints. The site does not contain a heritage item nor is it within a heritage conservation area; the site is not in close proximity to another heritage item, with the nearest item being approximately 100 metres to the north.

2.2 Site location and Context

Development to the northwest, development to the north, south and west is characterised predominantly by low and medium density residential development, consisting of detached dwelling houses and multi dwelling housing. Some isolated sites (e.g. 125 and 145 Memorial Avenue) contain high-density residential development consisting of residential flat buildings. The two allotments that adjoin the northern boundary of the subject site (i.e. 10 El Alamein Avenue and 6-8 Hillier Avenue) contain a dwelling house and multi-dwelling housing development respectively.

The Liverpool-Parramatta Transitway is located immediately to the east (i.e. on the opposite of Hillier Road) of the site, beyond which is a public reserve and beyond that high-density residential development (i.e. multi-storey residential flat buildings). A number of community facilities (including parks, playing fields, a youth centre and a leisure centre) and emergency facilities (i.e. an ambulance station and a local State Emergency Service unit) are also located approximately 450 metres to the south.

2.3 Site history

Council's development application tracker indicates that the only development activity that affected any the allotments within the site was Development Consent No. DA-2226/2004, which approved the demolition of a detached dwelling and associated structures at 3 Anderson Avenue on 31 May 2004. While the exact timing of the demolition works is not known, 3 Anderson Avenue has been vacant of development since at least December 2004.

2.4 Background of social housing provider

Since their inception in 2008, BlueCHP is a leading Community Housing Provider that has delivered both private and affordable housing in New South Wales and Queensland. To date, BlueCHP have built more than 1,700 dwellings; of these, a significant proportion of which include both social and affordable rental housing.

In June 2019, the National Housing Finance & Investment Corporation ('**NHFIC**') provided a construction loan to BlueCHP, the first such loan issued to a community housing provider. The land would cover two BlueCHP projects at the subject site and in Lane Cove, with forty-eight homes between the two projects to be provided as affordable housing (including affordable housing for people with disabilities).

2.5 Project background

An initial Pre–Development Application Meeting (Pre-DA Meeting Ref. PL-120/2018) was held in relation to the development of the subject site with Council on 5 December 2018.

Further to the above, a meeting with Council's Design Excellence Panel (DEP) (Pre-DA Meeting Ref. PL-120/2018) was held on 14 February 2019.

The main comments from both of those meetings are contained within Appendix A, which is attached to the end of this statement.

3.0 Proposed Development

3.1 Project details

Pursuant to Section 4.12 (Application) of the Act, consent is sought for the demolition of all structures on the site, the construction of five-storey residential flat building and two basement carpark levels, landscaping and civil works, tree removal, stratum subdivision and the consolidation of the five allotments that make up the subject site. The proposal is to be undertaken pursuant to Division 1 – In-fill Affordable Housing of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP).

The specifics and details of the proposal are contained within the following subsections.

3.1.1 Demolition and tree removal

The application proposes the demolition of all structures at 1, 5, 7 and 9 Anderson Avenue, Liverpool (Lot 57 DP 35980, Lot 58 DP 35980, Lot 59 DP 35980, Lot 60 DP 35980, and Lot 61 DP 35980 respectively). As indicated within Section 2.3 above, Development Consent No. DA-2226/2004 approved the demolition of all structures at 3 Anderson Avenue, with consented works having been undertaken prior to 2007.

As part of demolition works, it is proposed for twenty-four (24) trees 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.

3.1.2 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. Half (50%) of the apartments within the development would be for in-fill affordable housing.

While the residential flat building would be a single structure, it would be internally segregated into three (3) buildings (Building A, Building B and Building C). Dedicated services (i.e. a lobby, lift, common stairway, waste chutes, etc.) would individually service all levels of each "building", though the basement carpark levels will not be segregated into areas reflective of the building layout above.

Five of proposed apartments would be adaptable, however lift access would be provided to all apartments. Secure and semi—enclosed lobbies would be provided on the ground floor of each building, while upper floor circulation would be provided by open passageways, with the 'open' side of such areas to be semi-enclosed by balustrades less than 1.4 metres high.

An outline of the apartments within the proposed residential flat building is as follows:

nit Number	Building Number	Number of bedrooms	Internal floor area
Ground Floor (Level 00)			
U01	A	2	75.22m^2
U02	A	2	76.17m^2
U03	A	1	50.22m^2
U04	A	2	77.4m^2
U05	B	3	95.06m^2
U06	B	1	50.25m^2
U07	B	1	51.01m^2
U20	B	1	50.01m^2
U08	B	2	77.4m^2
U09	C	2	77.4m^2
U10	C	1	51.01m^2
U11	C	2	75.88m^2
U12	C	2	75.03m^2
First Floor (Level 01)			
U13	A	2	75.22m^2
U14	A	2	76.17m^2
U15	A	2	75.05m^2
U16	A	2	77.4m^2
U17	B	3	95.06m^2
U18	B	1	50.25m^2
U19	B	1	51.01m^2
U33	B	1	50.01m^2
U21	B	2	77.4m^2
U22	C	2	77.4m^2
U23	C	2	76.04m^2
U24	C	2	79.14m^2
U25	C	2	75.07m^2
Second Floor (Level 02)			
U26	A	2	75.22m^2
U27	A	2	76.17m^2
U28	A	2	75.05m^2
U29	A	2	77.4m^2
U30	B	3	95.06m^2
U31	B	1	50.25m^2
U32	B	1	51.01m^2
U46	B	1	50.01m^2
U34	B	2	77.4m^2
U35	C	2	77.4m^2
U36	C	2	76.04m^2
U37	C	2	79.14m^2

U38	C	2	75.07m^2
Third Floor (Level 03)			
U39	A	2	75.22m^2
U40	A	2	76.17m^2
U41	A	2	75.05m^2
U42	A	2	77.4m^2
U43	B	3	95.06m^2
U44	B	1	50.25m^2
U45	B	1	51.01m^2
U47	B	2	78.5m^2
U48	C	2	77.4m^2
U49	C	2	76.04m^2
U50	C	2	79.14m^2
U51	C	2	75.07m^2
Fourth Floor (Level 04)			
U52	A	2	75.22m^2
U53	A	2	76.17m^2
U54	A	2	75.05m^2
U55	A	2	77.4m^2
U56	B	3	95.06m^2
U57	B	1	50.25m^2
U58	B	1	51.01m^2
U59	B	2	78.5m^2
U60	C	2	77.4m^2
U61	C	2	76.04m^2
U62	C	2	75.88m^2
U63	C	2	75.03m^2

Table 1: An outline of the apartments within the proposed development. Also refer to additional information within the assessment of the *Apartment Design Guide* for further details regarding specific areas and design information/

With regard to the above, a breakdown of the proposed apartment mix and types are as follows:

Dwelling types:	Dwelling numbers	Proportion of total number of dwellings (%)
One bedroom	15	23.8%
Two bedrooms	43	68.3
Three bedrooms	5	7.9%
Total	**63**	**100%**

Table 2: Numbers and proportional mixes of apartment types within the proposed development.

Each of the residential apartments will have its own Private Open Space ('**POS**') area, with varying areas and dimensions (refer to the relevant planning assessment within Section 4 of this document for further details). Significant proportions of the ground level will contain Communal Open Space ('COS') within a largely landscaped setting; In addition to ground level COS areas, a smaller (i.e. 50.3m^2) and uncovered

rooftop COS area is also proposed on Level 03, which would be accessible for residents within Building B of the development.

The exterior of the residential flat building would also be finished with a variety of materials (consisting predominately of rendered and brick veneer surfaces) that would be mostly finished in dark and earthy tones; refer to ***figure 13***. The plans propose a contemporary and highly articulated design that would address all boundaries (refer to ***figure 14*** and ***figure 15***). The design of the building has also sought to pursue very high levels of compliance with solar access and cross-ventilation requirements (refer to relevant planning assessments within Section 4 of this document).

Figure 13: An extract of the Anderson Avenue (i.e. southern) elevation plans, which provides an example of the colours/tones that are to be used as part of the building's external finishes.
Source: Kennedy Associates Architects, 2019

Figure 14: A 3D model of the proposed development, overlooking the building from the southwest towards the northeast.
Source: Kennedy Associates Architects, 2019

Figure 15: A 3D model of the proposed development, overlooking the building from the northwest towards the southeast.
Source: Kennedy Associates Architects, 2019

The two basement levels would contain seventy-one (78) car parking spaces (including eight (8) visitor spaces and six (6) accessible parking spaces) split as follows:

- Basement Level 2 (Level -02):
  - 33 car parking spaces
  - 35 bicycle racks
- Basement Level 1 (Level -01):
  - 45 car parking spaces
  - 6 bicycle racks

Both basement levels will also contain waste collection areas, plant and service rooms and allocated storage for the proposed residential apartments.

3.1.3 Civil works

A range of civil works are proposed to facilitate the construction and ongoing use of the residential flat building. All existing driveway crossovers are proposed to be removed; vehicular access/egress to/from the basement carpark is to be provided via a new driveway crossover connecting to Hillier Road, adjacent to the northeast side of the site.

Drainage infrastructure is to be constructed, utilising an Onsite Stormwater Detention ('**OSD**') system; the tank for this system is to be located under the access driveway, which is also the lowest point of the site. Refer to the detailed engineering plans and information (prepared by Erbas) for further detail regarding onsite stormwater management.

3.1.4 Waste management

All lobbies within each building will be served by a waste chute. Each chute will contain an 'e-diverter' (or similar) that will enable both waste and recycling to be separately placed into the chute and diverted to relevant bins within secured basement waste storage areas. Waste and recycling products are to be held within the storage areas until collection occurs. Prior to collection, the building manager will move all bins from the basement waste storage areas (using a 'tug' or 'seated bin mover') that is to be stored onsite within a temporary waste storage area adjacent to the carpark access ramp (i.e. adjacent to the Hillier Road frontage) for collection by Council.

3.1.5 Landscaping works

The landscape scheme as proposed includes a connected series of open space areas designed to compliment the proposed residential flat building and provide landscaped spaces of high amenity for future users of the site. Communal Open Space (COS) areas to the rear of the site include 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 a create 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.

It is noted that a suitably qualified Landscape Architect has prepared the Landscape Plans which form part of the documentation submitted as part of this development application. Reference should be made to these documents for further Landscape information.

3.1.6 Utilities

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

3.1.7 Amalgamation and subdivision

It is proposed for the five (5) allotments within the subject site (i.e. 1, 3, 5, 7 Anderson Avenue and 12 El Alamein Avenue Liverpool to be amalgamated into one (1) large allotment.

A stratum subdivision of the proposed development is also proposed, and is detailed as follows:

- Lot 1 would include fifteen (15) apartments within all levels of the development, in addition to nine (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 Land and Housing Corporation (LAHC).

- Lot 2 would allocate all remaining apartments and residential car parking spaces to BlueCHP.

Subdivision of either stratum is not proposed at this time.

3.2 Documentation

This SEE relies upon the following documentation, which has been lodged as part of the subject Development Application package to support for, and provide details of, the proposal:

Plans and drawings:

- Architectural plans and drawings, prepared by Kennedy Associates Architects
- Survey plans, prepared by NSW Family and Community Services (Land and Housing Corporation)
- Engineering plans, prepared by Erbas
- Landscape plans, prepared by Creative Planning Solutions
- Survey plans, prepared by YSCO Geomatics
- Stratum plans, prepared by YSCO Geomatics

Reports and technical documents:

- Arboricultural Impact Assessment, prepared by The Ents tree Consultancy
- Social Impact Comment, prepared by Creative Planning Solutions
- Written variation request, prepared by Creative Planning Solutions
- Acoustic Impact Assessment, prepared by Koikas Acoustics
- Geotechnical Risk Management Report, prepared by JC Geotechnics
- Traffic and Parking Assessment, prepared by McLaren Traffic Engineering
- BASIX Certificate, prepared by Gradwell Consulting
- BCA Report, prepared by AED Group
- Waste Management Assessment, prepared by Elephants Foot Recycling Solutions
- Quantity Surveyor Report, prepared by mbm

4.0 Relationship with Strategic Planning Framework

4.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

The Greater Sydney Commission's *A Metropolis of Three Cities – The Greater Sydney Region Plan* sets out the NSW State Government's strategy for balancing growth across Greater Sydney. The plan – in collaboration with *Future Transport 2056* and the *State Infrastructure Strategy* – respond to, and build upon, directions for integrated land use planning and infrastructure delivery. The ten directions for Sydney are listed as follows:

1. *A city for supported by infrastructure*
2. *A collaborative city*
3. *A city for people*
4. *Housing the city*
5. *A city of great places*
6. *A well connected city*
7. *Jobs and skills for the city*
8. *A city in its landscape*
9. *An efficient city*
10. *A resilient city*

Greater Sydney District Planning will guide the implementation of the plan across five districts that are identified as forming the Sydney metropolitan area. The Liverpool area is one of the LGAs that form the Western Sydney District Plan; more specifically, the subject site falls within an area identified by the Plan as the Liverpool 'Metropolitan Cluster'. It is expected that the vision for the Western City District would be achieved by:

- *Creating a once-in-a-generation economic boom with the Western Sydney Airport and Badgerys Creek Aerotropolis bringing together infrastructure, businesses and knowledge-intensive jobs*
- *Building on the Western Sydney City Deal to transform the Western City District over the next 20 to 40 years by building on natural and community assets and developing a more contained Western City District with a* ***greater choice of jobs, transport and services aligned with growth***
- *Delivering the first stage of the North South Rail Link*
- *Collaborating and building strong relationships between Liverpool, Greater Penrith and Campbelltown-Macarthur reinforced by the emerging Badgerys Creek Aerotropolis forming a* ***unique metropolitan cluster***
- *Providing major* ***transport links for people and freight*** *by unprecedented transport investments*
- *Developing a* ***range of housing****, providing access to public transport and infrastructure including* ***schools, hospitals and community facilities***
- *Linking* ***walking*** *and* ***cycling paths, bushland*** *and a* ***green urban landscape*** *framed by the Greater Blue Mountains World Heritage Area, the Scenic Hills and Western Sydney Parklands*
- *Enhancing and protecting South Creek, Georges River and Hawkesbury-Nepean river systems*
- *Mitigating the heat island effect and providing cooler places by extending* ***urban tree canopy*** *and* ***retaining water in the landscape***
- *Protecting the District's* ***natural landscapes, heritage*** *and tourism assets,* ***unique rural areas and villages***

- *Protecting the environmental, social and economic values of the **Metropolitan Rural Area**.*

Of particular relevance to the ten aforementioned directions is Direction 4 – Housing the City; within the Western Sydney District plan, Planning Priority W5 is for "(P)*roviding housing supply, choice and affordability with access to jobs, services and public transport*". To develop housing strategies in accordance with this planning priority, the Greater Sydney Commission has established principles and key technical aspects which include the following:

- *Good design: buildings that exhibit design excellence in neighbourhoods that are walkable, cycle friendly, connected to transport and services, and have a mix of land uses to support active healthy and socially-connected communities.*
- *Mix: a mix of housing types that allows people to relocate within their local area and stay connected to community services, friends and family.*
- *Affordable rental housing: through housing diversity for those on moderate incomes and affordable rental housing for low and very low-income households*
- *Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity.*
- *Social housing: more and better access to supported and/or subsidised housing.*

The proposed development would be consistent with these aspects; as demonstrated below, it would provide affordable rental housing that it would provide a mixture of housing within the local area that is of very high design quality and which is consistent with the existing and desired future character of the locality.

4.2 Connected Liverpool 2050

Council does not currently have an affordable housing strategy. A Local Strategic Planning Statement ('**LSPS**') is however currently being drafted. Connected Liverpool 2050 is a 30-year land use vision of the Liverpool LGA, and outlines priorities for future planning. Once adopted, this document will inform the review of Council's Local Environmental Plan. Public exhibition of the draft document closed on 9 August 2019, and the final report is expected to be completed in December 2019.

Local Planning Priority 7 within the draft document focuses on 'Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport.' Population and dwelling forecasts for the Liverpool LGA indicate that by 2036, the Liverpool LGA would accommodate an additional 146, 639 residents, with an additional 43,452 dwellings to be constructed.

Importantly, this draft document also identified the need for additional affordable rental housing, as the LGA currently suffers "…*one of the highest rates of rental stress in the country. There are currently over 7,000 households in rental stress (meaning more than 30% of income is spent on rent) with more than 4,000 experiencing severe rental stress (more than 50% of income spent on rent). This is increasing at much faster rates than Sydney more broadly. By 2036 our LGA will have the highest demand for social and affordable housing in the entire Western City District*."

LGA	2016	2026	2036	Change (2016-2036)	% Change (2016-2036)	% Change (Total households)
Liverpool	7,646	12,082	16,485	8,819	115%	60%
WDCD Area	35,368	49,686	64,415	29,047	82%	31%

Table 4: A data extract from Liverpool Council's draft LSPS. Note: The extracted data within this table only focuses on the Liverpool LGA and the WSCD as a whole, and has disregarded data for other LGAs within this region.
Source: SGS Economics & Planning and Liverpool City Council, 2019

While the strategy has yet to be finalised, as demonstrated above the location and type of development being proposed would be responsive to the issues identified by Council with regard to a shortfall of affordable housing, particularly within the Liverpool LGA.

5.0 Planning Assessment

5.1 Section 4.15(1) - Evaluation

In accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the development application, specifically:

(a) the provisions of:

(i.) any environmental planning instrument, and

(ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii.) any development control plan, and

(iiia) any 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, and

(iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v.) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered within Part 4 of this document.

For reference, the following list contains Environmental Planning Instruments and Development Control Plan that have been considered in the preparation of this statement:

- State Environmental Planning Policy (State and Regional Development) 2011 ('**SRD SEPP**')
- State Environmental Planning Policy – Affordable Rental Housing 2009 ('**ARHSEPP**')
- State Environmental Planning Policy Infrastructure (2007) ('**ISEPP**')
- State Environmental Planning Policy No. 55 – Remediation of Land ('**SEPP 55**')
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ('**SEPP 65**')
- State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
- State Environment Planning Policy (Vegetation in Non-Rural Areas) 2017
- Liverpool Local Environmental Plan 2008 ('**LLEP 2008**')
- Liverpool Development Control Plan 2008 ('**LDCP 2008**')

5.2 Environmental Planning Instruments – Section 4.15(1)(a)(i)

5.2.1 State Environmental Planning Policies

5.2.1.1 State Environmental Planning Policy (State and Regional Development) 2011

As indicated within Section 1.3 of this document, the proposed development has a capital investment value of over $5 million. As development identified in Schedule 4A (6)(b) of the Act, the development is regional development in accordance with Part 4 of the SRD SEPP. Pursuant to clause 5(b) within Schedule 7 of the SEPP, the SWCPP would be the consent authority.

5.2.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance with the applicable provisions of Part 2, division 1 (In-fill affordable housing) of the ARH SEPP are is demonstrated within the following table:

Division 1 - In-fill affordable housing			
Clause	**Required**	**Proposed**	**Complies?**
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: (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) 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.	The site is within an R4 zoned area. With regard to clause (1)(a), 'Residential flat buildings' (as defined by the Standard Instrument) are permissible with consent within the R4 zone under LLEP 2008. With regard to clause (1)(b), the subject site does not contain a heritage item.	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. In this policy, '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 (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	The site is located in very 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 the T80 service is as follows: • Northbound: ○ Monday to Friday:	Yes

	(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	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 site is also in close proximity to stops on Memorial Avenue which are serviced by the 802 bus route, which also satisfies the minimum one service per hour requirement that meets the definition of 'accessible area' of the SEPP during the specified times. Walking distances from the site to these bus stops are as follows: • Approximately 105 m from the nearest stop serving the eastbound 802 bus route; • Approximately 185m from the nearest stop serving the westbound 802 bus route.	
	(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	Not applicable.	N/A
13 Floor space ratios	(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.	Noted.	-
	(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,	LLEP 2008 applies a 1.0:1 FSR to the site. Over 50% of the GFA of the development would be affordable housing (refer to Section 3.1.2 of	Yes

	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 (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. Y = AH ÷ 100	this statement, therefore an additional 0.5:1 allowance applies. Required FSR: 1.5:1 Proposed FSR: 1.44:1	
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, (c) **landscaped area** if: (i.) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or (ii.) in any other case—at least 30 per cent of the site area is to be landscaped,	Proposed site area: 3,349m^2 **Proposed landscape area:** 1,284.44m^2, or 38% of the proposed site area. BlueCHP is a social housing provider as defined under Cl. 4 of the ARHSEPP. Based on the number of proposed dwellings, at 35m^2 per dwelling, satisfaction of this requirement would require that 2,240m^2 (i.e. 67%) of the total site area be landscaped. With regard the above landscaped area calculations, the proposed development would not meet the minimum landscaped area requirements of clause 14(1)(c) of the ARHSEPP.	Yes No

		See below for a discussion regarding this noncompliance.	Yes
	(d) **deep soil zones** if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed: (i.) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and (ii.) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and (iii.) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	**Proposed deep soil area:** 698m^2, or 20.9% of the proposed site area. All areas are inclusive of minimum dimensions. Approximately 300m^2 (i.e. 43%) of all deep soil area would be located behind the front (i.e. Anderson Avenue) building line. While two-thirds of the deep soil space would not be located at the rear of the site, the SEPP only requires that this be done 'if practicable', and there is no firm development standard that requires this to be done. Opportunities to situate two-thirds of the deep soil space at the rear of the site are limited due to requirements that require the basement access ramp to be situated both at the lowest point of the site and at a safe distance to the nearest road intersection. Due to: • The slope of the site, and • The three road frontages which adjoin the subject site, the access ramp (and by association, the section of the driveway connecting the base of the ramp to the basement carpark). and connecting driveway have been situated within the northeast (i.e. rear) of the site, thereby precluding that section of the site from accommodating deep soil areas.	No
	(e) **solar access** if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	53 (i.e. 84%) of apartments would obtain at least three hours of direct solar access between 9:00am to 3:00pm on June 21.	Yes
	Discussion of landscaped area As indicated within the assessment of clause 1(c)(1) above, the requirements of the SEPP would require that a significant and unreasonable proportion of the site be landscaped.		

	Such requirements are significantly more onerous than the requirements within LDCP 2008, which requires that only 25% (i.e. 836.75m^2) of the site be landscaped; a requirement that would be significantly exceeded by this proposal. • The provision of 35m^2 per dwelling is clearly aimed at multi-dwelling housing style seniors developments where each dwelling is at ground level and therefore can accommodate a landscaped area. The indicated in Section 3, the proposed development is for a multi storey residential flat building, with the majority of dwellings above ground level; the private open space for such dwellings above ground level would therefore have balconies rather than landscaped spaces. Pursuant to clause 1(c)(1) of the ARH SEPP, the proposal for sixty-three (63) apartments would require that an unreasonable 2,240m^2 (i.e. 67%) of the site consist of landscaped area, which would be both unachievable and undesirable on the site. • The proposal includes large, unencumbered spaces within the front, side and rear setbacks, that provide substantive landscaped and deep soil areas. Such spaces will contain a significant amount of medium and large trees that will both provide amenity for the residents and adjoining properties and soften and screen the development in the streetscape. • Given site requirements (i.e. R4 zoning, 1:1.5 FSR, etc.), the proposed landscaped and deep soil areas (both of which are well in excess of minimum Council requirements) are considered to be substantial and given that the landscaped areas are mostly located adjacent to site boundaries and public spaces, the landscape design would provide for high levels of amenity and streetscape presentation. As demonstrated by the submitted landscaped plans, it is submitted that the proposed landscaped area has been well designed, and includes useable and heavily landscaped communal open space areas which provides a buffer to adjacent residential development to the north. It should also be noted that the site layout affords significant landscaped area (including substantial deep-soil space that is well in excess of minimum requirements) within frontages addressing the public domain; as such the landscape plans propose substantial planting of large trees/vegetation that will assist in filtering and screening the proposed development from the public domain in accordance with relevant outcomes and objectives. Given the above justification it is considered that refusal of a future development on the basis of landscaping would be unfair and unreasonable in the circumstances of the subject development, particularly given the proposal otherwise achieves compliance with the relevant provisions of the LDCP 2008 and SEPP 65.		
	(2) **General** A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: **(a) Parking** if: (i.) 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	Minimum parking standard satisfied; refer to separate assessments below.	Yes

	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 (ii.) 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, **(b) dwelling size** if each dwelling has a gross floor area of at least: (i.) 35 square metres in the case of a bedsitter or studio, or (ii.) 50 square metres in the case of a dwelling having 1 bedroom, or (iii.) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv.) 95 square metres in the case of a dwelling having 3 or more bedrooms.	All dwellings would meet the minimum requirements stipulated by the SEPP and ADG; refer to the ADG assessment appended to this SEE for further information.	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).	Noted.	-
15 Design requirements	(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	Not applicable, see clause 15(2) below.	N/A
	(2) This clause does not apply to development to which clause 4 of	Noted. Refer to the assessment of SEPP 65 within Section 5.2.1.5 of	-

	State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.	this statement.	
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 to any development to which this Division applies.	Noted.	-
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.	As indicated within Section 2.2 of this statement, the character of the site and surrounding area is highly varied, containing a combination of low, medium and high-density residential development. The area has been R4-zoned since the LEP was gazetted in 2008; while it is envisioned that the area will eventually contain high-density residential development, the take-up of high-density development within areas west of the Transitway has to date been relatively slow. While there are large high-density residential developments between Copeland Street and the Transitway (i.e. east of the subject site), the only notable high-density development within the west of the transitway is at 125 Memorial Avenue, 147 Memorial Avenue and 188-190 Moore Street. The scale of the development would vary to that of current low-density residential development on surrounding sites, however the proposal would be one of the first significant residential flat buildings proposed in a former low-density residential area that has been rezoned as a high-density residential area; some degree of inconsistency with the existing character is to therefore be expected. This is consistent with planning principles associated with *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, which recognises that	Yes

		compatibility between proposed and existing is not always desirable, and that there are situations where the planning controls envisage a change of character, in which case compatibility with future character is more appropriate than with existing character. Th subject site is located within the R4 zone, therefore high-density development would not result in an undesirable future transition between the lower density R3-zoned areas southwest of Memorial Avenue and surrounding R4-zoned higher-density residential areas. It is expected that the surrounding R4-zoned area will eventually be occupied by high-density residential developments of a similar height, bulk and scale to that being proposed. As such, the proposed development will be consistent with the future character of the area.	
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: (i.) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii.) 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, that will ensure that the requirements of paragraph (a) are met.	Noted. It is expected that in the event of an approval that the Consent Authority would impose conditions in accordance with the requirements of Cl. 17(1) of the SEPP.	Yes

	(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	Noted.	-
18 Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Noted.	-

As demonstrated above, the proposed development would satisfy the relevant provisions of Division 1 of the SEPP ARH.

5.2.1.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of the ISEPP would not be applicable to this application. The site is not burdened by, nor does it adjoin infrastructure to which Division 5 (Electricity transmission or distribute) of the SEPP applies. The site also does not adjoin any classified road corridors. While the site is in close proximity to an SP2 (Infrastructure – Classified Road) zone, such zoning encompasses the Parramatta-Liverpool Transitway, and not a road corridor that comprises a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles; the provisions of Division 17 (Roads and traffic) are therefore not applicable to the proposal.

Further, the development is not of a size that is identified by Schedule 3 of the SEPP as 'traffic generating development'. Council is therefore not required to make a referral to Roads and Maritime Services (RMS).

5.2.1.4 State Environmental Planning Policy No. 55 - Remediation of Land

The *State Environmental Planning Policy No. 55 – Remediation of Land* applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding sites are located within a well-established residential area that has been both zoned and used as such for an extended period of time. With regard to existing and previous development both on the subject site and surrounding site, there is no information to suggest that the subject site has become contaminated. Further, the site was not previously zoned for purposes identified in Table 1 of the contaminated land-planning guide in SEPP 55, in particular, industrial, agricultural or defence uses.

With regard to the above, the site is considered to be suitable in its present state for the proposed development, and no further investigations of site contamination is warranted.

5.2.1.5 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

As the proposed development is for a Residential Flat Building that is more than two storeys high, the provisions of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) apply to the proposal. The proposal has been designed to comply with both the prescriptive and non-prescriptive provisions of SEPP 65 and the Apartment Design Guide ('ADG'), the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Anthony Nolan of Kennedy Associates Architects, a registered architect (registration number 6773). The SEPP 65 Design Verification Statement (refer to Appendix B) accompanying this development application confirms that the design achieves the nine design principles set out in SEPP65 and that the building has been designed with regard to the ADG.

Compliance with the provisions of the ADG are also demonstrated by the ADG Compliance Table (refer to Appendix B).

In summary, the design of the proposed development satisfactorily addresses the design principles of the SEPP, and complies with the requirements of the ADG.

5.2.1.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in New South Wales.

Pursuant to Clause 6(1) of the SEPP, the SEPP would apply to 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate is to be lodged as part of the development application package.

A BASIX Certificate (Certificate Number 1057987M_02, prepared by Gradwell consulting and dated 13 November 2019) and accompanying documentation therefore accompany this application, and demonstrate that the proposal is able to achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

5.2.1.7 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the subject development application. Clause 7 of the SEPP states that a person must not clear non-exempt vegetation in any applicable area without the authority conferred by a permit granted by the Council.

Pursuant to clause 5(1) of the SEPP, the subject site is located within an applicable area as it is both within the Liverpool LGA and the R4 High Density Residential zone.

The aims of the policy are as follows:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site includes twenty-four (24) trees located within the boundaries all of which are recommended for removal as part of the development as per the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 7.11.2019 submitted with this application. This includes fifteen (15) trees of 'low' retention value (2 of which are dead), seven (7) trees of 'medium' retention value and two (2) trees of 'high' retention value which are to suffer unsustainable levels of impacts as a result of construction works. An additional four (4) trees are located outside the site boundaries within the street verge which are to be retained and protected as part of the proposal. A total of thirty-one (31) new tree plantings are proposed on site within the landscaped areas to compensate for those trees to be removed.

5.2.2 Liverpool Local Environmental Plan 2008

5.2.2.1 Permissibility and zone objectives

The proposed development is permissible with consent on the subject site pursuant to clause 10(1) of the ARH SEPP.

It is however noted that 'residential flat buildings' are a form of development that is permissible with consent within the R4 zone under LLEP 2008.

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 proposal would satisfy the objectives of the 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 forms of one, two and three-bedroom affordable dwellings,
- 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,
- As demonstrated by Section 5.2.1.2 of this Statement, the development would concentrate housing in close proximity to a number of frequent public transport services, that would provide short and direct travel routes to railway station, and local shops, services and facilities within both Liverpool and Western Sydney more broadly and

- As demonstrated by Section 5.2.2.3 of this Statement, the proposal would not fragment surrounding sites in a manner that would prevent the future development of high-density residential developments on those sites.

5.2.2.2 Development standards

The following table provides an assessment of the proposed development against the relevant provisions of LLEP 2008.

Liverpool Local Environmental Plan 2008			
Clause	**Requirement**	**Proposed**	**Complies**
2.6 Subdivision—consent requirements	(2) Land to which this Plan applies may be subdivided, but only with development consent.	Noted	-
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Consent is sought for the demolition of structures on the site as part of the proposed development.	Yes
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	**Minimum allotment size:** 1000m^2 **Proposed allotment size:** 3,347m^2	Yes
	(4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 1989.	Noted	-
4.3 Height of buildings	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	**Maximum permitted height:** 15m **Maximum proposed height:** 16.63m Refer to the written variation request that accompanies this SEE.	**No**
4.4 Floor space ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	Refer to the assessment of the ARH SEPP.	N/A
4.6 Exceptions to development standards	(2) Development consent may, subject to this clause, be granted for development even though the development would contravene	A written request to varying the building height standard accompanies the development	Yes

		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.	application.	
	(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.	As above.	Yes
5.10 Heritage conservation	(2)	Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i.) a heritage item, (ii.) an Aboriginal object, (iii.) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i.) on which a heritage item is located or that is within a heritage conservation area, or (ii.) on which an Aboriginal object is located or that is within an	The site does not contain a heritage item, is not within a heritage conservation area nor is it in close proximity to a heritage item. Given site disturbance associated with earlier development, it is extremely unlikely that the site would contain items of aboriginal culture.	Yes

		Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.		
7.8 Flood planning	(2)	This clause applies to land at or below the flood planning level.	Parts of 1 and 3 Anderson Avenue are mapped as being affected by flood risk, however such mapping indicates that such areas are within the 'low flood risk category and are not affected by the flood planning level. As such, the provisions of the clause are not applicable to the proposed development.	N/A
7.8A Floodplain risk management	(2)	This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land at or below the flood planning level.	Noted.	-
	(3)	Development consent must not be granted to development for any of the following purposes on land to which this clause applies unless the consent authority is satisfied that the development is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual, and will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land— (a) caravan parks, (b) centre-based child care facilities, (c) correctional centres, (d) emergency services facilities, (e) group homes, (f) hospitals, (g) residential care facilities, (h) respite day care centres, (i) tourist and visitor accommodation.	The proposed development does not include development specified by clause 7.8A(3).	N/A
7.13 Minimum lot width in Zones R1, R2, R3 and R4	(2)	This clause applies to the subdivision of land in Zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential.	Noted	-

	(3)	The width of any lot, resulting from a subdivision of land to which this clause applies, that is capable of accommodating residential development but is not the subject of a development application for that purpose, must not be less than 10 metres except as provided by subclause (4).	**Minimum lot width:** 63.995m	Yes
7.14 Minimum building street frontage	(2)	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres— (a) any building on land in Zone B3 Commercial Core or B4 Mixed Use, or (b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or (c) any residential flat building.	**Minimum proposed lot width:** 63.995m	Yes
7.31 Earthworks	(2)	Development consent is required for earthworks unless— (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given.	Consent is sought for earthworks required to facilitate the proposed development.	Yes

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

There are no draft planning instruments which apply to the subject site.

5.3 Liverpool Development Control Plan 2008 - Section 4.15(1)(a)(iii)

LDCP 2008 provides guidelines and controls for development in the Liverpool City Council local government area. An assessment of the proposed development against applicable provisions is provided below. Due to the zoning of the site, and as the site is both outside the Liverpool City Centre and is not located within a specific precinct as identified by the DCP, Parts, 2, 4, 5, 6, 7 and 8 are not applicable to this proposal and shall not be discussed further.

The background section of Section 1 within Part 4 of the DCP states that:

"*Residential Flat Buildings are permitted in the R4 zone under Liverpool LEP 2008. Good quality buildings help improve the quality of life. The quality involves the location, size and scale, appearance and amenity of the buildings in which many people live. The design of new residential flat buildings is important to*

neighbourhoods - to provide good quality and amenity to growing populations with changing needs. Quality design contributes to enjoyable places: buildings, streets, squares and parks.

Residential Flat Buildings are also subject to State Environmental Planning Policy No 65—Design Quality of Residential Flat Development."

The relevant provisions of LDCP 2008 are listed below, along with a comment on how the proposed development performs against each of these objectives.

Liverpool Development Control Plan 2008 Part 1 – General Controls for all Development
2. Trees Preservation
Comment: Refer to the accompanying Arborist Report (prepared by The Ents Tree Consultancy) that accompanies this development application package for recommendations.
3. Landscaping and Incorporation of Existing Trees
Comment: Refer to the accompanying Arborist Report (prepared by The Ents Tree Consultancy) and the landscape plan (prepared by CPS) that have been submitted as part of this development application package. To summarise 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.
4. Bushland and Fauna Habitat Preservation
Not applicable.
5. Bush Fire Risk
Not applicable.
6. Water Cycle Management
Comment: Refer to the engineering and stormwater plans and information (prepared by Erbas) that accompany this development application. To summarise, stormwater from the development would be directed to an Onsite Stormwater Detention (OSD) system that would then discharge to the drainage system in accordance with Council's specifications.
7. Development near a Watercourse
Not applicable; the subject site is separated from the nearest watercourse by approximately 125 metres.
8. Erosion and Sediment Control
Comment: Refer to the Soil and Water Management Plan (prepared by Erbas) that accompany this development application. To summarise, the Soil and Water Management Plan have been prepared in accordance with requirements of the DCP and *Managing Urban Stormwater Soils and Construction* (also referred to as the 'Blue Book').
9. Flooding Risk
Comment: As assessed within clauses 7.8 and 7.8A of LLEP 2008 (above), parts of 1 and 3 Anderson Avenue are flood affected, however they are located within an area affected by the Probable Maximum Flood (PMF) level; as such, the site is located within a 'low flood risk category'; further, the proposed development is not a type of development considered to be a vulnerable land use. The vast majority of the building's gross floor area would be well above PMF levels, and reliable access to both habitable areas and other public areas above the PMF would be provided. As such, the proposal would satisfy relevant flooding -controls within the DCP.
10. Contaminated Land Risk
Comment: Refer to the assessment of SEPP 55 (Section 5.2.1.1 of this SEE) above.

11. Salinity Risk

Comment: 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.

12. Acid Sulfate Soils Risk

Not applicable.

13. Weeds

Not applicable; refer to the comments on landscaping controls above.

14. Demolition of Existing Developments

Comment: Demolition of existing structures would be undertaken in accordance with relevant standards. Refer to the demolition plans and Waste Management Plan submitted as part of this development application package for further information.

15. On-site Sewage Management Systems (OSMS)

Not applicable.

16. Aboriginal Archaeology

Comment: Due to the highly developed and disturbed nature of the site, it is extremely unlikely that items of aboriginal cultural significance would be located on the subject site. The applicant would be accepting of a condition to address the unlikely event that items of significance are identified during works.

17. Heritage and Archaeological Sites

Not applicable.

20. Car Parking and Access

Comment: The following parking facilities are provided as follows:

- Seventy-eight (78) car parking spaces, including
  - Seventy-two (72) residential spaces
  - Eight (8) visitor spaces
  - Six (6) accessible spaces (one visitor and five resident)
- Forty-one (41) bicycle rack spaces

All parking facilities and associated access would be undertaken in accordance with relevant standards and design recrements. Refer to the parking and traffic management plan that accompanies this application for further information.

21. Subdivision of Land and Buildings

Comment: The five (5) allotments that make up the subject site would be amalgamated. In accordance with the DCP requirements, the submitted strum subdivision plans are consistent with the proposed development plans. Further, access to residential and visitor car parking spaces would be made available to residents and visitors to the site. All relevant services would be provided as required by the DCP.

22. Water Conservation

Comment: Refer to the BASIX Certificate that accompanies this development application package.

23. Energy Conservation

Comment: Refer to the BASIX Certificate that accompanies this development application package.

24. Landfill

Comment: The requirements of this section of the DCP are noted, with most capable of being satisfied through the application of conditions. Refer to the discussion of salinity above.

25. Waste Disposal and Re-use Facilities

Comment: A detailed Waste Management Plan (prepared by Elephants Foot) has been prepared and accompanies this development application.

26. Outdoor Advertising and Signage

Not applicable.

27. Social Impact Assessment

Comment: 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. In accordance with Table 21 within Part 1 of the DCP, a Social Impact Comment (SIC) is required, as both affordable housing and more than 20 dwellings within an RFB are proposed. An SIC prepared in accordance with Council's Social Impact Assessment Policy has been submitted with this development application.

Part 3.7 – Residential Flat Buildings		
Requirement	**Proposed**	**Complies**
2 Frontage and Site Area		
The minimum lot width 24m. *Note: The amalgamation of land parcels into larger development sites is encouraged as this will result in better forms of housing development and design.*	**Minimum proposed lot width:** 63.995m The five allotments are to be amalgamated as recommended.	Yes
3 Site Planning		
1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Aside from excavation for the carpark and OSD system, the building footprint of the building has been stepped to minimise cut and fill.	Yes
2. 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.	Yes
3. 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.	Yes
4. 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.	Yes
5. 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	Stormwater would be directed to the OSD system, which would then discharge to public drinking systems within the adjoining road reserve; refer to the stormwater plans that accompany this application for further information.	Yes

drainage is inadequate. Refer to Water cycle management in Part 1.		
6. The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development. *Note: A Site Analysis Plan is required for each development application.*	The requirements of SEPP 65 would be satisfied; refer to the assessment above and the site analysis plan that accompanies this application for further information.	Yes
4. Setbacks		
Front and Secondary Setbacks 1. Buildings shall be setback in accordance with the following table. Table 1 **Road** / **Front Setback** / **Secondary Setback** Classified Roads / 7.0m / 7.0m Other Streets / 5.5m / 5.5m	**Minimum front setback:** 4.3m **Minimum secondary setback:** 5m (El Alamein Avenue frontage) The majority of the proposed development would comply with setback requirements, a number of small elements (i.e. balconies, a part of a communal stairway and minor articulation elements) would encroach upon both the primary and secondary frontages. The maximum distances of such encroachments are as follows: • Anderson Avenue: 1200m • Hillier Road: 370mm • El Alamein Avenue: 500mm Due to the highly articulated nature of the building however, such encroachments would only account for a very small proportion of the total length of each frontage; the total length of elements that breach the setback requirements (as a proportion of the respective frontage length) is as follows: • Anderson Avenue: 11.2% • Hillier Road: 9.5% • El Alamein Avenue: 12.1% Despite the noncompliances, 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 noncompliant elements from the surrounding area. Further, due to the small area of the encroachments, the noncompliances would not contribute to excessive overshadowing of surrounding sites and/or the public domain (including the park immediately to the west of the site). As a result, despite the noncomplying setbacks, the development would satisfy the four outcomes associated with the controls, in	**No**

<table>
<tr><td></td><td>that:
Reasonable space would be provided for landscaping, open space and solar access,
The visual and acoustic privacy of adjoining sites would not be adversely affected,
The scale of the building and its streetscape appearance is consistent with the zoning and associated future character of the area, and the scale of other residential flat building developments within the surrounding area (i.e. in terms of height and gross floor area), and
Vehicular access (which is in accordance with relevant design requirements) would be provided without the requirement for a long driveway.
With regard to the above, and noting that the consent authority is to be flexible in applying the provisions of DCPs pursuant to Section 4.15(3A)(b) of the Act where the objects of the control are satisfied, the proposed rear setbacks are considered to be supportable.</td><td></td></tr>
<tr><td>2. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.</td><td>Noted.</td><td>-</td></tr>
<tr><td>3. The secondary setback is along the longest length boundary.</td><td>Noted, however the site has three frontages, and the DCP prescribes the same setbacks (i.e. 5.5m), irrespective of the frontage.</td><td>-</td></tr>
<tr><td>Side and Rear Setbacks
1. Buildings shall be setback from the side and rear boundaries in accordance with the following table.
Table 2<table><tr><th>Item</th><th>Side Setback</th><th>Rear Setback</th></tr><tr><td>Boundary to land in R2 & R3 zones</td><td>10m</td><td>10m</td></tr><tr><td>Boundary to land in R2 & R3 zones (no windows to habitable rooms)</td><td>10m</td><td>10m</td></tr><tr><td>Boundary to land in R4 zone (First 10m in height, excluding roof/attic)</td><td>3m</td><td>8m</td></tr><tr><td>Boundary to land in R4 zone (Greater than 10m in height)</td><td>8m</td><td>8m</td></tr><tr><td>Boundary to public open space</td><td>6m</td><td>6m</td></tr></table></td><td>Note: As the site has three road frontages, the eastern and western setbacks were assessed as secondary setbacks. The following assessment therefore excludes side setbacks.

The vast majority of the proposed development would comply with rear setback requirements, though two small elements on the northwest side of the building would encroach upon the rear setback. The maximum distances of such encroachments are 3.18m and 2.12m, however due to the highly articulated nature of the building such encroachments would only account for 8.4% of the total length of the rear frontage; due to such small areas being affected by the variations, there would subsequently be no visual impact on the surrounding public domain.

Despite the noncomplying setbacks, the development would satisfy the outcomes of the controls, in that:</td><td></td></tr>
</table>

	• Reasonable space would continue to be provided for landscaping and open space, • As the noncomplying elements would be located to the south of the ground level communal open space area and adjoining residential sites, any additional overshadowing would be self-contained on the development's northern elevation; there would subsequently be no impact on solar access to such areas, • The visual and acoustic privacy of adjoining sites would not be adversely affected, and • The scale of the building and its streetscape appearance is consistent with the zoning and associated future character of the area. With regard to the above, and noting that the consent authority is to be flexible in applying the provisions of DCPs pursuant to Section 4.15(3A)(b) of the Act where the objects of the control are satisfied, the proposed rear setbacks are considered to be supportable.	
2. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.	Residential flat buildings have not been approved on either of the sites that adjoin the subject site's northern boundary. The proposal would not however affect the ability of those adjoining sites to accommodate future residential flat buildings providing sufficient spatial separation, noting that such development on those sites would need to be oriented further to the north (i.e. away from the subject site) to minimise impacts such as excessive overshadowing.	Yes
5. Landscaped Area and Private Open Space		
Landscaped Area (deep soil area) 1. A minimum of 25% of the site area shall be landscaped area.	**Proposed landscaped area:** 1,284.44m^2, or 38% of the proposed site area.	Yes
2. A minimum of 50% of the front setback area shall be landscaped area.	At least 50% of the front setback area is landscaped area.	Yes
3. 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 sight and provides deep soil space in accordance with ADG requirements.	Yes

4. 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.	Yes
5. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	Pervious surfaces are provided where possible.	Yes
Open Space 1. 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
2. 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 northern side of the site, which would enable 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.	Yes
3. Locate open space to increase the potential for residential amenity.	The placement and design of landscaping associated with communal open space areas would facilitate residential amenity.	Yes
Private Open Space 1. Private open space shall be provided for each dwelling in accordance with the following table. Table 3 **Dwelling Size** / **Private Open Space Area** / **Minimum Width** Small < 65 sqm / 10sqm / 2m Medium 65 – 100 / 12sqm / 2m Large > 100 sqm / 12sqm / 2m	Pursuant to Clause 6A(1) of SEPP 65, Development control plans cannot be inconsistent with the ADG; refer to the ADG assessment for an assessment of Private Open Space (POS) areas.	N/A
2. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	POS spaces are provided as balconies and ground floor terraces.	Yes
3. 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.	Yes

4. Private open space should be clearly defined for private use. *For balconies refer to Building Design, Streetscape and Layout for controls on their design.*	Balustrades would provide clear delineation between private and communal space areas.	Yes
Drying Areas Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	External clothes drying facilities will not be provided.	Yes
6. Building Design, Streetscape and Layout		
Building Height Refer to the Liverpool LEP 2008 written statement and maps for the maximum Building Height in the R4 zone.	Refer to the assessment of LLEP 2008 and the attached written variation request regarding building height.	Yes
Building Appearance and Streetscape 1. Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	Refer to the assessment of SEPP 65 above.	-
2. Building facades shall be articulated and roof form is to be varied to provide visual variety.	A high degree of articulation is proposed on all elevations.	Yes
3. The pedestrian entrance to the building shall be emphasised.	All pedestrian entrances to the building lobbies are clearly identifiable from the adjoining public domain.	Yes
4. A sidewall must be articulated if the wall has a continuous length of over 14 m.	**Maximum unarticulated building length:** 6m	Yes
5. 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.	Vehicular entrance to the site is to be provided via a secondary frontage (i.e. Hillier Road) at the lowest point of the site in accordance with the ADG.	Yes
6. Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	Consistent walls are to be provided.	Yes
7. Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	The design of the basement is such that deep soil areas are maximised and a podium is not required.	Yes
8. The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly	A podium is not proposed.	N/A

encroach beyond the building footprint.		
9. A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	A master antenna will be provided as required.	Yes
10. Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	The varied design of the building would create complex façades that would contain a variety of openings, surfaces and materials. The design has been mindful of the relationship of the façades and their respective frontages.	Yes
11. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building. - Expressing key datum lines in the context using cornices, a change in materials or building set back. - Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. - Expressing the variation in floor-to-floor height, particularly at the lower levels. - Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - Selecting balcony types which respond to the street context, building orientation and residential amenity. - Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials.	As reflected by the submitted elevation plans, the design of the building facades responds to the desired character of the building and future development on surrounding sites. Elements that have been incorporated include: – Clear definition between lower and upper parts of the building, – Identification of corners and different frontages, – Providing a range or projecting and recessing features, which includes clearly identified building entries, – Cantilevered and recessed balconies, and – A variety of balustrade designs.	Yes
12. Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	The design has considered the orientation of the site.	Yes
13. Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	As is shown by the elevation plans, the building façades reflect the different site frontages and the corners of the building addressing such areas.	Yes

14. Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Services have been integrated into the external design.	Yes
15. Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	Security and ventilation louvres have been integrated into the external design.	Yes
Roof Design 1. Relate roof design to the desired built form. This may include: - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. - Using special roof features, which relate to the desired character of an area, to express important corners.	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
2. Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	The roof would not project beyond the top floor, and would relate to the size and scale of the building.	Yes
3. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	The design of the roof relates to the ordination of the site and does not reduce solar access to dwellings, open space areas and/or surrounding sites.	Yes
4. Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	Aside from lift overruns (which Council's pre-DA minutes indicate would be supportable), services would be integrated into the overall building design.	
5. Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	Not applicable.	N/A
Building Entry 1. Improve the presentation of the development to the street by: - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.	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.	Yes

- Designing the entry as a clearly identifiable element of the building in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.		
2. Provide as direct a physical and visual connection as possible between the street and the entry.	Direct pathway connections are provided from the lobbies to Anderson Avenue.	Yes
3. Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	Clear lines are provided in all areas between the public domain and all dwellings.	Yes
4. Ensure equal access for all	Lift access is provided to all levels.	Yes
5. Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas. - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	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.	Yes
6. Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed-use development. - Ground floor dwellings, where applicable.	Separate pedestrian and vehicular entrance points are provided.	Yes
7. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	Entries and circulation space are dimensioned to ensure movement of large items through the buildings.	Yes
8. Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	Letterboxes are be designed in accordance with Australian Post standards, and to minimise visual impact on the public domain.	Yes
Balconies 1. Balconies may project up to 1m from the façade of a building.	Most balconies would project more than 1m from the façade of the buildings. Despite such variations, the objectives of the controls would be satisfied as follows: • The design of the building has considered the placement and design of balconies; such features have therefore been	**No**

	integrated into façade and would therefore positively contribute to those facades. • The balconies would satisfy all relevant requirements in terms of areas, dimensions and solar access. Enjoyment living of outdoor areas would therefore be maximised. • The design of balustrades would facilitate causal observation of the public domain. With regard to the above, and noting that the consent authority is to be flexible in applying the provisions of DCPs pursuant to Section 4.15(3A)(b) of the Act where the objects of the control are satisfied, the proposed rear setbacks are considered to be supportable.	
2. Balustrades must be compatible with the façade of the building.	The design of the balustrades are consistent with the building.	Yes
3. Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	Balcony depths would not prevent solar access to private open space areas and adjoining living areas; refer to the ADG solar access assessment.	Yes
4. Design balustrades to allow views and casual surveillance of the street.	Balustrades would not obscure views of the adjoining public domain.	Yes
5. Balustrades on balconies at lower levels shall be of solid construction.	Solid balustrades are proposed on lower levels.	Yes
6. Balconies should where possible should be located above ground level to maximise privacy for occupants, particularly from the street.	The buildings will not be located on a podium(s), therefore it is not possible to raise balconies on the ground floor above ground level. Other design features (such as solid balustrades) would however maximise visual privacy.	Yes
7. Solid or semi solid louvres are permitted.	Noted. Louvres are proposed on some balconies.	Yes
8. Noise attenuation measures on balconies facing a Classified Road should be considered.	Not applicable.	N/A
9. Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	All balconies would overlook communal open space areas and adjoining road reserves.	Yes
10. Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger	All primary boundaries would form extensions of adjoining living areas. All primary balconies would be sufficiently sized; refer to the ADG assessment above.	Yes

dwelling) should fit on the majority of balconies in any development.		
11. Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	Secondary balconies adjoining bedrooms are proposed on a number of flow-through apartments.	Yes
12. Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions along rail corridors, on busy roads or in tower buildings choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	As with apartments, the majority of balconies would be oriented to the north, and are designed with features to provide sufficient shelter from the elements where required. Provisions relating to noise controls are not applicable.	Yes
13. Provide primary balconies for all dwellings with a minimum depth of 2m.	Refer to the ADG assessment for details regarding minimum dimensions.	Yes
14. Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	Proposed balcony depths would not limit solar access to adjoining areas; refer to the ADG solar access assessment for details.	Yes
15. Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: - Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. Liverpool Development Control Plan 2008 Building Design, Streetscape and Layout Part 3.7 20 - Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.	Balcony balustrades of varying appearance have been designed to permit views while maximising visual privacy.	Yes

16. Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	Not proposed.	N/A
Daylight Access 1. Plan the site so that new residential flat development is oriented to optimise northern aspect.	The majority of apartments are oriented to the north to maximise solar access in mid-winter; refer to the ADG solar access assessment.	Yes
2. Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	The northern orientation of the COS would maximise solar access between March and September. Landscaping treatments will provide appropriate shading in mid-summer.	Yes
3. Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows:	The majority of apartments would obtain sufficient maximise solar access in mid-winter; refer to the ADG solar access assessment.	Yes
4. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	Noted, however such features are not required to maximise compliance in mid-winter.	N/A
5. Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	Not proposed.	N/A
6. Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development.	The vast majority of single-storey and single-aspect apartments are oriented to the north or east; refer to the plans and ADG solar access assessment.	Yes
7. Avoid south facing dwellings.	South-facing apartments have been avoided where possible, with only 8% of apartments being oriented in this direction.	Yes
8. Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	Devices governing shade and glare have been utilised where necessary.	Yes
9. Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	Ceiling heights have been proposed in accordance with ADG requirements.	Yes
10. On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	Devices governing shade and glare have been utilised where necessary.	Yes

11. On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun. - Using high performance glass but minimising external glare off windows. - Avoid reflective films. - Use a glass reflectance below 20%. - Consider reduced tint glass. - Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where they are used: - Relate lightwell dimensions to building separation, for example, if nonhabitable rooms face into a light well less than 12m high, the lightwell should measure 6 x 6 m. - Conceal building services and provide appropriate detail and materials to visible walls. - Ensure light wells are fully open to the sky. - A combination of louvres provides shading for different times of the day.	Measures to both maximise shading from summer sun and energy efficiency have been utilised where necessary.	Yes
Internal Design 1. All staircases should be internal.	All communal stairways are internalised.	Yes
2. Minimise the length of common walls between dwellings.	Common wall lengths are to be minimised.	Yes
3. Basement car parking shall be located beneath the building footprint.	Except where vehicular access is provided (the placement of which is required to comply with other planning requirements), basement carparking has been mostly situated beneath the building footprint. Deep soil space would be well in excess of minimum requirements.	Yes
4. Where possible natural ventilation shall be provided to basement car parking.	As a podium is not proposed, ventilation is to be provided via internal risers.	Yes
5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	The building layout and setbacks would prevent direct overlooking of adjoining residential sites.	Yes
6. Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	The design has considered the location of noise generating areas in relation to bedrooms.	Yes
7. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	Not applicable.	N/A
8. Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	Noted; to be addressed at the construction certificate phase of the development.	Yes

9. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	Habitable and active rooms would be placed to overlook proposed COS areas.	Yes
Ground Floor Dwellings 1. Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	Private open spaces and terraces are to overlook the adjoining public domain.	Yes
2. Create more pedestrian activity along the street and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.	Except for single-aspect north-facing apartments, all apartments would be designed to address the street and maximise visual surveillance.	Yes
3. Planting along the terrace edge contributes to a quality streetscape.	Planting to terrace edges is proposed; refer to the landscape plans.	Yes
4. Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children.	Noted.	Yes
5. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	Individual access points to ground-floor apartments is not proposed, however multiple public entry points to the site are proposed along the Anderson Avenue frontage.	Yes
6. Provide ground floor dwellings with access to private open space, preferably as a courtyard.	All ground floor apartments would provide access to POS areas.	Yes
Security 1. Entrances to buildings should be orientated towards the front of the site and facing the street.	Building entrances are oriented towards Anderson Avenue.	Yes

2. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.	Not applicable.	N/A
3. Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to applied to the wall to a height of 2 metres.	Blank walls are not proposed on any frontage.	Yes
4. Minimise the number of entry points to buildings.	One street-entry point is proposed for each building.	Yes
5. Reinforce the development boundary to strengthen the distinction between public and private space by: - Employing a level change at the site and/or building threshold (subject to accessibility requirements). - Signage. - Entry awnings. - Fences, walls and gates. - Change of material in paving between the street and the development.	Reinforcement of the development boundary is proposed utilising the following measures: • Signage, • Fences and walls, and • Changes in paving materials.	Yes
6. Optimise the visibility, functionality and safety of building entrances by: - Orienting entrances towards the public street. - Providing clear lines of sight between entrances, foyers and the street. - Providing direct entry to ground level dwellings from the street rather than through a common foyer. - Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	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, and • Providing direct (i.e. lift) and well-lit access between the basement carpark and all apartments.	Yes
7. Improve the opportunities for casual surveillance by: - Orienting living areas with views over public or communal open spaces, where possible. - Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street. - Using corner windows, which provide oblique views of the street. - Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	Surveillance opportunities are provided proposed through the following measures: • Orienting living areas so that they overlook COS areas and the public domain, • Designing balconies that that protrude beyond the façade and offer an able of vision to the public domain, and • Providing casual views of common areas and approaches.	Yes
8. Minimise opportunities for concealment by: - Avoiding blind or dark alcoves near lifts and	Opportunities for concealment would be prevented by providing well-lit common lobby	Yes

stairwells, at the entrance and within indoor car parks, along corridors and walkways. - Providing well-lit routes throughout the development. - Providing appropriate levels of illumination for all common areas. - Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	areas that avoids blind corners.	
9. Control access to the development by: - Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. - Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. - Providing direct access from car parks to dwelling lobbies for residents.	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 1. Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.	The design of the building would maximise natural ventilation; refer to the submitted plans and ADG assessment above.	Yes
2. Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout.	Door and window selection would assist in maximising natural ventilation.	Yes
3. Provide narrow building depths to support cross ventilation.	A narrow building is proposed that would promote cross-through ventilation.	Yes
4. Avoid single-aspect dwellings with a southerly aspect.	South-facing apartments have been avoided where possible, with only 8% of apartments being oriented in this direction.	Yes
5. Design the internal dwelling layout to promote natural ventilation by: - Minimising interruptions in air flow through a dwelling. - Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the dwelling to be compartmentalised for efficient summer	The design of internal dwelling layouts would promote natural ventilation, as demonstrated by the accompanying plans prepared by Kennedy Associates Architects.	Yes

cooling or winter heating. - Select doors and operable windows to maximise natural ventilation opportunities established by the dwelling layout.		
Building Layout The layout of dwellings within a residential flat building should minimise the extent of common walls. Figure 9 shows layouts that are not preferred and options that are considered acceptable.	The building layout has been designed in accordance with ADG requirements, however the requirements of Figure 9 are broadly addressed.	Yes
Storage Areas	Storage areas and allocations have been prepared in accordance with the ADG; refer to the separate assessment above.	Yes

7. Landscaping and Fencing

Landscaping

The landscape design of the site (including deep soil areas and dimensions) has been prepared in accordance with the ADG and DCP where require. To summarise, 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.

Refer to the landscape plan and arboricultural impact assessment that accompany this application for further details.

Fencing:

Fencing will be undertaken in accordance with DCP requirements. To summarise, fencing adjoining road frontages (excluding enclosures around the temporary waste storage area) would contain heights (i.e. 1.2 metres) consistent with DCP requirements; the finishes and materials of those fences would be consistent with the residential flat building. Fencing adjoining residential sites to the north would be a maximum height of 1.8 metres. Refer to the landscape plans for further information.

8. Car Parking Access

Car parking facilities and associated access has been provided in accordance with the ARH SEPP, relevant Australian Standards and the DCP where such requirements apply. Refer to the assessments of the ADG and Part 1 of the DCP for an assessment of car parking rates. To summarise compliance with controls within this section of the DCP, separate vehicular access is to be provided via a ramp to the basement from the Hillier Road frontage. The design will not require a podium, therefore controls relating to ventilation features at ground level are not applicable. Access by persons with disabilities will be provided from all areas of the basement via lift access to each of the three buildings.

9. Amenity and Environmental Impact

The design of the development has been undertaken in accordance with the ADG and relevant provisions of the DCP (refer to the detailed assessment of Section 6 (Building Design, Streetscape and Layout) of Part 3.7 of the DCP above; the latter of these assessments contains provisions that are largely replicated by this section of the DCP.

To summarise compliance, the design of the building (particularly building siting, window location, balconies, landscaping and fencing) has considered the importance of both amenity and visual privacy. Acoustic impacts have been considered (refer to the acoustic assessment which accompanies this application), noting that provisions regarding traffic noise and vibration from classified roads do not apply to this site (refer to the assessment of the ISEPP above).

10. Site Services

The design and placement of site services has been addressed above. To summarise compliance however, 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 (refer to the architectural and landscape plans, in addition to the Waste Management Plan prepared by Elephants Foot). 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.

5.4 Planning agreements - Section 4.15(1)(a)(iiia)

No planning agreement has been found to apply to the subject site.

5.5 The Regulations - Section 4.15(1)(a)(iv)

The pertinent considerations identified within the *Environmental Planning and Assessment Regulation 2000* relate to conformity with the Building Code of Australia (BCA).

5.6 Impact on the natural and built environment – Section 4.15(1)(b)

5.6.1 Impact on the Natural Environment

The proposal would have minimal impact on the natural environment. While it is conceded that some vegetation removal would be associated with the works, with regard to the zoning, subdivision pattern and existing development layout of the site, it would be extremely difficult to increase dwelling density without the removal of trees. 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. 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.

The development would not affect the amenity of surrounding sites and the public domain, as the orientation and highly articulated nature of the design would prevent excessive or unreasonable overshadowing of the surrounding area (including the public park located immediately to the west).

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.

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.

As such, the consent authority can be satisfied that the construction and ongoing use of the proposed development would not excessively or unreasonably affect the local environment and associated amenity.

5.6.2 Impact on the built environment

The proposed development includes the construction of a residential flat building that would include sixty-three (63) dwellings; such development is permissible within the R4 High Density Residential 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.

The scale of the development (in terms of height, gross floor area, etc) would not be consistent with low-density detached dwellings on surrounding sites, however the locality is a former low-density residential area that has been rezoned as a high-density residential area. With regard to the zoning of the locality and its proximity to services and public transport, both Council's planning controls and EPIs such as SEPP ARH anticipate that future development of the local area would primarily consist of development that is similar (in terms of typology, height, scale and character) to that being proposed. Given that the development is one of the first of its type to be proposed within the local area, some degree of inconsistency with existing low-density development and associated character is to be expected. This is reflected by relevant Land and Environment Court case law, which recognises that initial inconsistency with existing character may occur within up-zoned areas, and that development would be consistent with streetscape character if it is consistent with the likely future character of development that is envisioned by relevant planning standards and controls. In this regard, 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 demonstrated by the assessments above and appended variation request, a high degree of compliance is obtained by the proposed design; there would subsequently be no adverse impacts (such as excessive and unreasonable overshadowing or visual privacy impacts) on surrounding sites and the public domain. The proposed development would also not affect the ability of surrounding sites (specifically 8 and 10 El Alamein Avenue) to be amalgamated and contain high-density residential development that is envisioned by relevant planning controls.

Given that the proposal will increase the density of residential development on the site, the likely impacts of traffic has been considered below:

With regard to the above, it is submitted that the proposal will not have any adverse impacts on the built environment and is therefore satisfactory.

5.6.3 Social and economic impacts

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.

The provision of such housing would significantly boost available stock for affordable housing within an LGA, which – as identified by Section 4.2 of this SEE – by 2036 will have the highest demand for social and affordable housing with the entire Western City District.

As such, the proposed development will provide the following positive community/social impacts to the Liverpool LGA area and the wider locality:

- Assist in providing for the significant, long-standing and continually-growing demand for affordable housing;
- Assist in improving the amenity of accommodation for persons seek such housing (including those) with a disability, by providing new housing that offers very high levels of amenity and accessibility within a highly convenient and accessible location;
- Provide additional housing choices to the local community by providing a greater range of dwelling sizes;
- Improve the environmental sustainability of housing on the site, particularly through improved and up-to-date energy and water efficiency standards;
- Provide more accessible housing on the site for people with a disability.

Further, aside from BlueCHP's recognition as a community housing provider, the agreement with NHFIC in June 2019 included arrangements for the long-term management of the development as affordable housing. The consent authority can therefore be satisfied that it is the applicant's intention to utilise the development as affordable housing (thereby delivering significant social benefits) well into the future.

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.

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.

Further, as indicted within Section 2.4 of this document, in June 2019 NHFIC provided a construction loan to BlueCHP (the first such loan issued to a community housing provider), in addition to further a loan for the ongoing provision and management of affordable housing at the site. If this project were successful, it would serve as a precedent, thereby enabling other community housing providers to economically benefit from similar future funding arrangements.

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.

5.7 Suitability of the site for the development – Section 4.15(1)(c)

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.

5.8 Public Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in the light of Section 4.15 of the Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

5.9 Public Interest – Section 4.15(1)(e)

The proposal would occupy sites that are either currently vacant and which contain outdated structures with an affordable housing development that will include sixty-three (63) dwellings. The development proposes very high levels of amenity, architectural integrity, environmental sustainability within a modern presentation that will complement the future residential character of the Liverpool area.

The location of the site is:

- Highly accessible for residents seeking to access local transport, services and facilities; and
- Within an LGA where there is significant and growing need for social and affordable housing.

The provision of affordable housing (which includes accessible adaptable housing for persons with disabilities) would be providing a service to the broader community in accordance with the aims of the

ARH SEPP. The dwellings offer future residents efficient layouts with high levels of amenity (noting that very high levels of compliance are attained with regard to natural cross ventilation, solar access, acoustic privacy and visual privacy) and respond to the specific needs of the community, particularly those without private transport and/or disabilities.

The proposal would not result in adverse impacts on the natural and/or built environment, nor would it adversely affect the amenity of residents within surrounding sites. Further, the development would have significant social and economic benefits, particularly for affordable housing providers and the recipients of such housing.

Accordingly, it is considered the proposed development will result in a positive development outcome for both Liverpool, the LGA and the western Sydney area more broadly. The proposed development is therefore in the public interest.

6.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is concluded the proposed development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development will provide positive economic, social and community impacts through the delivery of sixty-three (63) new dwellings, which would significantly increase affordable housing stock within the Liverpool LGA; and area identified as having a significant and growing need for such development.
- 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 is consistent with the relevant provisions within LDCP 2008. Consistency with the relevant objectives of the DCP has also been demonstrated.
- There would be no excessive and unreasonable impacts that would arise as a result of the proposed development.
- It is considered there are no matters that would warrant the refusal of the proposal on the grounds of it being contrary to the public interest.
- The proposal would be generally consistent with the planning controls for the site. The proposal would not have any adverse impacts on the future development potential of the surrounding area or the amenity of surrounding sites, and would have significant social and beneficial impacts. As such, the proposal is considered to be in the public interest.

The proposal has merit and will make a positive contribution to the locality, the Liverpool LGA and the Western Sydney District more broadly. It is therefore recommended that the Sydney Western City Planning Panel support and approve this DA.

Appendix A - Council Pre-Lodgement and Design Excellence Panel Meeting Minutes

LIVERPOOL CITY COUNCIL

Our Ref: PL-120/2018
Contact: Customer Service
Ph: 1300 36 2170
Date: 14 February 2019

BLUECHP LTD
PO BOX 315X
LEUMEAH NSW 2560

Dear Sir/Madam,

Pre - Development Application Advice

Reference Number:	PL-120/2018	
Proposed Development:	Consolidation of 5 allotments, being lots 57, 58, 59, 60 & 61 DP35980 and to construct a 5 level residential flat building at site for the purpose of an affordable housing development	
Property Address:	1 ANDERSON AVENUE, LIVERPOOL NSW 2170 Lots 57-61 DP 35980	
Date of Meeting:	**05 December 2018**	
Present at Meeting:	**Council Representatives:**	
	Name	**Title**
	Glenn Ford	LCC
	Peter Oriehov	LCC
	Shahad Al-Ghurani	LCC
	Salih Suleiman	LCC
	Applicant Representatives:	
	Name	**Company**
	Pau-Lahi Haangana	Bluechip
	Glenn Amanonce	Bluechip
	Charles Northcote	Bluechip
	Anthony Nolan	Kennedy Associates
	Tyson Eh-Moller	CPS

EXECUTIVE SUMMARY

Zoning:	R4 – High Density Residential Zone The proposed use for a Residential Flat Building is permissible in the zone
Relevant Environmental Planning Instruments & Codes	• State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; • State Environmental Planning Policy (BASIX: Building Sustainability Index) 2004; • State Environmental Planning Policy No. 55 – Remediation of Land; • The Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 – Georges River Catchment (deemed SEPP); • State Environmental Planning Policy Infrastructure 2007; • Liverpool Local Environmental Plan 2008 (LLEP 2008) • Liverpool Development Control Plan 2008 (LDCP 2008)
Other Relevant Matters:	• Apartment Design Guide (ADG) • Seniors Living Policy: Urban Design Guidelines for Infill Development • Liverpool Design Excellence Panel
Assessing Authority	• Liverpool City Council
Determining Authority	• Sydney Western City Planning Panel

BACKGROUND

The subject land is owned by the New South Wales Land and Housing Corporation and has been used to provide social housing for many years. The properties have reached a point where redevelopment is warranted to provide new housing.

BlueCHP Limited is proposing to consolidate all five properties and redevelop the new site under State Environmental Planning Policy (Affordable Rental Housing) 2009. It is proposed to construct a six (6) storey Residential Flat Building containing 64 apartments – with 32 (or 50%) being provided as Affordable Rental Housing and the remaining 32 being offered to the market for private sale. BlueCHP has identified its approach to providing residential development with affordable rental housing on its website and printed Annual Report. It provides a variety of development and project management services for partners and clients and has, to date, has delivered up to 1,700 affordable housing units and retained 680, valued at over $250 million.

There are several planning issues with the project that has been presented for discussion at this meeting. They include:

1. Excess Floor Space ratio above the 1:1 that applies under the Liverpool LEP 2008 plus the 0.5:1 bonus that applies under the ARH SEPP. The FSR being sought is at least 1:59:1 which equates to an extra 6%.

2. Additional Height of Building in the form of approximately 2.5m above the maximum 15m that applies under Liverpool LEP 2008. The variation in height differs over the length and width of the building but at its greatest extent represents a non-compliance of 16.6%.

3. The number of car parking spaces was not specified. Subsequent calculations which allocate spaces to 32 units at the ARHSEPP minimum and to 32 units at the Liverpool DCP rate indicates that the parking provision (currently shown as a single basement) is significantly less than would be required to meet compliance. The shortfall would be 21 spaces if the required number of spaces are allocated to affordable rental housing in accordance with Clause 14(2)(a)(ii) of the ARHSEPP.

4. Setbacks for the building appear to satisfy the ADG requirements although the vertical articulation of the building does not provide deeper setbacks for the upper levels.

Notwithstanding the provisions of Clause 4.6 of LLEP 2008 which enable the proponent to seek a variation to the FSR and HoB controls, Council staff expressed the view that for a clear, flat generally unencumbered site, there appeared to be no impediment – based on an assessment of the planning controls - for the proposed development to comply with the development standards set down for the site. It was advised that Council is not be in a position to support the variations sought.

BlueCHP responded that the proposal was considered to be based on sound financial modelling and required the identified yield and configuration to be viable. The public benefit of providing affordable rental housing was argued but it was noted that financial viability was not a matter for consideration for Council (or any other Planning Panel) in determining under Clause 4.6 whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and if there are sufficient environmental planning grounds to justify contravening the development standards.

It was agreed that it is open to BlueCHP to lodge a DA that seeks a variation to the FSR and HoB as proposed and that Council is obliged to deal with it in accordance with the Environmental Planning and Assessment Act. As such, it was suggested that it there was an intention to pursue such an application, then it would be worthwhile to first present the proposal to Council's Design Excellence Panel (DEP) prior to lodging a formal so that the quality of the proposed design could be examined and the impacts of the non-compliances be scrutinised.

The proponent will then be in a position to fully consider the matters raised above alongside any issues identified by the panel prior to DA lodgement. The DEP comments will be considered in the assessment of the application and by the determining authority in is consideration any DA.

Residential Flat Building made pursuant to the ARHSEPP

Issue	Comments
Planning **ARHSEPP**	**State Environmental Planning Policy (Affordable Rental Housing) 2009** The proposed development is to be design to fully satisfy the relevant provisions of the Affordable Rental Housing SEPP 2009, particularly: Any DA made under the ARHSEPP will need to: • Demonstrate that it satisfies all the controls in Division 1 of the ARHSEPP including car parking provision. • The GFA allotted to Affordable housing is equal to or greater than the GFA provided as a bonus under the ARHSEPP. • The mix of Affordable housing units throughout the building and being integrated with the private unit for sale. • Show how the development is compatible with the character of the local area. **Accessible Area** To capture the bonus FSR offered under the ARHSEPP for Affordable Rental Housing, the proposed development will need to demonstrate that it is in "accessible area" as defined by the SEPP. ***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* *(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or* ***(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*** The proximity of the site to bus services in Moore Street, Memorial Avenue and in the K Liverpool-Parramatta Transitway is noted. Compliance with item (c) will need to be confirmed with any DA.

Planning **LLEP2008**	**Liverpool Local Environmental Plan 2008** Clause 4.3 Maximum Height The height of the building shall not exceed 15m as per LLEP 2008; The proposed height is 17.5m and exceeds the maximum height control of 15m. The applicant advised that it is intended to seek a variation to the development standard. The provisions of Clause 4.6 of the LLEP 2008 enable a variation to be sought and it will be necessary to presents reasons, based on planning grounds, to satisfy the terms and criteria of Clause 4.6. Clause 4.4 Floor Space Ratio The maximum floor space ratio for a building on the site is not to exceed 1.5:1 as per the LLEP 2008 and ARHSEPP bonus. The proposed FSR is 1.59:1 and exceeds the development standard. Again, the applicant advised that it is intended to seek a variation to the development standard. The provisions of Clause 4.6 of the LLEP 2008 enable a variation to be sought and it will be necessary to presents reasons, based on planning grounds, to satisfy the terms and criteria of Clause 4.6. It is noted that BlueCHP intends to pursue the variation of two development standards which The Clause 4.6 considerations will need to demonstrate why this site is not capable of supporting a fully compliant development in circumstances where it is already is in public ownership and does not appear to be adversely affected by environmental constraints or other features that would prevent a fully complaint development being accommodated upon it. Full consideration will need to be given to NSW Land and Environment Court cases that have established principles for dealing with Clause 4.6 matters including *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 9.
	South Western City Planning Panel As the estimated Capital Investment Value for the development is expected to exceed $5 million, the DA shall be determined by the Sydney Western City Planning Panel.

	Design Excellence Panel Council and the SWCPP require that a development for a RFB at the scale proposed will not only meet planning and design requirements controls but will also exhibit design excellence. Any DA for the proposal will be required to be presented to Council's Design Excellence Panel for review and comment. Any request to vary established and consistently applied development standards which contribute to establishing the desired built form for a locality will need to demonstrate that the proposed non-compliant development provides a superior outcome on environmental planning grounds to warrant those variations. Presentation to the DEP (before committing to a DA) will provide an opportunity to test the quality of the design. All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be shown on all drawings. The nominated architect must attend the DEP meeting to present the scheme.
	SEPP65 – Apartment Design Guide The Apartment Design Guide (ADG) provides directions and parameters to assist in the good design of higher density residential buildings. Council and the SWCPP will required that the proposed building will exhibit compliance with the requirements of SEPP 65 and the ADG. <u>Solar Access</u> Section 4A-1 of the ADG provides the following controls in regards to solar access as follows: ○ "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 3pm at mid-winter". ○ "A minimum of 15% of apartments in a building receive no direct sunlight between 9 am and 3pm at mid-winter". The proposed plans must ensure that the development is provided with the required amount of solar access as shown above. <u>Acoustic and Visual Privacy</u> The proposal shall be designed taking into consideration adjoining sites including any proposal on adjoining sites to ensure that there are no visual and acoustic privacy impacts particularly given the additional height and scale of the proposed building compared to surrounding development.

Waste Storage Area and Collection

Future application shall include an area for waste storage in accordance with the Liverpool Council's Waste Management requirement. It is advised that the applicant contact Council's Waste Project Officer (Karl Adderley 8711 7041) to confirm bin and collection requirement before finalising the design or lodging the DA. Proper waste management is crucial contributor to the successful operation of any site including for properties that will be managed as rental properties.

Deep Soil Zones

Objective 3E-1 of the ADG provides controls for deep soil zones. The relevant provisions for the proposed development are as follows:

- Site area: 650sqm – 1500sqm
- Minimum Dimensions – 3m
- Deep Soil zone (% of area) – 7%

In this regard, the ARHSEPP requires a more extensive deep soil area.

deep soil zones
if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:

*(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the **deep soil zone**), and*

(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and

(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area

The proposed development shall provide the required amount of deep soil zone based on the entire site area and with the required dimensions.

Cross Ventilation

The design of the proposal shall demonstrate 60% cross ventilation in accordance with the requirements of the ADG.

Crime Prevention

The design of the proposal shall ensure that the principles of Crime Prevention Through Environment Design (CPTED) are incorporated into the building, landscaping and site lighting.

Planning LDCP 2008	**Liverpool Development Control Plan (LDCP) 2008** The applicant shall demonstrate that the proposed development complies with all of the relevant controls contained within the LDCP 2008, Part 1 – General Controls for all development and Part 3.7 – Residential Flat Buildings. The applicant shall provide a Social Impact comment in accordance with Section 27 of the Part 1 of the LDCP 2008.
Overshadowing	The applicant shall adequately demonstrate as per of any DA submission how the proposed building has been designed to reduce overshadowing impacts to surrounding residential zones.
Site Isolation	The applicant must adequately demonstrate that properties at No. 8 and No. 10 El Alamein Avenue, at the rear of the site will not become isolated from realising future development potential as a result of the proposal. This shall be with reference to planning principles established in the NSW Land and Environment Court for potentially isolated sites and shall be included in any DA submission for the development of the subject site.
Demolition	Redevelopment of the site will involve demolition of the existing houses on the sites Any prospective development application needs to address applicable Australian Standards and Council LDCP requirements (Part 1 Section 14 – Demolition of Existing Developments). It is noted that the existing houses on the site are probably 60 years old and are likely to contain asbestos. The appropriate protections will need to be put in place when the building are demolished.
Stormwater	• Stormwater drainage for the site must be in accordance with Council's Development Control Plan. • A stormwater concept plan shall be submitted with the application. The stormwater concept plan shall be accompanied by a supporting report and calculations. • On-site detention is required to be provided for the site. • The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards. • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. • Basement pump out system will be required for the development.
Floodplain Management	• The site is shown as being affected by Low Risk Flooding but Council's Management Team advised that there is no restriction to building on

	the land because of it. The impact of local flows will need to be incorporated into a stormwater drainage plan for the site.

Traffic and Access	• A Traffic Impact Statement addressing traffic generation, impacts on the surrounding road network and parking provision is to be submitted. • Detailed design of car park, driveway access and internal circulation including swept path analysis, line markings and sign posting to be submitted for review by Council. The design should comply with the DCP and AS2890 parts 1, 2 and 6 and, demonstrate that all expected vehicles will be accommodated, including a small rigid service vehicle (6.4m long). • Public Transport provision. • An Operational Management Plan (OMP) will be required to ensure parking compliance. • Street lighting to Council's specifications.
Roadworks and Road Reserve Works	• The development will require the following external road works: ○ Footpath construction to all site frontages
Earthworks	• No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • The application is to be supported by a geotechnical report prepared by a suitably qualified person to address salinity and acid sulphate soils. • Proposed fill material must comply with Council's Development Control Plan.

Note:
This Pre-Lodgement advice is only a preliminary review of the concept development and the comments provided, written or otherwise, must not be considered as assessment of your proposal. Council is unable to make a recommendation on the proposal until such time as a full merit assessment of a lodged Development Application and its supporting documentation is undertaken. The advice provided in no way fetters the discretion of Council in the assessment and determination of any potential application for the site. Additionally, any matters not identified in the below advice may emerge during the consideration of the complete application.

Information to be submitted with a Development Application

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

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

Architectural Plans
• Survey Plan (confirming no building encroachments to easements, if any); • Architectural plans (site plan, floor plans, elevations and sections), ensuring that all survey details including boundaries and other site constraints are shown on the architectural plans); • Site analysis; • Shadow diagrams and shadow analysis of adjoining elevations; • Coloured perspectives; • Colour schedule of external building materials, colours and finishes; • Landscaping plan prepared by a qualified Landscape Architect; • Stormwater Drainage plan; • Demolition plan and statement, clearly identifying all structures to be demolished; • Strata subdivision plan if subdivision is sought;

Reports
• A Quantity Surveyor report providing the Capital Investment Value (CIV) and estimated cost of works; • Statement of Environmental Effects (SEE) including addressing section 4.15 of the *EPA & Act 1979* and Table of Compliance against provisions of LLEP 2008, DCP 2008 and SEPPS; • Written justification of any variations to LLEP 2008 development standards in accordance with Clause 4.6 of the LLEP 2008; • Written justification of any variations to LDCP 2008 controls; • Traffic and Parking Assessment; • Acoustic Report; • Social Impact comment; • Waste Management Report; • ADG Compliance Statement; • SEPP 65 Design Verification Statement; • Essential Services report; • Waste Management Plan (for demolition, construction and on-going waste management); • BASIX Certificates; • Arborist Report; • Erosion and sediment control plan; • Earthworks plan and cut/fill and retaining wall details; • SEPP 55 consideration and Contamination Report if required.
Submission Requirements
• 1 x copies of the above reports/plans. Plans are to be no larger than A3 size. • 1 x CD Rom / USB containing electronic copies of all above documents accurately titled.

Please contact me on fordg@liverpool.nsw.gov.au if you wish to discuss this matter further.

Yours faithfully

Glenn Ford
Senior Development Planner
DEVELOPMENT ASSESSMENT

LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday 14th February 2019

DEP PANEL MEMBERS PRESENT:

Rory Toomey	Chairperson	GA NSW
Alf Lester	Panel Member	LFA
Geoff Baker	Panel Member	GBDC - DEP

APPLICANT REPRESENTITIVES:

Anthony Nolan	Kennedy Associates
Duncan Reed	Kennedy Associates
Glenn Amanonce	BlueCHP
Pau-Lahi Ha'anga	BlueCHP
Tyson El-Moller	Creative Planning Solutions

APOLOGIES:

Nil

OBSERVERS:

Glenn Ford	Senior Development Planner	Liverpool City Council
Peter Oriehov	Development Assessment Planner	Liverpool City Council
Scott Sidhom	Coordinator Urban Design	Liverpool City Council

LIVERPOOL CITY COUNCIL

Minutes

ITEM DETAILS:

Item Number: 3

Application Reference Number: PL-120/2018

Property Address: 1-9 Anderson Avenue, Liverpool NSW

Meeting Venue: 33 Moore St, Liverpool NSW 2170 - Glasshouse Room (Level 5)

Date: 14/2/2019 Time: 2:00pm – 2:45pm

Proposal: Demolition of existing structures, on site and amalgamation of five (5) lots into one (1) for construction of a Residential Flat Building, being five (5) storeys in height for sixty-four (64) units of affordable rental housing with one level of basement car parking for 52 cars.

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

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

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

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

2.0 DECLARATIONS OF INTEREST

Nil

3.0 PRESENTATION

The applicant presented their proposal for PL-120/2018, 1-9 Anderson Avenue, Liverpool NSW.

4.0 DEP PANEL RECOMMENDATIONS

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

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

4.1. Context

- Recommendations –
  NIL.

  The Panel noted that the contextual setting was appropriate for medium density housing.

4.2. Built Form + Scale

- Recommendation 1 –
  The Panel recommends revising the design to achieve a refined level of built form and enhanced articulation.

- Recommendation 2 –
  The Panel recommends revising the design to meet Council's FSR and height controls. The Panel does not support the proposed breach of Council's FSR and height controls (i.e. lift overruns that exceed height controls would be acceptable, but not rooms).

- Recommendation 3 –
  The Panel recommends revising the design to diminish the height and bulk of the centre portion of the building. (The goal is to achieve taller and bulkier building-ends). The Panel considers that the proposed building is out of scale with the site. The Panel recommends achieving more ground-level communal open space, potentially by reducing the footprint of the middle sector of the building.

- Recommendation 4 –
  The Panel recommends revising the design to achieve further articulation on the south side of the building (rather than the north side) to improve the amenity of the upper level spaces and better utilise solar access.

- Recommendation 5 –
  The Panel recommends further resolution of the north-facing ground floor apartments (i.e. that are long and linear in form and currently face communal open space). The Panel recommends creating high quality private open space linked to the ground level apartments. Private terraces should then be integrated with the balance of communal open space.

4.3. Density

- Recommendation 1 –
  The Panel recommends that the proposal adhere to Council's FSR controls for the site.

  The Panel is supportive of the overall building assembly strategy and outcomes that will be achieved through this proposal subject to design finesse of the external elements.

4.4. Sustainability

- Recommendation 1 –
  The Panel recommends using photovoltaic technology to generate power for lighting and electricity purposes in common areas (e.g. with LED lighting of car park and all common areas). This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic panels (e.g. space for integrating panels into the building façade and/or covered shade areas on north of building/rooftop). This can be an attractive marketing feature for the development.

- Recommendation 2 –
  The Panel recommends investigating opportunities to capture stormwater for re-use on site.

  The Panel highly commends the low-waste and high efficiency construction system that is proposed.

4.5. Landscape

- Recommendation 1 –
  The Panel recommends revising the landscape plan, as the open space area proposed currently runs the length of the rear of the building and is not readily identifiable as communal open space. Small gathering spaces could work well, given the distribution of housing types within the development. However, there should be one central space of more equal proportions (width to depth) as the communal focus. The Panel recommends fine grain treatments all the way through the landscape areas to the boundary (e.g. low brick walls and semi public-private spaces will work well).

- Recommendation 2 –
  The Panel recommends including facilities (e.g. BBQ's, picnic areas) for residents within the defined communal open spaces.

  The Panel notes the open space provisions at the rear of the building and on two rooftops. The Panel notes the provision of deep soil planting areas.

4.6. Amenity

- Recommendation 1 –
  The Panel recommends that balconies are scaled to allow appropriate solar access into apartments.

- Recommendation 2 –
  The Panel recommends ensuring a high level of thermal and acoustic performance in the design.

  The Panel supports the high level of solar and ventilation amenity.

4.7. Safety

- Recommendations –
  NIL.

4.8. Housing Diversity + Social Interaction

- Recommendation 1 –
  NIL.

  The Panel commends the level and distribution of social housing within the development. The Panel supports the rationale and location of affordable housing apartments on the ground level.

4.9. Aesthetics

- Recommendation 1 –
  The Panel recommends the use of materials in their unfinished and unpainted state where possible (e.g. brick, concrete, timber). Where materials are applied with a finish, ensure that the highest quality materials are used and the lowest maintenance is required.

- Recommendation 2 –
  The Panel recommends further development of the design is undertaken including enhanced articulation of the modular building system and revisions to communal open space. Ensure that balustrades and sun shading are varied responding to height above ground, privacy and aspect.

5.0 OUTCOME

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

1.	The project is supported in principle. The amended documentation addressing the identified issues is to be returned to the Panel.

Appendix B - Design Verification Statement & ADG Compliance Table

1-7 Anderson Avenue &
12 El Alamein Avenue
LIVERPOOL

sepp 65 design principle statement

KENNEDY ASSOCIATES ARCHITECTS
level 3 / 1 booth street
annandale nsw 2038
p 61 2 9557 6466
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mail@kennedyassociates.com.au
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Nominated Architect Steve Kennedy Registration Number 5828

november 2019

kennedy associates architects

abn 90 093 059 066
P 02 9557 6466
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E mail@kennedyassociates.com.au
W www.kennedyassociates.com.au

prepared for blue chp

1.1 background

This report has been prepared by Kennedy Associates Architects.

Kennedy Associates were engaged by Blue CHP (hereafter 'the client') to provide architectural services for the design of the proposed apartment building on the subject site

This report summarises the proposed developments compliance with the provisions of the ADG and its response to the design principles of SEPP 65, in its current form

1. adg assessment

2.1 compliance summary

Following is a summary of the proposed development's compliance with key measures of the ADG.

For detailed analysis of the project's compliance with the ADG, refer to the accompanying Apartment Design Guide Compliance Table.

Objective		Complies	Acceptable
3D-1	1. Communal Open Space Provision	Yes	-
3D-1	2. Solar Access to Communal Open Space	Yes	-
3E-1	1. Deep Soil Zone Provision	Yes	-
3F-1	1. Building Separations	Yes	-
3J-1	1. Car Parking Provision	Yes	-
4A-1	1. Solar Access to Living Rooms and Private Open Space (Sydney Metro Region)	Yes	-
4A-1	2. Solar Access to Living Rooms and Private Open Space (Other Areas)	N/A	-
4A-1	3. Apartments Receiving 0 hrs Solar Access at Mid-Winter	Yes	-
4B-3	1. Cross Ventilation	Yes	-
4B-3	2. Maximum Depth of Cross-Over or Cross-Through Apartments	Yes	-
4C-1	1. Ceiling Heights	Yes	-
4D-1	1. Minimum Apartment Sizes	Yes	-
4D-1	2. Habitable Room Windows	Yes	-
4D-2	1 Habitable Room Depths	Yes	-
4D-2	2. Combined Kitchen / Dining / Living Depth	Yes	-
4D-3	1. Minimum Bedroom Areas	Yes	-
4D-3	2. Minimum Bedroom Dimensions	Yes	-
4D-3	3. Minimum Living Room Width	Yes	-
4D-3.	4. Maximum Width of Cross-Over or Cross-Through Apartments	Yes	-
4E-1	1. Primary Balcony Dimensions	Yes	-
4E-2	1. Ground Floor Private Open Space	Yes	-
4F-1	1. Maximum Apartments Per Core (per floor)	Yes	-
4F-1	2. Maximum Apartments Per Core (10 storeys)	Yes	-
4G-1	1. Storage	Yes	-

NB: The summary above is not intended to be an exhaustive list of all criteria or guidelines outlined in the ADG, nor all design issues which may be applicable to the subject site and/or development. It contains the measures which, in our experience, most directly impact both the residential amenity of proposed developments and their acceptability in terms of urban design.

A broader discussion of how the proposed development addresses the nine design principles of SEPP 65, for which the detailed provisions of the ADG provide support, is included in section three of this report. This discussion addresses the intended outcomes of the ADG, without necessarily providing reference to individual design criteria or guidance.

Where additional criteria or guidance are considered particularly relevant to the proposed development, or where they provide useful clarification on an issue, they are referenced as required.

Schedule 1: Design Quality Principles:

Principle	Comment
Principle 1: Context and neighbourhood character *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	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.
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 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.
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 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.

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 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.
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 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.
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 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 guidelines.
Principle 7: Safety	All of the communal areas of the development have been designed to provide excellent amenity

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.	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.
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 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.
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 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 prats 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.

ADG Assessment

C – Is the development consistent with the Design Criteria? Y – Yes
G – Is the development consistent with the Design Guideline? **N** – No
O – Is the development consistent with the Objective? N/A or - – Not applicable

ADG Reference	Clause	Design Criteria	C	G	O
Part 3 Siting the Development					
3A Site Analysis	3A-1	A site analysis was assessed as part of the original proposal (refer to DA02 + DA03).	-	Y	Y
3B Orientation	3B-1	Buildings have been located on site to address the primary street frontage and to optimise solar access to the development.	Y-	Y	Y
	3B-2	Overshading to neighbouring buildings has been limited as the site enjoys optimal solar orientation.	-	Y	Y
3C Public domain interface	3C-1	The transition from the private to public domain has been carefully controlled through the appropriate location of private spaces with a buffer of landscaping to public areas.	-	Y	Y
	3C-2	The public domain areas of the development are of high quality with ease of access to the building entrances adjoining the street. Service areas have been located within the basement and the carpark entrance is located to the side of the building.	-	Y	Y
3D Communal and public open space	3D-1	**Required communal open space:** Minimum 25% of the site area (837m2, based on a site area of 3347.6m2) **Proposed communal open space:** 923m2, or 27.6%	Y	Y	Y
		Required: 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 **Proposed:** 720m2, or 78%	Y	Y	Y
	3D-2	The communal open space areas are of high quality and provide an opportunity for diverse activities to a range of different sized groups. The massing of the building pulls away at the centre of the site to provide an area of communal open space that is generously proportioned.	-	Y	Y
	3D-3	The communal open spaces are overlooked for passive surveillance by a large number of units with balcony areas and a series of foyer spaces that also overlook it. The communal open space is also easily accessed via the pedestrian entrances to the building.	-	Y	Y
	3D-4	The only publicly accessible portions of the site are limited to the street front areas leading to the three foyers that serve the building.	-	Y	Y
3E Deep soil zones	3E-1	**Required:** Deep soil zones are to be at least 7% of the site area, with minimum dimensions of 6m	Y	Y	Y

<table>
<tr><td></td><td></td><td>Proposed: 246m2, or 7.3%</td><td></td><td></td><td></td></tr>
<tr><td>3F Visual privacy</td><td>3F-1</td><td>Required: Minimum required separation distances from buildings to side and rear boundaries are as follows:

<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>
Proposed:
<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr><tr><td></td><td></td><td></td></tr></table></td><td>Y</td><td>Y</td><td>Y</td></tr>
<tr><td></td><td>3F-2</td><td>Communal open space areas and private open space areas have been separated throughout by the use of landscape elements in such a way that the use of privacy screening and fencing has been minimised throughout the development.</td><td>-</td><td>Y</td><td>Y</td></tr>
<tr><td>3G Pedestrian access and entries</td><td>3G-1</td><td>The pedestrian access to the building is via one of three cores that front onto Anderson Avenue. Each of the entrances is well articulated and clearly identifiable within the overall reading of the street frontage.</td><td>-</td><td>Y</td><td>Y</td></tr>
<tr><td></td><td>3G-2</td><td>The three pedestrian entrances to the building are all easily accessible by wheelchairs via a direct approach to the building without the need for separate ramps or walkways.</td><td>-</td><td>Y</td><td>Y</td></tr>
<tr><td></td><td>3G-3</td><td>The tree pedestrian entries to the site are linked via a path network that runs through the communal open space.</td><td>-</td><td>Y</td><td>Y</td></tr>
<tr><td>3H Vehicle access</td><td>3H-1</td><td>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 and does not detract from the building form or layout.</td><td>-</td><td>Y</td><td>Y</td></tr>
<tr><td>3J Bicycle and car parking</td><td>3J-1</td><td>Required: For development:
• On sites within 80m of a railway station or light rail stop in the Sydney Metropolitan Area, or
• Sites within 400m of B3 or B4 zoned land or equivalent in a nominated regional centre,
The minimum car parking requirement for residents and visitors is set out int eh Guide to Traffic Generating Developments, or the car parking requirement prescribed by Council, whichever is less. The car parking must be provided off-street.

Proposed parking:</td><td>Y</td><td>Y</td><td>Y</td></tr>
</table>

		63 residential spaces 08 visitor spaces Refer to the assessment of the DCP and the ARHSEPP for further information.			
	3J-2	Parking facilities for visitors and bicycles are provided within the basement of the building in areas that are clearly identifiable	-	Y	Y
	3J-3	The basement carparks contain a number of support facilities such as plant rooms and bin storage areas. Pedestrian entrances to the lift cores are separated from vehicle movements and are clearly identifiable	-	Y	Y
	3J-4	The basement carpark is located almost wholly beneath the existing ground surface and is efficiently laid out to minimise it's size. The lower level basement has been reduced in size to limit the amount of excavation required.	-	Y	Y
	3J-5	There is no on grade parking proposed for this development.	-	-	-
	3J-6	There is no enclosed on grade parking proposed for this development	-	-	-
Part 4 Designing the Building					
4A Solar and daylight access	4A-1	**Required:** • Living room and Private Open Space areas within at least 70% of all apartments must receive at least 2 hours of direct sunlight between 9am and 3pm in mid-winter. **Proposed:** • The internal solar access plans indicate that 53 of the 63 (i.e. 82.8% of proposed apartments) would receive at least 2 hours of direct solar access on June 21.	Y	Y	Y
		Required: • A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm in mid-winter. **Proposed:** • The internal solar access plans indicate that 5 of the 63 (i.e. 7.8% of proposed apartments would) receive not receive any direct solar access on June 21.	Y	Y	Y
	4A-2	Daylight is considered to be satisfactorily maximised within apartments noting the number of dwellings that have a northerly aspect and the limited number of apartments with southerly orientations	Y	Y	Y
	4A-3	Glare and shade control has been incorporated into the façade throughout the project	Y	Y	Y
4B Natural ventilation	4B-1	All habitable rooms receive sufficient natural ventilation	Y	Y	Y
	4B-2	There are a very limited number of single aspect apartments within the development and they have been carefully designed to optimise available opportunities for natural ventilation.	Y	Y	Y
	4B-3	**Required:** At least 60% of all apartments are naturally cross ventilated. **Proposed:** 57 (i.e. 89.1%) of the proposed apartments would be cross-ventilated.	Y	Y	Y
		Required: Cross-over/through not to exceed 18m **Proposed:**	Y	Y	Y
	4C-1	**Required:**	Y	Y	Y

<table>
<tr><td rowspan="3">4C Ceiling heights</td><td></td><td>• Minimum ceiling height for a habitable room is 2.7m
• Minimum ceiling height for a non-habitable room is 2.4m
Proposed:
• Habitable rooms: Minimum 2.7m ceiling heights proposed
• Non-habitable rooms: Minimum 2.4m ceiling heights proposed</td><td></td><td></td><td></td></tr>
<tr><td>4C-2</td><td>Shade to glazed areas is provided throughout the development through the design of balcony areas and in some cases sun shade elements that are specific to the shape and orientation of windows.</td><td>Y</td><td>Y</td><td>Y</td></tr>
<tr><td>4C-3</td><td>The location of the site is unsuited to conversion to non-residential uses in the future given the residential nature of the anticipated future character.</td><td>N/A</td><td>N/A</td><td>N/A</td></tr>
<tr><td>4D Apartment size and layout</td><td>4D-1</td><td>Apartments are required to have the following minimum internal areas:
<table>
<tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr>
<tr><td>Studio</td><td>35m^2</td></tr>
<tr><td>1 Bedroom</td><td>50m^2</td></tr>
<tr><td>2 Bedroom</td><td>70m^2</td></tr>
<tr><td>3 Bedroom</td><td>90m^2</td></tr>
</table>
Additional requirements:
• These calculations only provide for 1 bathroom, and 5m² is to be added for each additional bathroom.
• A fourth bedroom and further additional bedrooms are to increase the internal floor area by 12m^2

Proposed development:
U – Unit No. R – Required floor area (m^2)
B – No. of bedrooms P – Proposed floor area (m^2)
+ - Additional bathroom
<table>
<tr><th>U</th><th>B</th><th>R</th><th>P</th><th>U</th><th>B</th><th>R</th><th>P</th></tr>
<tr><td>U01</td><td>2+</td><td>75</td><td>75.22</td><td>U32</td><td>1</td><td>50</td><td>51.01</td></tr>
<tr><td>U02</td><td>2</td><td>70</td><td>76.17</td><td>U46</td><td>1</td><td>50</td><td>50.01</td></tr>
<tr><td>U03</td><td>1</td><td>50</td><td>50.22</td><td>U34</td><td>2+</td><td>75</td><td>77.4</td></tr>
<tr><td>U04</td><td>2+</td><td>75</td><td>77.4</td><td>U35</td><td>2+</td><td>75</td><td>77.4</td></tr>
<tr><td>U05</td><td>3+</td><td>95</td><td>95.06</td><td>U36</td><td>2+</td><td>70</td><td>76.04</td></tr>
<tr><td>U06</td><td>1</td><td>50</td><td>50.25</td><td>U37</td><td>2+</td><td>75</td><td>79.14</td></tr>
<tr><td>U07</td><td>1</td><td>50</td><td>51.01</td><td>U38</td><td>2+</td><td>75</td><td>75.07</td></tr>
<tr><td>U20</td><td>1</td><td>50</td><td>50.01</td><td>U39</td><td>2+</td><td>75</td><td>75.22</td></tr>
<tr><td>U08</td><td>2+</td><td>75</td><td>77.4</td><td>U40</td><td>2</td><td>75</td><td>76.17</td></tr>
<tr><td>U09</td><td>2+</td><td>75</td><td>77.4</td><td>U41</td><td>2+</td><td>75</td><td>75.05</td></tr>
<tr><td>U10</td><td>1</td><td>50</td><td>51.01</td><td>U42</td><td>2+</td><td>75</td><td>77.4</td></tr>
<tr><td>U11</td><td>2+</td><td>75</td><td>75.88</td><td>U43</td><td>3+</td><td>95</td><td>95.06</td></tr>
<tr><td>U12</td><td>2+</td><td>75</td><td>75.03</td><td>U44</td><td>1</td><td>50</td><td>50.25</td></tr>
<tr><td>U13</td><td>2+</td><td>75</td><td>75.22</td><td>U45</td><td>1</td><td>50</td><td>51.01</td></tr>
<tr><td>U14</td><td>2</td><td>70</td><td>76.17</td><td>U47</td><td>2+</td><td>75</td><td>78.5</td></tr>
<tr><td>U15</td><td>2+</td><td>75</td><td>75.05</td><td>U48</td><td>2+</td><td>75</td><td>77.4</td></tr>
<tr><td>U16</td><td>2+</td><td>75</td><td>77.4</td><td>U49</td><td>2+</td><td>75</td><td>76.04</td></tr>
<tr><td>U17</td><td>3+</td><td>95</td><td>95.06</td><td>U50</td><td>2+</td><td>75</td><td>79.14</td></tr>
<tr><td>U18</td><td>1</td><td>50</td><td>50.25</td><td>U51</td><td>2+</td><td>75</td><td>75.07</td></tr>
<tr><td>U19</td><td>1</td><td>50</td><td>51.01</td><td>U52</td><td>2+</td><td>75</td><td>75.22</td></tr>
</table></td><td>Y</td><td>Y</td><td>Y</td></tr>
</table>

		U33	1	50	50.01	U53	2	70	76.17			
		U21	2+	75	77.4	U54	2+	75	75.05			
		U22	2+	75	77.4	U55	2+	75	77.4			
		U23	2+	75	76.04	U56	3+	95	95.06			
		U24	2+	75	79.14	U57	1	50	50.25			
		U25	2+	75	75.07	U58	1	50	51.0^2			
		U26	2+	75	75.22	U59	2+	75	78.5			
		U27	2	70m^2	76.17	U60	2+	75	77.4			
		U28	2+	75	75.05	U61	2+	75	76.04			
		U29	2+	75	77.4	U62	2+	75	75.88			
		U30	3+	95	95.06	U63	2+	75	75.03			
		U31	1	50	50.25							
		Required: 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.								Y	Y	Y
	4D-2	**Required:** Habitable room depths are limited to a maximum of 2.5 x ceiling height.								Y	Y	Y
		Required: In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.								Y	Y	Y
	4D-3	**Required:** Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobes).								Y	Y	Y
		Required: Bedrooms have a minimum dimension of 3m (excluding wardrobes).								Y	Y	Y
		Required: Living rooms or combined living/dining rooms have a minimum width of: • 1-bedroom apartments: Minimum 3.6m • 2-bedroom apartments: Minimum 4m **Proposed:** • 1-bedroom apartments: Minimum 5.1m • 2-bedroom apartments: Minimum 4m								Y	Y	Y
		Required:								-	-	-

<table>
<tr><td></td><td></td><td>Widths of cross-over/through apartments are to be at least 4m.</td><td></td><td></td><td></td></tr>
<tr><td>4E Private open space and balconies</td><td>4E-1</td><td>1 bedroom apartments are to have primary balconies with a minimum area of 8m² and a minimum depth of 2m.
2 bedroom apartments are to have primary balconies with a minimum area of 10m² and a minimum depth of 2m.
3 bedroom apartments are to have primary balconies with a minimum area of 12m² and a minimum depth of 2.4m.

Proposed development:
U – Unit No. R – Required POS area
B – No. of bedrooms P – Proposed POS area
Note: The following assessment only considers units where POS areas are to be modified.

<table>
<tr><th>U</th><th>B</th><th>R</th><th>P</th><th>U</th><th>B</th><th>R</th><th>P</th></tr>
<tr><td>U13</td><td>2</td><td>10m²</td><td>13.13m²</td><td>U38</td><td>2</td><td>10m²</td><td>12.97m²</td></tr>
<tr><td>U14</td><td>2</td><td>10m²</td><td>10m²</td><td>U39</td><td>2</td><td>10m²</td><td>13.13m²</td></tr>
<tr><td>U15</td><td>2</td><td>10m²</td><td>10m²</td><td>U40</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U16</td><td>2</td><td>10m²</td><td>10m²</td><td>U41</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U17</td><td>3</td><td>12m²</td><td>16.35m²</td><td>U42</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U18</td><td>1</td><td>8m²</td><td>8m²</td><td>U43</td><td>3</td><td>12m²</td><td>16.35m²</td></tr>
<tr><td>U19</td><td>1</td><td>8m²</td><td>8m²</td><td>U44</td><td>1</td><td>8m²</td><td>8m²</td></tr>
<tr><td>U33</td><td>1</td><td>8m²</td><td>8m²</td><td>U45</td><td>1</td><td>8m²</td><td>8m²</td></tr>
<tr><td>U21</td><td>2</td><td>10m²</td><td>10m²</td><td>U47</td><td>2</td><td>10m²</td><td>16.3m²</td></tr>
<tr><td>U22</td><td>2</td><td>10m²</td><td>10m²</td><td>U48</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U23</td><td>2</td><td>10m²</td><td>10m²</td><td>U49</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U24</td><td>2</td><td>10m²</td><td>10m²</td><td>U50</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U25</td><td>2</td><td>10m²</td><td>12.97m²</td><td>U51</td><td>2</td><td>10m²</td><td>12.97m²</td></tr>
<tr><td>U26</td><td>2</td><td>10m²</td><td>13.13m²</td><td>U52</td><td>2</td><td>10m²</td><td>13.13m²</td></tr>
<tr><td>U27</td><td>2</td><td>10m²</td><td>10m²</td><td>U53</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U28</td><td>2</td><td>10m²</td><td>10m²</td><td>U54</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U29</td><td>2</td><td>10m²</td><td>10m²</td><td>U55</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U30</td><td>3</td><td>12m²</td><td>16.35m²</td><td>U56</td><td>3</td><td>12m²</td><td>16.35m²</td></tr>
<tr><td>U31</td><td>1</td><td>8m²</td><td>8m²</td><td>U57</td><td>1</td><td>8m²</td><td>8m²</td></tr>
<tr><td>U32</td><td>1</td><td>8m²</td><td>8m²</td><td>U58</td><td>1</td><td>8m²</td><td>8m²</td></tr>
<tr><td>U46</td><td>1</td><td>8m²</td><td>8m²</td><td>U59</td><td>2</td><td>10m²</td><td>16.3m²</td></tr>
<tr><td>U34</td><td>2</td><td>10m²</td><td>10m²</td><td>U60</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U35</td><td>2</td><td>10m²</td><td>10m²</td><td>U61</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U36</td><td>2</td><td>10m²</td><td>10m²</td><td>U62</td><td>2</td><td>10m²</td><td>10m²</td></tr>
<tr><td>U37</td><td>2</td><td>10m²</td><td>10m²</td><td>U63</td><td>2</td><td>10m²</td><td>12.97m²</td></tr>
</table>
Note: Ground floor apartments are excluded as they are assessed separately below.</td><td>Y</td><td>Y</td><td>Y</td></tr>
<tr><td></td><td></td><td>Required: 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.

<table>
<tr><th>Unit</th><th>Proposed POS area</th><th>Unit</th><th>Proposed POS area</th></tr>
<tr><td>U01</td><td>26m²</td><td>U20</td><td>20.15m²</td></tr>
<tr><td>U02</td><td>18.45m²</td><td>U08</td><td>19.35m²</td></tr>
<tr><td>U03</td><td>20.75m²</td><td>U09</td><td>17.2m²</td></tr>
</table></td><td>Y</td><td>Y</td><td>Y</td></tr>
</table>

		U04	15.17m^2	U10	19m^2			
		U05	17.48m^2	U11	43.73m^2			
		U06	20m^2	U12	75.03m^2			
		U07	21.88m^2					
	4E-2					-	Y	Y
	4E-3	New balconies would be integrated into the building. Plant equipment and clothes dying facilities are not proposed on the balconies.				-	Y	Y
	4E-4	Construction of balustrades would already be subject to conditions requiring adherence with Australian Standards.				-	Y	Y
4F Common circulation and spaces	4F-1	**Maximum number of dwellings off circulation core:** 5				Y	Y	Y
	4F-2	Common circulation spaces are well lit and take on the form open gallery spaces located along the edges of the building with good passive surveillance of adjoining public or private space areas.				-	Y	Y
4G Storage	4G-1	All units incorporate the required volumes of storage with no less than 50% of storage being provided within each apartment.				**N**	Y	Y
	4G-2	Additional storage spaces are located in easily accessible areas located adjacent to parking spaces located within the basement area.				-	Y	Y
4H Acoustic privacy	4H-1	Noise transfer within the development has been controlled through the adequate separation of buildings and the stacking of dwellings with similar usage patterns				-	Y	Y
	4H-2	Noise transfer has been controlled within apartments throughout the apartment through the use of doors to separate spaces and the inclusion of laundry spaces within bathroom areas.				-	Y	Y
4J Noise and pollution	4J-1	The site is not located adjacent to a hostile or noisy environment.				-	-	-
	4J-2	Not applicable				-	-	-
4K Apartment Mix	4K-1	The proposed development includes the following mix: • One bedroom: 15 • Two bedrooms: 43 • Three bedrooms: 5				-	Y	Y
	4K-2	A variety of apartments are distributed across levels 2 and 3, with two- and three-bedroom apartments located across levels 4 and 5. A single four-bedroom apartment is located on level 6.				-	Y	Y
4L Ground floor apartments	4L-1	Consideration was given to providing direct access from ground each floor apartment to the street via the front yard but it was deemed to be unsuited to the anticipated residents of this development due to security concerns arising from having an excessive number of entry points to the building. 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 landscape buffer to enhance the overall cohesiveness of the development noting that many of the anticipated residents will be expected to have limited ability to maintain substantial landscaped areas. The site is located in an area that is expected to remain residential in nature and as such SOHO or retail spaces have been considered to be unsuited to the future character.				-	-	-

	4L-2	The amenity and safety of the residents with ground floor apartments has been addressed through the inclusion of landscape buffers adjacent to private areas such as private open space and habitable rooms.	-	-	-
4M Facades	4M-1	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	-	Y	Y
	4M-2	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.	-	-	-
4N Roof design	4N-1	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.	-	-	-
	4N-2	The roof top areas of this development are not accessible as ample high quality communal and private spaces have been better located at ground floor level where they can be passively observed with access to deep soil planting.	-	-	-
	4N-3	The flat roof nature of this project is optimal for the location of photovoltaic solar collectiors.	-	-	-
4O Landscape design	4O-1	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.	-	-	-
	4O-2	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.	-	-	-
4P Planting on structures	4P-1	Planting is proposed on the podium level at the top of the basement carpark. Soil depths have been calculated to suit the propose planting and in some cases raised garden beds are provided to achieve the required soil depths.	-	-	-
	4P-2	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.	-	-	-
	4P-3	The communal open space areas are surrounded by landscaping and contain numerous landscaped treatment including deep soil planting.	-	-	-
4Q Universal design	4Q-1	All units in the development are Livable Housing Australia Silver level.	-	Y	Y
	4Q-2	Five of the apartments in the development have been designed to exceed adaptive housing requirements as they	-	Y	Y

		comply with the design standard s applicable to the provision of High Physical Support Specialist Disability Accommodation for the National disability Insurance Scheme.			
	4Q-3	The development proposes a range of apartment layouts to suit various needs including one, two and three bedroom apartments	-	Y	Y
4R Adaptive reuse	4R-1	Not applicable.	-	-	-
	4R-2	Not applicable.	-	-	-
4S Mixed Use	4S-1	The project is not in an area that anticipates future mixed use development	-	-	-
	4S-2	Not applicable	-	Y	Y
4T Awnings and signage	4T-1	Awnings are proposed to the pedestrian entrances to the building to provide weather protection at door openings.	-	-	-
	4T-2	Street address signage will be incorporated in the landscape walls at the edge of the letterboxes at each of the building entrances.	-	-	-
Performance					
4U Energy efficiency	4U-1	The proposal would increase the number of units that would obtain adequate solar access; refer to assessment above.	-	Y	Y
	4U-2	The proposed building envelope is to he highly insulated and air tight to optimise thermal performance.	-	-	-
	4U-3	Natural ventilation has been optimised throughout the development.	-	Y	Y
4V Water management and conservation	4V-1	Water use throughout the building meets BASIX targets through the use of efficient fitting and rainwater collection and reuse.	-	-	-
	4V-2	Rainwater that is collected on site that is unsuited to reuse is discharged through an on site detention system	-	-	-
	4V-3	on site detention areas have been located within the roof space of the basement to minimise the impact on the site	-	-	-
4W Waste management	4W-1	Waste storage and recycling facilities have been located in basement areas and are easily accessible via waste chutes located within each building core	-	Y	Y
	4W-2	Source separation is provided by a waste diverted attached to each of the waste chutes to separate recyclables	-	-	-
4X Building maintenance	4X-1	Building materials have been chosen for their longevity and will be detailed during construction to avoid ledges that will create future staining.	-	-	-
	4X-2	All mechanical systems in the building will be able to be maintained without the need to resort to the use of scaffolding.	-	-	-
	4X-3	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	-	-	-

2. conclusion

As outlined above, the proposed development has been designed to be consistent with the design quality principles of State Environmental Planning Policy – No. 65 and displays a high level of compliance with the provisions of the Apartment Design Guide.

The proposed development:

- achieves a high level of amenity for future residents
- addresses complex site and context conditions, including view sharing and provacy
- is of an appropriate density, bulk and scale for the subject site, as described by the planning controls and supported by amenity outcomes
- does not result in unreasonable impacts on neighboring properties
- provides appropriate housing for the area's aging population
- encourages social interaction between residents and creates a positive, healthy living environment
- is of a high quality contemporary and visually engaging design, contributing positively to the area and streetscapes

The proposed development not only addresses its statutory obligations but will deliver a highly attractive, safe and vibrant place to live.

In our opinion, the proposed development is capable and worthy of support and approval.

end of document