

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 24th June 2019

To be held at the
“Gold Room, Liverpool Library”
170 George Street
Liverpool

Doors open at **1:45 PM** to commence at **2:00 PM**

Note: Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 21st June 2019.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

The following development applications are referred to the Liverpool Local Planning Panel for its determination.

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-440/2018</p> <p>Demolition of all existing structures at 33-35 Charles Street and the development of an 8-storey residential apartment building with two levels of basement car parking, and a roof top terrace.</p> <p>The application also proposes the consolidation and staging of Nos. 33–35 Charles Street (Stage 2) with the approved development at Nos. 37–41 Charles Street (Stage 1), to facilitate the completion and occupation of 37-41 Charles Street (Stage 1), whilst 33-35 Charles Street (Stage 2) proposal is under construction.</p> <p>Lot 28 DP 2819 Lot 29 DP 111003 33 - 35 Charles Street, Liverpool</p>	3-70

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-891/2018</p> <p>Demolition Of Existing 3 Dwellings And Construction Of A Part 3 And Part 5 Storey Mixed-Use Development Comprising Of Ground Floor Commercial Tenancies, Medical Centre And 56 Apartments (8 X 1-Bedroom, 40 X 20-Bedroom & 8 X 3-Bedroom)</p> <p>LOTS 101 & 102 DP 612801, LOT 1 DP 1135504 AND LOT 1 DP 534648 175, 175a, 177 & 181 Elizabeth Drive, Liverpool</p>	71-136

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Item no:	1
Application Number:	DA-440/2018
Proposed Development:	Demolition of all existing structures at 33-35 Charles Street and the development of an 8-storey residential apartment building with two levels of basement car parking, and a roof top terrace. The application also proposes the consolidation and staging of Nos. 33–35 Charles Street (Stage 2) with the approved development at Nos. 37–41 Charles Street (Stage 1), to facilitate the completion and occupation of 37-41 Charles Street (Stage 1), whilst 33-35 Charles Street (Stage 2) proposal is under construction.
Property Address	33 - 35 Charles Street, Liverpool
Legal Description:	Lot 28 DP 2819 Lot 29 DP 111003
Applicant:	Zhinar Architects Pty Ltd
Land Owner:	Charles Street Projects Pty Ltd Mr W F Pirovich
Cost of Works:	\$10,580,870.00
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Ivan Kokotovic

1. EXECUTIVE SUMMARY

This Development Application (DA) seeks consent for the demolition of existing structures and construction of an eight-storey residential flat building comprising forty-three (43) residential apartments, with a rooftop communal open area, above two levels of basement car parking at 33-35 Charles Street, Liverpool.

The application also proposes the consolidation and staging of Nos. 33–35 Charles Street (Stage 2) with the approved development at Nos. 37–41 Charles Street (Stage 1), to facilitate the completion and occupation of 37-41 Charles Street (Stage 1), whilst 33-35 Charles Street (Stage 2) proposal is under construction.

The site is zoned R4 High Density Residential under Liverpool Local Environmental Plan 2008 (LLEP), for which the proposed development is permissible with consent.

The key issues raised by the proposed development relate to;

- a non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.3 Height of Buildings and the associated variation statement to a development standard provided by the applicant;
- a minor deficiency in the proportionate mix of units as stated as a Design Principle of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;

It is considered that amendments to the proposed design have demonstrated the development to be generally consistent with the objectives and development standards of the LLEP and to be

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

compliant on merit with the provisions of the Liverpool Development Control Plan 2008 (LDCP). The proposal is also consistent with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the design requirements of the Apartment Design Guide and is also endorsed by Council's Design Excellence Panel (DEP).

The proposal was not required to be placed on public exhibition in accordance with LDCP, as it is within the Liverpool City Centre planning boundary, and no submissions were received.

Due to the application proposing a residential flat building that is 4 storeys or more in height, it is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979, and the assessment has concluded that the proposal is generally satisfactory and achieves compliance with the relevant planning controls relevant to the proposal including LLEP 2008, LDCP and SEPP 65.

2. SITE DESCRIPTION AND LOCALITY

2.1 Site Description

The site is rectangular in shape with a minor splayed northern boundary, and frontage to Charles Street of 24.39m, with an area of 1368.93m².

The site is east facing with a cross-slope falling approximately 3.3m from the south-west to the north-east corner of the site. It comprises two allotments known as 33 & 35 Charles Street, Liverpool, and is legally described as Lots 28 in DP 2819 and Lots 29 in DP 111003.

Existing on-site currently are 2 x single storey detached dwellings and associated outbuildings, and there are four trees located at the rear of the site. One of the dwellings is currently being used as the site office for construction of an RFB on the adjoining site, and a construction crane is located in the front yard.

That site to the south is an 8-storey RFB nearing completion of construction (approved under DA-469/2015 and modified under DA-469/2015/A), which is proposed to be consolidated into the subject development. To the north and opposite the street to the east are single storey dwellings, and to the west (rear), are commercial premises (Car Lovers car wash and a picture framing business) which have a frontage to the Hume Highway, and which are zoned SP2 Infrastructure (Classified Road), for future RMS acquisition.

A site inspection was carried out on 9 August 2018 and subsequently on 23 May 2019, and no works as proposed had commenced at the site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019



Figure 1: Aerial view of site

Site Inspection Photos



1. Front of Site from Charles Street construction



2. Frontage and adjoining site under construction

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

2.2 Locality Description

The subject development site is located in the southern district of the Liverpool City Centre, approximately 110m south-east of the major intersection between the Hume Highway and Hoxton Park Road and Macquarie Street. The locality surrounding the development site comprises of both residential and commercial development. The residential development is primarily located on Charles Street and further east is predominantly comprised of detached housing with few sporadic multi-dwelling developments, however, RFBs are becoming the emerging new building form in the locality. The commercial development is located directly to the west of the development site and fronts the Hume Highway. This portion of land is zoned SP2 Infrastructure for classified road purpose. The commercial development is indicative of highway retail and includes a carwash use. The nearest public recreational amenities include Discovery Park, which is located approximately 60m south of the development site across Atkinson Street.

Contextually, the site is located approximately 900m to the south-west of Liverpool Rail Station, 500m south of the Liverpool Commercial Core, 550m south-east of the Gough Whitlam Leisure Centre, and 600m west of the Georges River, to which the site drains via the existing street storm-water system.

An aerial photograph of the locality and photographs of the immediate development is provided below:



Figure 2: Locality surrounding the proposed development

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

3. Background

3.1 Background and DA History

- The RFB on the adjoining site 37-41 Charles Street (which the subject development proposes to consolidate with) was approved under DA-469/2015, on 22 February 2016.
- Modification of DA-469/2015 to increase number of units and add FSR and car-spaces was approved under DA-469/2015/A, on 1 May 2017.
- Prior to the lodgement of the application, a Pre-DA (PL-17/2018) for the subject site was held at Council on 21 March 2018, which covered the planning issues the development would need to consider (note: a Pre-DA for DEP was not sought prior to lodgement).
- DA-440/2018 was lodged with Council on 1 June 2018, described as Stage 2 of the approved DA-469/2015 on the adjoining site.
- The DA was reviewed by the DEP on 16 August 2018. The DEP issued minutes requesting amendments (view in Section 6.1(a) of this report).
- Amended plans were provided by the applicant, and were re-referred to the DEP meeting on 13 December 2018. The DEP issued minutes requesting further amendments (view in Section 6.1(a) of this report).
- The applicant submitted 3 more architectural plan revisions from early 2019 up to eventual electronically confirmed approval by the DEP chair on 17 May 2019 (view in Section 6.1(a) of this report).

4. Details of the Proposed Development

The proposed development consists of the following detail:

Note: The overall totals of the proposed development shall include the assessment for consolidated RFB at 37-41 Charles Street, Liverpool.

Demolition

Demolition of two existing dwellings, outbuildings and removal of existing vegetation.

Construction

An eight-storey residential flat building for 43 units with two levels of basement car park and rooftop communal area.

Note: the proposed basement will be incorporated into the constructed basement of the adjoining development at 37-41 Charles Street, to enable access and egress via the one driveway ramp across the two developments.

The development consists of;

Units

- 1 bedroom unit x 7 (16.28%)
- 2 bedroom unit x 33 (76.74%)
- 3 bedroom unit x 3 (6.98%)

For the consolidated development the overall unit mix is;

- 20 x 1 bedroom = 19.05%
- 76 x 2 bedroom = 72.38%

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

- 9 x 3 bedroom = 8.57%

Basement Carpark (not consolidated)

Basement Level 1 - A vehicular access ramp (5.8m wide allowing two-way movement) and a total of 24 car-spaces (4 accessible car-spaces with shared space and 20 standard car-spaces including 5 visitor car-spaces) and 12 bicycle spaces. There are 32 storage areas, one elevator and two stairwells to the upper and lower levels, and a service bay. A garbage bin storage room and plant room is also proposed.

Basement Level 2 - A vehicular access ramp (5.8m wide allowing two-way movement) and a total of 28 car-spaces (1 accessible car-space with shared space and 27 standard car-spaces) and 3 motorcycle spaces. There are 35 storage areas, one elevator and two stairwells to the upper levels, and a plant room is also proposed.

Ground Floor Plan Layout

Two entry doors leading via hallways to the lift;
Front Unit with POS facing the front - 1 x 1 bedroom;
Front Unit with POS facing the side - 1 x 2 bedroom;
Centrally located Units with POS facing the side - 2 x 2 bedroom;
Rear Unit with POS facing the rear - 1 x 2 bedroom;
Rear Unit with POS facing the side - 1 x 2 bedroom;
Common Open Space courtyard and deep soil landscaped area within the rear setback.

Levels 1-3 Floor Plan Layout

Front Unit with balconies facing the front - 1 x 2 bedroom;
Front Unit with balconies facing the side - 1 x 2 bedroom;
Centrally located Units with balconies facing the side - 2 x 2 bedroom;
Rear Unit with balconies facing the rear - 1 x 2 bedroom;
Rear Unit with balconies facing the side - 1 x 2 bedroom;
Vertical gardens.

Level 4 Floor Plan Layout

Front Unit with balcony facing the front - 1 x 3 bedroom;
Centrally located Units with balconies facing the side - 2 x 2 bedroom;
Rear Units with balconies facing the rear - 2 x 1 bedroom;
Vertical gardens.

Level 5 & 6 Floor Plan Layout

Front Unit with balcony facing the front - 1 x 3 bedroom;
Centrally located Units with balconies facing the side - 2 x 2 bedroom;
Rear Units with balconies facing the rear - 2 x 1 bedroom;
Vertical gardens and planter boxes.

Level 7 Floor Plan Layout

Front Unit with balcony facing the front - 1 x 2 bedroom;
Centrally located Units with balconies facing the side - 2 x 2 bedroom;
Rear Unit with balcony facing the rear - 1 x 2 bedroom;
Vertical gardens and planter boxes.

Rooftop Terrace Layout

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

A communal area comprising open space with benches and tables and BBQ area covered with a pergola over, and elevator, fire stair and WC covered with a pergola for shelter. The periphery of the area is made up of landscaping in planter boxes.

Site Access

Vehicular access is in the form of a 5.8m wide ramp driveway onto Charles Street, which allows forward direction entry and exit to the site, and two-way movement.

Pedestrian access to the building consists of two main entries from the southern side of the building to access the elevator, and private access from Charles Street to the POS of the two front units, and access via to a side path to the POS of three other Ground Level Units. Resident access to other units and the basement is via the internal elevators.

Landscaping

Landscaping consists of native and exotic tree and plant species planted along the northern side, front and rear boundaries, as well as surrounding the private courtyards of the ground floor units and along pathways.

The majority of deep soil landscaping is provided along the front, rear and side boundaries of the development site.

A podium landscaping is provided along the edges of the Rooftop Terrace, with some planter boxes provided on the levels below, as well as vertical gardens proposed on the southern façade of the building.

Site Servicing Facilities

A garbage bin storage area has been provided on Basement Level 1 within a bin holding room. This is accessed from the lift area.

Extracts of the proposed site plan and elevations are provided in Figures 3, 4, 5 and 6 below.

24 JUNE 2019



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019



Figure 5: West elevation



Figure 6: North and South elevations

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

5. STATUTORY CONSIDERATIONS

Relevant matters for consideration

The relevant planning instruments/policies for the proposed development are as follows:

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 4: Development in Liverpool City Centre

Other Plans and Policies

- Apartment Design Guide.

Contributions Plans

- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards, but requires Council to consider the development against 9 key design quality principles; and against the guidelines of the associated Apartment Design Guide (ADG). The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The nine key design quality principles that must be considered are listed below. In its amended form, the application demonstrates consistency with the principles and is acceptable.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

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

Assessment of the application against the principles of SEPP 65 and the guidelines of the ADG, together with advice from Council's independent Design Excellence Panel (DEP) has concluded that the proposal is generally satisfactory with respect to the provisions of SEPP 65 and the ADG. However two meetings and a further electronic correspondence by the DEP required a number of design changes, which have since been provided and which address the issues as follows;

Following the first DEP meeting (16th August 2018), comments were provided recommending that the proposal be amended to address the following:

- i. *Overshadowing impacts of the new Stage 2 scheme upon the approved Stage 1 RFB to the immediate south (under construction), is a key concern that must be carefully examined and minimised, having regard to the closeness of the 2 buildings and the orientation of the site. (The current proposal achieves ADG building separation compliance by treating its southern façade, facing the Stage 1 building, as "non-habitable"). In order to determine the extent of shadow impacts and adjudicate on the acceptability of the shadows cast by the proposal on the Stage 1 RFB, the Panel recommends that the Applicant prepares an alternative massing that protects the ADG solar access minimums of the Stage 1 RFB.*

An assessment of solar access across the two buildings is essential, including an analysis of the quantum of apartments within the approved Stage 1 RFB that will be in shade as a result of the proposal. If the Stage 1 building is now non-compliant, the Applicant shall explore options for setting back the top part of the proposed building to reduce the extent of overshadowing on the Stage 1 building, which currently receives good, uninterrupted solar access. Elevational shadow diagrams are required to show the amount of overshadowing. Because they are separate development applications, each building should attempt to comply with the ADG separately.

- ii. *The panel suggests that the applicant considers the introduction of lighter coloured external finishes to the north elevation of Stage 1 and the south elevation of Stage 2 to reflect light down into the space between the two buildings.*
- iii. *The Communal Open Space of the development is to comply with the requirements of the ADG (minimum 25% of site area, not less than 3m wide). The Applicant is to clearly show on the drawings that the COS complies with the ADG and the extent and quality of the Communal Open Space on the ground level and rooftop are optimal for the development. (Confirm that Stage 1 includes rooftop COS.) The ground level space is important for tying the two stages. It is unclear on the drawings how the space between the two buildings is allocated – is it communal? The Panel recommends that shade structures, amenity facilities (toilet) and barbeque area are introduced to the rooftop terrace to enhance its amenity. The Panel generally supports diversity of Communal Open Space, meaning provision of both ground level and rooftop space, each consolidated as suggested in the ADG.*
- iv. *The Panel supports the provision of deep soil in the open space between the buildings by indenting the western wall of the basement, but deep soil is also required between the*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

proposal and the western boundary to allow large canopy tree planting in this area, which is designated as Communal Open Space.

- v. *The floor plans of the apartments are considered generally acceptable. However, the “snorkel” bedroom windows (in the indent shared by the two central units on each floor) are not supported because of reduced daylight access and potential acoustic privacy problems between the bedrooms, which belong to separate apartments. This issue needs to be resolved.*
- vi. *The basement car park should be located where deep soil planting areas are not feasible, e.g., directly beneath the footprint of the building or under hard landscaped area.*

Amendments were made, and a second DEP meeting was held (13th December 2018), and comments were provided recommending that the proposal be amended to address the following:

- i. *The Panel commends the proposal and notes the improvements that have been made based on the previous Panel’s recommendations. However, the Panel expressed concerns over the 23 apartments that will not receive adequate solar access in winter, but acknowledges that the building has been cut back to improve the issue.*

The Panel recommends redistributing the floor plans of the corner apartments (Levels 4-6, above the podium) to enable increased solar access (i.e. change shape/indent corner of the building).

- ii. *The Panel recommends softening the negative impact of the extensive solid walls on the southern facades of the north facing apartments. (e.g., Treatments such as vertical gardens/planter boxes at various heights/climbing species such as Ivy growing on the walls). Irrigation will need to be included and treatment will need to be robust and considerate of maintenance requirements. Vegetation will need to be able to grow on a south facing wall and absorb sound.*
- iii. *The Panel recommends revising the interior communal space and driveway design. A better design solution is needed to address the awkward spaces and large area of hard surfaces.*

Further amendments were made, and an electronic assessment and comments were provided to Council (14th March 2019) recommending that the proposal be amended to address the following:

- i. *A number of the apartment layout issues including solar access raised by the Panel have been addressed but other landscape measures have not. The impactive nature of the proposed building on the existing approved DA building is significant and cannot be described as a good design outcome.*

Further amendments were made, and an electronic assessment and comments were provided to Council (30th April 2019) recommending that the proposal be amended to address the following:

- i. *The introduction of vertical gardens at each level adjacent to the open corridor on the southern side of the building is supported and will provide an opportunity for the body corporate / management to ensure that the plant material is maintained in an effective manner.*

The landscape climbers that are proposed to the eastern (levels 1-3) and western (levels

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

1-6) balconies are problematic in that there does not appear to be any permanent soil provision or irrigation provision - ongoing maintenance will not be readily possible given that the climbers would effectively be located within private open space.

It is noted that there appears to be provision for a planter box at level 4 in the eastern sector of the building but the planter box is not repeated at levels 5, 6 or 7. Opportunity should be explored for additional planters at these levels to address the large expanse of wall in this location.

In summary, the proposed climbers at levels 1-3 and in the western sector levels 4-6 are dependent on non-existent soil and are located in private open space. Accordingly, the panel requires upgraded the documentation associated with the climbers be submitted to ensure adequate soil and irrigation at the base levels, if the climbers are to be successfully implemented.

Further amendments were made, and an electronic assessment and approval was confirmed by the DEP to Council (16th May 2019), and comments were provided recommending that the proposal be assessed on planning grounds as required, stating:

- i. The design presented in the latest drawings set is deemed satisfactory in response to the landscape concerns raised by the panel. As long as you have no outstanding concerns, the project can continue through the planning process with no further engagement with the DEP, subject to recommendations by you and the planning team at LCC.*

As such, it is considered the proposal, as amended, has satisfactorily addressed the issues raised by the DEP.

As demonstrated in Attachment 2 of the report, the applicant has adequately demonstrated that the proposed development is consistent with the 9 design quality principles of SEPP 65 - Design Quality of Residential Apartment Development, and it is considered that the proposal is an acceptable form of development in that regard.

Apartment Design Guide

In addition to the design quality principles of SEPP 65, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with associated ADG.

As demonstrated in Attachment 2 of this report, and specifically within the ADG compliance table, the proposed development achieves compliance with the requirements of ADG.

(b) State Environmental Planning Policy (Infrastructure) 2007

Noise and Vibration

Clause 102 of the SEPP deals with noise and vibration and requires a determining authority, before granting consent to a building for residential use adjacent to a road corridor development fronting a road with an annual average daily traffic volume of more than 40,000 vehicles, to be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

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

Although not currently adjacent to such a road, the rear western boundary of the site is adjoined by a SP2 Infrastructure (Classified Road) zone, associated with the widening of the Hume Highway road reserve.

As such, the applicant was requested to submit an acoustic report to address the above requirements indicating that the development can satisfy the requirements of the SEPP with respect to Clause 102. The report concludes that subject to construction standards to be applied to a condition of consent, that the above criteria can be met. This will be applied by condition of consent as a requirement for the construction of the building.

(c) State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Although it is unlikely that the land would be contaminated, given its previous residential use, Council must consider this and the likelihood of any contamination on-site and the possible impacts which may arise from any works associated with this proposal.

Consideration has been given to this issue. A search of Council's available records suggest that the site appears to have been used for residential purposes at least since 1991. This is based on aerial imagery showing that the current dwelling on-site was in existence and has not been physically altered. On this basis, it is unlikely that the site is contaminated and it is considered that no further investigation is required, such as, the submission of a contamination report is necessary. Council is satisfied that the land is suitable for ongoing residential use.

(d) State Environmental Planning Policy (BASIX) 2004

In accordance with this policy, all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less portable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

The application is supported by an amended BASIX certificate reflecting the amended plans proposed by the applicant which satisfies the requirements for the dwellings, under this policy.

(e) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 3 of this report.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 High Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 7 below.



Figure 7: Zoning Map

(ii) Permissibility

The proposed development is appropriately defined by the standard instrument as “residential flat building”. Residential Flat Building is identified as permitted land use with consent within the R4 High Density Residential Zone under Liverpool Local Environment Plan 2008.

Residential Flat Buildings means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

(iii) Objectives of zone

Objectives of the R4 High Density Residential Zone are;

- *To provide for the housing needs of the community within a high density residential environment.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

- *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 generally satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. It is noted that while immediate development within the vicinity of the site consists of low and medium density residential development, the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housing types within a high density residential environment.
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is in the vicinity of transport facilities which include the Liverpool Rail Station.
- It does not result in the fragmentation of land in preventing future high density residential development.

(iv) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with the LLEP 2008, where applicable.

Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Complies by condition Development consent is sought for the demolition of the existing buildings on the development site.
4.1 Minimum Lot Size	1000sqm	Complies 1368.93sqm provided
4.3 Height of Buildings (as per HOB Map)	24m	Does Not Comply (Clause 4.6 of this table) The proposal provides for a maximum building height of 26.3m which is a 9.53% variation.
4.4 Floor Space Ratio (as per FSR Map)	The proposed FSR is assessed with respect to the consolidated sites, being the subject land and the approved DA-469/2015/A (site area of 2165.6sqm).	Complies Maximum allowable floor area is: 8836.32sqm (2.5:1) The proposed floor area is:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

	<p>The consolidated land is 3534.53sqm.</p> <p>Approved Floor Space of DA-469/2015/A is 4915.91sqm</p> <p>FSR of 1.5.0:1 + Bonus (Clause 2B Liverpool City Centre) which is:</p> <p><i>Clause 2B</i> <i>a) the site area is greater than 1000sqm</i></p> <p><i>b) on land in a zone specified in the table (being R4)</i></p> <p><i>c) on land for which the maximum building height shown in HOB Map is specified in column 1 (being 24m)</i></p> <p><i>d) is in column 3 as it is greater than 2,500sqm.</i></p> <p><i>Column 3 FSR is 2.5: 1</i></p>	<p>4915.91sqm (DA-469/2015 approved Floor Area)</p> <p>3661.94sqm (DA-440/2018 proposed Floor Area)</p> <p>4915.91sqm + 3661.94sqm = 8577.85sqm</p> <p>Additional Floor area for surplus two car-spaces is 30sqm.</p> <p>As such total Floor Area is 8607.85sqm</p> <p>FSR is therefore complying at: 2.44:1</p>
4.6 Exceptions to development standards	Provisions for exceptions to development standards.	<p>(view discussion below this table)</p> <p>A Clause 4.6 variation has been submitted showing that the design does not fully comply with the standard due to the location of facilities on the rooftop Communal Open Space, which project through the maximum height plane.</p>
7.1 Liverpool City Centre Provisions	<p>The following relevant objectives are:</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,</p> <p>(b) to allow sunlight to reach buildings and areas of high pedestrian activity,</p> <p>(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway.</p>	<p>Complies</p> <p>Proposal is consistent with the relevant objectives of the Liverpool City Centre, as the street layout is retained, sunlight will reach buildings and areas of high pedestrian activity, and as it is unlikely that additional traffic conflicts on Hume Highway will be generated as a result of the building.</p>
7.2 Sun access in Liverpool City Centre	Applies only to certain land in Liverpool City Centre.	<p>N/A</p> <p>Subject site not nominated.</p>
7.4 Building Separation in	This Clause provides a control relevant to the proposed building in that	<p>Complies</p> <p>The proposed building separation is applicable to the adjoining</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Liverpool City Centre	<p>(2)Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:</p> <p>(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential</p> <p>(b) 12 metres for parts of buildings between 25 and 35 metres above ground level (finished) on land in Zone R4 High Density Residential</p>	<p>southern site on which located an RFB which exceeds over 25m.</p> <p>Between 12m and 25m in height:</p> <p>External walls no closer than 12.055m</p> <p>Between 25m and 35m in height:</p> <p>External walls no closer than 12.055m</p> <p>To the northern adjoining site, the principles of this development standard are applied in the proposed design to ensure no impact on future development on those adjoining allotments. This is achieved through ensuring that the building is setback 9m from the site boundary.</p>
7.5 Design Excellence in Liverpool City Centre	<p>This Clause prescribes that development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre. The clause sets out the matters that must be considered by Council.</p>	<p>Complies</p> <p>The relevant objectives have been carefully considered in consultation with the DEP. Consequently, the application has been through numerous revisions to improve the design quality in line with provisions of the LLEP 2008 and the comments provided by the DEP.</p> <p>The proposal addresses the design excellence provisions and demonstrates satisfactory design quality, which has been confirmed by the DEP.</p>
7.14 Minimum Building Street Frontage	<p>Minimum building street frontage of 24m</p>	<p>Complies</p> <p>The site of 33-35 Charles Street has a street frontage of 24.39m</p>
7.31 Earthworks	<p>No earthworks proposed other than those required for the development being excavation for the proposed basement</p>	<p>N/A</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Variation to Clause 4.3 Height of Buildings

Clause 4.3 of LLEP 2008 identifies a maximum height of 24m for the site. The development proposes a height maximum of 26.3m with the highest point being the lift overrun and stairwell associated with the rooftop Communal Open Space. The extent of variation is 9.58%, and is shown in Figure 6 of this report.

The applicant has provided justification for the departure to the development standard summarised as follows:

Clause 4.6 Variations – Building Height Exception Sought

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

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

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

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

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

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

The Environmental Planning Instrument to which these variations relate to is the Liverpool LEP 2008.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

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

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

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

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

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

Note.

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

As per Clause 4.3(2), a maximum building height of 24m applies to the subject site.

The proposal before Council presents a maximum height of 26.3m at its highest point when measured from the natural ground level, therefore having a variation of some 2.3m.

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

Extent of Non-Compliance

As noted above, Clause 4.34 of the Liverpool Local Environmental Plan 2008 states that the maximum building height applying to the subject site is 24m.

A maximum building height of 26.3m is sought, representing a variation of some 2.3m. With respect to the development standard, the proposal represents a breach to the maximum permitted building height of 9.58%.

The additional height relates to the proposed, central lift, stairwell, associated lobby and plant rooms at roof level and a minor portion of the roof form and awnings to the eastern-most unit on Level 7, rather than habitable floor space.

The proposed variation is minor and does not result in unreasonable bulk or scale through compliance with Council's other controls, as demonstrated within the Statement of Environmental Effects.

It is worth noting that the approved development has a maximum approved building height of 28.98m, resulting in 4.98m of height when compared to the development standard. The proposal will be 2.68m lower than the height of the approved building.

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

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

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

The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.

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

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.4.

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

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

Objective (a) is considered to be a planning outcome and not an objective. Nevertheless, the proposal is compliant with the maximum floor space ratio afforded to the subject site as per Clause 4.4(2B), being below the FSR of 2.5:1 as identified under the Statement of Environmental Effects.

With regards to objective (b), although existing development is predominantly of a low density nature, the area is being transformed to reflect its current R4 High Density Residential zoning as seen with the approved development at 37-41 Charles Street that forms part of this proposal before Council. The proposal is therefore considered to be in keeping with the desired future character of the development. The proposed communal open space at roof level will provide for excellent solar amenity to the future occupants of the site, and includes seating, BBQ facilities and landscaping.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

In terms of objective (c), as stated the proposal maintain compliant side and rear setbacks that is also compliant with the Apartment Design Guide Objective 3F-1 and Clause 7.4 - Building Separation of the Liverpool LEP 2008. Properties to the west are commercial properties though are currently zoned SP2 Infrastructure and are nominated as future road widening of the Hume Highway.

In keeping with the Planning Principle, it is acknowledged that solar access is harder to protect at higher densities which is the circumstance here. Development to the south will also inevitably be overshadowed at any height, in view of its orientation. Given the proposed new building is to the north of the approved development, any overshadowing resulting from the proposed new building would generally fall upon the approved development and the shadows cast by this approved development.

Similarly, while the communal open spaces on the ground level do achieve a level of solar access in mid-winter, it is considered that the provision of a roof top communal open space would provide future residents with the option of utilising the space throughout the day given its northern orientation which achieves good exposure to the sky.

With regards to objective (d), as stated above the proposal is substantially comparable to the development as approved under DA-469/15 and reflects the desired future character of the area. Although it is worth noting that the proposed new building would be some 2.68m lower than the approved building in its height and represents a more modest bulk.

As demonstrated under Section 5 of this Clause 4.6 Statement, the proposal also aligns with the objectives of the R4 High Density Residential Zone.

The proposed variation is therefore considered to be reasonable in this instance.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard. As demonstrated, the objectives of the standard have been achieved.

Are there Sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposed variation is for 2.3m, or a 9.58% increase on Council's control.

The proposed development, being the new building, is in our submission consistent with the desired character of the area, comparable to the approved development and that the proposed development when assessed against the ADG is also compliant in terms of ventilation, solar access, amenity and the like.

It is considered that there are sufficient environmental planning grounds to justify a variation to the standard.

In this case, strict compliance with the development standard for height of buildings in the Liverpool LEP 2008 is unnecessary and unreasonable in this instance.

Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.4.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

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

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.*
 - To provide a variety of housing types within a high density residential environment.*
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - To provide for a high concentration of housing with good access to transport, services and facilities.*
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

In response to the above the following is provided:

- o The proposal provides for a total of 106 apartment units on the subject site with 44 new units resulting from the proposed new building. The proposal will provide for the housing needs of the growing and changing community within a high density residential environment.*
- o The proposal provides for a suitable dwelling mix of one-, two- and three-bedroom units inclusive of adaptable and liveable designs to attract people from different background, family structures and lifestyles.*
- o The proposal, being located directly in the Liverpool City Centre, provides for new housing supply in a location that is in proximity to excellent public transport infrastructure and to the services and facilities offered within the Liverpool City Centre.*
- o The proposal represents the consolidation of an approved development that occurred over three allotments and the proposed development over two existing allotments to achieve two well-designed residential flat building on the consolidated site. The proposal represents a suitable infill development that is well considered which would minimise the fragmentation of land.*

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

Public Benefit of Maintaining the Standard

It is considered that the public benefit will not be undermined by varying the standard. The development provides for a residential flat building, and associated ground level open space and landscaping.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

The proposed development is considered to be of a high architectural standard promoting solar access and cross ventilation. A mix of units is proposed ranging between one, two and three bedroom units.

The proposed development provides additional residential development within an established area, which is located near public infrastructure. The area can support an increase in density and this is encouraged by Council as seen within the LEP and DCP controls.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the LLEP 08 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls. A better planning outcome is achieved through the location of the rooftop communal open spaces which enables future residents and visitors to enjoy good solar access in mid-winter in a pleasant environment.

The departure from the height of buildings control for 33 – 41 Charles Street allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

Under the above, it is considered that the public is not impacted in any way by maintaining the standard.

Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Liverpool LEP 2008 in that:

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

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

Conclusion

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the LLEP 08. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP 08 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Given that the additional height will enable improved solar access to the area of communal open space, the proposal is considered to result in a better planning outcome for the site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the variation of this development control is appropriate in this instance.

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

Planning Comment on the Clause 4.6 Exception for Height

Despite the building height resulting in non-compliance with the development standard, the proposal remains consistent with the objectives of the R4 High Residential zone and the objectives of the building height standard. The following comments are provided in relation to how the proposed development satisfies the objectives of Clause 4.3:

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

The additional height does not increase the floor space of the development, and does not result in the addition of any storeys other than expected for a site with a 24m height limit. The floor space ratio is within the maximum allowed. The addition of a lift overrun on the rooftop is required to service the elevator shaft which provides access to a large Communal Open Space area, and is therefore an important element of the building design. Overall, the additional height is considered not to unreasonably add to the bulk and scale of the development.

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

The proposal delivers quality urban form despite the numerical variation. The proposed height non-compliance occurs towards the front of the site and relates to the natural slope of land beneath the building footprint, which falls from the rear to front of the site approximately 3.3m. Overall the design provides the opportunity for an 8 level residential flat building as desired within the high density residential zone, within the Liverpool City Centre. A complying scheme would either restrict the building to a 7 level building with no rooftop Communal Open Space, or would restrict internal floor to ceiling dimensions on each floor to less than 2.7m which although fully complying for habitable rooms, would result in less quality design outcomes for future residents.

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

The additional height provides a minor additional overshadowing impact than could be reasonably expected for the adjoining site. As part of its approval, DEP required the removing of building mass from the top floor at the western and eastern ends of the building, and sought an expansion of the rooftop Communal Open Space, than originally proposed. Even so, the building envelope is within the compliant rear and side setbacks so as to not exacerbate the minor variation. The proposed development meets the solar access requirements to adjoining sites and has no impact on public space due to its location on the south side of Hoxton Park Road. Accordingly, the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

proposed development is considered to maintain a good level of solar access in the locality.

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

Liverpool City Council's future vision for this area is buildings at a maximum height of 24m, with this proposed development the second in the locality to respond in transitioning to high-density residential buildings due to more recent rezoning of land. Although providing a variation to the maximum allowed height, the design overall responds well to the topography of the site and is not entirely above the height maximum. It is considered this results in an appropriate bulk and scale for the land use, consistent with the desired future height of the area.

The proposed variation to building height control is reasonable and appropriate in the particular circumstances on the basis that:

- The Ground Level is dictated by the level of the basement of the adjoining RFB which was approved by DA-469/2015, and which is to be consolidated with a shared basement entry, as one development. As such, the design of the proposed building could not be lowered through excavation, to achieve full compliance.
- The height achieved is lower than the approved adjoining RFB which was approved by with a height of 28.98m to accommodate a lift overrun and Communal Open Space.
- The variation is realised from the central to front part of the site which has a depth of 56.36m and falls 3.3m from the rear to the front. As such, the building is compliant in the rear portion of its footprint.
- It is considered an appropriate building solution in order to achieve a coherent built form, for the proposed building to not respond to the slope by way of stepping down as this would cause issues with accessibility on each level.
- The proposed development will not impose any significant adverse impacts on the amenity of adjoining development as a result of the height. The area of non-compliance is not excessive and relates primarily to the lift overrun and rooftop Communal Open Space facilities, which enhance the level of amenity for future residents.
- As demonstrated above, the proposed development is generally consistent with the objectives of the building height control, notwithstanding the numerical variation.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard, and is compatible with the anticipated scale of new development within this section of the Liverpool.

It is considered that the proposal satisfies the provisions of the Liverpool LEP.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

There are no draft Environmental Planning Instruments which apply to the development.

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

(a) Liverpool Development Control Plan (LDCP) 2008

- The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development, and Part 4 Development in Liverpool City Centre*. The development is found to be generally compliant on merit and satisfactory, notwithstanding some variations to the controls as detailed within the tables in Attachment 4 of the report.

Overall, the proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent to protect two existing significant trees, as recommended by the submitted Arborist Report.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole, and the basement has been designed to be appropriately setback from any property boundaries. The proposal will facilitate a residential development which is not an over-development (being lower in floor space ratio than the maximum allowed), and which is consistent with the desired future built character of the locality.

It is considered that the proposed development, as amended, has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impact is minimised, particularly in terms of visual and acoustic privacy and overshadowing.

Social Impacts and Economic Impacts

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development type in the locality.

6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development

The proposal generally complies with the relevant planning controls and the site is considered to be suitable for the proposed development.

6.8 Section 4.15(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Officer	Approval subject to conditions of consent
Development Engineer	Approval subject to conditions of consent
Heritage Officer	Approval with no objections
Landscape Officer	Approval with no objections
Traffic Engineer	Approval subject to conditions of consent
Waste Management Officer	Approval subject to conditions of consent

(b) External Referrals

The following comments have been received from External Departments:

DEPARTMENT	COMMENTS
RMS	Approval with no objections

(c) Community Consultation

The proposal was not required to be placed on public exhibition and was not notified in accordance with LDCP 2008, and no objections were submitted to Council.

6.9 Section 4.15(1)(e) - The Public Interest

It is considered that the applicant has sufficiently demonstrated that the proposed development is in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$211,617**, and will be adjusted at the time of payment in accordance with the current CPI.

8. CONCLUSION

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments.

The proposed development is unlikely to result in any adverse impact upon the locality and is considered to be worthy of support specifically in providing a development compatible with the desired future character of the locality.

9. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, Development Application DA-440/2018 be approved subject to conditions of consent.

10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. SEPP 65 & ADG COMPLIANCE TABLE**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 –
GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**

24 JUNE 2019

24 JUNE 2019



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Attachment 2: SEPP 65 AND ADG COMPLIANCE TABLE

SEPP 65 Design Quality Principles table

Principle	How does the development address the principles?
<p>Principle 1:</p> <p>Context and Neighbourhood Character</p> <p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> <i>The proposed development consists of an 8-storey building, demolition of the 2 existing houses on the sites facing Charles Street and erection of 43 residential apartments of various sizes and two levels of basement car parking.</i> <i>The proposed development provides an aesthetically and contextually pleasing design respectful of the surroundings enhancing the visual interest within the surrounding neighbourhood.</i> <i>The future desired character of this precinct is high density residential living and the application responds well to the future desired character.</i>
<p>Principle 2:</p> <p>Built Form and Scale</p> <p>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.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and</p>	<ul style="list-style-type: none"> <i>Although not complying with height, the bulk and design of the building is considered appropriate to its current and future desired context, as demonstrated by the applicant. The proposed development positively contributes to the future streetscape along Charles Street and sits comfortably within the other relevant controls. Otherwise, screening and landscaping as required by the DEP responds to the built up nature of the site, and limits impacts on adjoining development and properties.</i> <i>The proposed built form of the development is comprised of one tower divided into two main separate horizontal elements – base, and top floors, that are adequately articulated by using</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

<p>parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>recess balconies and blade walls and parapets to break down the building façade.</i></p> <ul style="list-style-type: none"> <i>• The proposed building has been articulated to break down the verticality of the tower into a mixture of horizontal and vertical elements that will help break down the height and result in a suitable proportional building.</i> <i>• In the near future, this will not be the only residential flat building development in the surroundings, and consequently, as encouraged by the controls, there is a further potential for a number of other similar buildings to be developed within this area. The proposed development does not restrict adjoining sites and does not cause them to be isolated.</i> <i>• Liverpool City Council's future vision for this area is buildings at a maximum height of 24m. Although providing a variation to the maximum allowed height, it is identified that this is primarily to utilise the rooftop as a terrace for communal open space and thereby enhance the amenity for future residents. Otherwise, the design corresponds well to the topography. The design features appropriate scale and use of materials which reinforce the articulation of the building and achieves an appropriate residential height, consistent with the desired future height of the area.</i> <i>• The height, bulk and placement of the proposed development on site achieves a positive response to fundamental principles including the defining of a street front façade setting as required by the relevant controls.</i> <i>• The proposition strongly relates back to the provisions of LDCP 2008 as well as considering the FSR and height in LLEP 2008.</i> <i>• The landscaping has been designed to deal with the privacy issues at the main frontage facing Copeland Street and the rear and side setbacks, and on the southern façade of the development by implementing natural, visual screens to maintain amenities of the surrounding buildings.</i>
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density</p>	<ul style="list-style-type: none"> <i>• The proposal provides a suitable response in relation to its appropriate density on the site and within its existing and future character in comparison with LLEP 2008 as it sits within the permissible controls.</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

<p>appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<ul style="list-style-type: none"> • <i>The maximum floor space ratio for this particular site is 2.5:1. The proposed FSR is 2.44:1 which complies with the maximum permissible controls and therefore is considered satisfactory.</i> • <i>The proposed density is anticipated and therefore appropriate to the site and its unique setting. A high level of amenity for residents is achieved through various design features such as orientation of the majority of living spaces towards north as well as visually minimising the impact towards the neighbouring properties.</i> • <i>Front setback, side setbacks and large communal open space at the rear and the rooftop create a pleasant airy amenity and provide a pleasant breakout space for all occupants.</i> • <i>Setbacks to the boundaries have been applied in line with the required setbacks as well as LDCP 2008 provisions so the development suitably achieves the desired density.</i> • <i>The locality is serviced through existing bus services, is within walking distance of Liverpool Rail Station (900m), is within 1km of four schools, is on the fringes of the Liverpool CBD and shopping district and is in the vicinity of the Gough Whitlam Leisure centre swimming pool and surrounding parkland and sporting facilities.</i>
<p>Principle 4:</p> <p>Sustainability</p> <p>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.</p>	<ul style="list-style-type: none"> • <i>The proposal aims to provide an environmentally friendly development. Moreover, there is a set of guidelines the residents must abide by with regards to the overall sustainability of the building.</i> • <i>In general, conventional building materials have been selected for their low embodied energy and maintenance characteristics. Low use lighting and appliances have been selected. Low water use fixtures and appliances have also been implemented. The landscape design features massive planting and trees capable of holding a moist environment during dry days minimising the need for watering.</i> • <i>Appropriate solar access contributes to the overall thermal comfort in the mid-winter, allowing for natural light to warm up the apartments, and appropriate cross-ventilation minimises the need for cooling in summer.</i> • <i>In addition to the above, the entire development has been thoroughly assessed by an independent</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

	<i>thermal energy assessor in order to achieve the highest possible rating for the entire building as mentioned in the BASIX report submitted with the application. Hence, the development can be considered contributory to the society by minimising the trace on the natural environment.</i>
<p>Principle 5:</p> <p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.</p>	<ul style="list-style-type: none"> <i>The landscape design has been prepared in co-ordination between the architect and Paul Scrivener Landscape Architecture. The landscape design and ample vegetation is implemented in specific areas around the building to increase the desirability of the area as well as in the private open spaces. The landscape design also deals with the privacy issues by implementing natural visual screens to maintain amenities within the site and of the surroundings especially by providing natural screening along Charles Street and the side and rear boundaries.</i> <i>Ample landscaping within planter boxes and definition of passive and active recreational areas has been introduced in the courtyard, along the rear boundary and rooftop terrace of the proposed development to enhance the amenity of the current and future developments. The communal open space has been adequately landscaped to provide for better amenity of the future residents and also to soften up the building presence within its setting.</i> <i>As requested by the DEP the proposed development was improved through the provision and confirmed design of the vertical garden planting on the southern elevation, to improve the visual amenity of the development on the adjoining southern RFB.</i>
<p>Principle 6:</p> <p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and</p>	<ul style="list-style-type: none"> <i>The design of the proposed development features a high proportion of north oriented units. The proposal provides appropriate solar access (70.75%) and cross-ventilation (60.38%) of the units adding to the overall amenity of the development. Thus, natural ventilation and natural day lighting add to the amenity and reduce reliance upon mechanical equipment. The use of vegetation in the setbacks on ground level, and rooftop communal open space and in the private open spaces, are very effective in supporting high level amenity onsite.</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

<p>acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility</p>	<ul style="list-style-type: none"> • <i>Planning within the units achieves separation of the more active spaces from the passive rooms. Generously designed private open spaces are to offer a variety of passive and recreational opportunities for the tenants. Walls between the apartments and those enclosing communal and service areas shall meet the Building Code of Australia requirements to reduce the noise levels under the minimum requirements.</i> • <i>Ground floor units will benefit from large private open spaces as well as patios to the rear, and garden at the side and front. Dwellings on upper levels will profit from large balconies and verandas with ample solar access as well as cross-ventilation given the two-aspect orientation of the majority of these dwellings.</i>
<p>Principle 7:</p> <p>Safety</p> <p>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.</p>	<ul style="list-style-type: none"> • <i>The proposal incorporates suitable definition of the public, communal and private domains. Basement car parking is also secured by a remote-controlled roller door and an intercom system.</i> • <i>The proposal will also benefit from ample passive surveillance along with a large number of units (12) facing the street.</i> • <i>Entry to the communal space within the site is controlled by the main security door at the building entry and a security gate to the Northern site of the property. Communal spaces are well lit and benefit from passive surveillance.</i> • <i>The communal open space on the rooftop creates a pleasant domain for all the family activities and minimises the safety and security issues as it is located within the building and is protected by an intercom security system that allows only residents to access.</i>
<p>Principle 8:</p> <p>Housing Diversity and Social Interaction</p> <p>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</p>	<ul style="list-style-type: none"> • <i>The proposal features a variety of 1-bedroom, 2-bedroom and 3-bedroom apartments. The diversity of the units offers accommodation to meet the demands of many different occupants across the multiple levels of market prices. The development also proposed adaptable units.</i> • <i>The proposal is considered to offer a mix of accommodation that shall translate to an equally represented group of residents which will result in an outcome of high desirability and diversity.</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

<p>involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	
<p>Principle 9:</p> <p>Aesthetics</p> <p>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.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<ul style="list-style-type: none"> • <i>The proposed built form at the front part of the property is considered a suitable response to the site as well as desired future character of the area.</i> • <i>The aesthetics of the building is divided into two main areas and has been highlighted: visually the top floors are in contrast with the bottom part of the building visually contrast in brick facade and framing structure for the variation in the depth of the facade.</i> • <i>In terms of materials a fluent combination of traditional and modern materials creates a vibrant appearance although respectful and decent to the future residential presence across Charles Street. The use of modern render for frames in combination with dark aluminium louvers and contrasting dark bricks and white feature wall create a harmonious and more traditional look distinct between the old and new.</i> • <i>Furthermore, strong although decent articulation along all facades is considered to achieve a better definition of the spaces, entries and uses as well as to enhance the overall appeal to the streetscape. The side elevations are broken down into 2 distinct portions to achieve better articulation, for a somewhat rectilinear building.</i> • <i>The landscaping areas at the main frontage and at the side and rear setbacks including with the vertical wall, provide better amenities to the building which substantially improve the appearance of the area.</i> • <i>In terms of its appeal, the development is sympathetic in natural colour and material finishes as it is also more characteristic in materials and thus contributing to the existing and also newly set-up standards in the area.</i>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Apartment Design Guide Compliance Table

Provisions	Comment
PART 1 IDENTIFYING THE CONTEXT	
1A Apartment Building Types	
A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.	Complies The proposed development is identified as a Tower Apartment Building. The building type is consistent with the context of the urban locality, providing a strong vertical form while considering the overshadowing and visual impacts on surrounding properties through appropriate setbacks.
1B Local Character and Context	
Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre, or is designed within the context of an urban or suburban neighbourhood.	Complies The proposed building meets the zone requirements and objectives and controls on merit for the subject site, and responds to the urban neighbourhood desired outcome, within close vicinity of a strategic centre including transport and educational facilities.
1C Precincts and individual sites	
Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.	Complies The site is subject to the Liverpool City Centre provisions, and the locality is in transition from smaller to larger scale high density development. The adjoining sites can be developed to their full potential with a similar amalgamation as proposed.
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	Variations proposed – Considered Acceptable The proposed development is considered to be generally compliant with the primary controls and proposed minor variations are justified.
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	<p>Complies</p> <p>The proposed development is considered to be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p> <p>The proposed building envelope provides for a desired future outcome. The density is compliant and design of the building incorporates elements reducing overall impact in terms of bulk and height relative to the streetscape.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

2C Building Height	
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	Variation Proposed – Considered Acceptable The design of the building meets the expected maximum number of floors, and despite not fully responding to the topography (cross-slope) the design of the building responds to the variation to the maximum height such that it is not evident in causing onerous physical or visual impact. As such, it provides a desired outcome in terms of bulk and height relative to the streetscape. This is discussed further in section 6.1(f)(iv) of the report.
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	Complies The FSR complies with the requirements for the proposed development and the building envelope includes a rear communal open area which helps limit overall density across the site.
2E Building Depth	
Sets out the appropriate building depth and how it relates to the maximum apartment depths, helping to ensure that natural ventilation and access to sunlight.	Complies The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met.
2F Building Separation	
Sets out minimum setbacks between buildings relative to height, communal open space, visual privacy and acoustic privacy controls.	Complies The proposed development is considered to generally be compliant with the primary controls, and provides for non-habitable setbacks where the visual setback requirements are not achieved.
2G Street setbacks	
Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.	Complies The proposed development is considered to be compliant with the relevant setbacks.
2H Side and rear setbacks	
Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.	Complies The proposed development is considered to be compliant with the relevant setbacks.
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies The proposed development is considered appropriate for its context. This is the second significant redevelopment of a site in the immediate locality and helps set a positive tone for future development.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	Complies The building layout has been designed to address Copeland Street. The site's orientation allows the building to completely maximise the northern orientation. Strategic window location and design results in desirable amenity for future residents Overshadowing of neighbouring properties during mid-winter is appropriate as per the proposed design.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	Complies A transition between the private and public domain is achieved through low height fencing while living area balconies are orientated towards the public domain to ensure a safe and secure transition between the private and public domain.
3C-2 Amenity of the public domain is retained and enhanced	
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Complies The proposal incorporates a substantial area of communal open space, equivalent to 27.6% of the site area. This is distributed on the ground and rooftop, is co-located with landscaping and comprises a mix of passive and active spaces. Communal open space is provided on the ground floor and rooftop. The multiple landscape elements provide various spaces for residents to relax or be active. Communal garden beds, fixed seating, a BBQ area are provided within the development. The proposed areas of the ground floor communal open space are accessible and visible from habitable rooms and private open space areas. Public open space is not included as part of the proposed development.
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

uses of the neighbourhood																													
3E Deep soil zones																													
Site Area < 1500m ² Min. Dimensions 3m Deep soil zone (% of site area) - 7%			Complies The proposal provides 24.21% (331.45sqm) deep soil landscaping adjacent to the front, rear and side boundaries.																										
3F Visual Privacy																													
Requirement: <table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non Habitable Rooms</td></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></table>			Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Complies Provided: <table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non Habitable Rooms</td></tr><tr><td>Ground Floor</td><td>6m</td><td>4.5m</td></tr><tr><td>Level 1 - 3</td><td>6m</td><td>4.5m</td></tr><tr><td>Level 4</td><td>9m</td><td>5.5m</td></tr><tr><td>Level 5 - 7</td><td>9m</td><td>6.5m</td></tr></table>			Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Ground Floor	6m	4.5m	Level 1 - 3	6m	4.5m	Level 4	9m	5.5m	Level 5 - 7	9m	6.5m
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms																											
Up to 12m (4 Storeys)	6m	3m																											
Up to 25m (5-8 Storeys)	9m	4.5m																											
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms																											
Ground Floor	6m	4.5m																											
Level 1 - 3	6m	4.5m																											
Level 4	9m	5.5m																											
Level 5 - 7	9m	6.5m																											
3G Pedestrian access and entries																													
3G-1. Building entries and pedestrian access connects to and addresses the public domain			Complies The front building access area, entries and pathways are clearly visible from the public domain. The entrance to the residential foyers is easily identifiable and distinguishable. Entries and pathways from the front of the building and to the communal open areas are accessible.																										
3G-2. Access, entries and pathways are accessible and easy to identify																													
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations																													
3H Vehicle Access																													
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Complies The proposal provides vehicle access via Charles Street which is considered acceptable, and results in one driveway for the two consolidated building sites, which increases on-street parking and reduces pedestrian conflict areas.																										
3J Bicycle and Car Parking																													
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the			Complies Car parking has been provided as per the requirements of the LDGP. Dedicated undercover bike storage and motorcycle spaces are provided in the basement																										

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

relevant council, whichever is less.	<p>Access to the car parking within the basement levels will require swipe card access and motion sensor lights will be installed.</p> <p>The vehicle access point has been significantly setback from the road reserve.</p> <p>No on-grade car parking is proposed.</p>
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Complies</p> <p>A total of 71.43% (75 of 105) apartments achieve a minimum of two hour solar access.</p> <p>A maximum of 11.43% (12 of 105) apartments receive no solar access on June 21 between 9am and 3pm.</p> <p>(combined number of units in consolidated development).</p>
<p>4A-2 Daylight access is maximised where sunlight is limited</p> <p>Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months</p>	<p>Complies</p> <p>The site provides appropriate solar access to apartments given the orientation of the site. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.</p>
4B Natural Ventilation	
<p>4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>Complies</p> <p>The site analysis contained within the architectural plans illustrates that prevailing winds originate from the north and west.</p> <p>All habitable rooms have access to natural ventilation.</p> <p>Natural ventilation is maximised through a design that encourages corner units and cross-through apartments</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	A total of 60.95% (64 of 105) apartments natural cross ventilation (combined number of units in consolidated development).
4B-2 The layout and design of single aspect apartments maximises natural ventilation	There are no cross-through apartments exceed a depth of 16m, when measured glass line to glass line.
4B-3 The number of apartments with natural cross ventilation is maximised	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable Rooms 2.7m Non-Habitable 2.4m If located in mixed use areas 3.3m for ground and first floor	Complies All floors achieve a minimum floor-to-ceiling height of 2.7m.
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	All residential apartments have a minimum ceiling height of 2.7m in habitable rooms and apartment layouts have been designed to provide spacious, well-proportioned rooms.
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	The floor to ceiling heights at ground floor and above is consistent with the residential use. Given the number of residential apartments on each level, following strata subdivision it is unlikely that these would be converted to commercial uses in future.
4D Apartment Size and Layout	
4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity 1. Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none">• Studio 35m2• 1 bedroom 50m2• 2 bedroom 70m2• 3 bedroom 90m2 The minimum internal areas include only one	Complies All units meet the required minimum areas. All habitable rooms have a window to an external

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

<p>bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>wall with a total minimum glass area greater than 10% of the floor area of the room.</p>
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Complies</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m. The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>2. No open plan layout has a habitable room depth more than 8m from a window.</p>
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies</p> <p>All master bedrooms and other bedrooms achieve the required areas.</p> <p>All bedrooms achieve the minimum dimension. All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>Cross through apartments are more than 4m in width</p>
<p>4E Private Open Space and Balconies</p>	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity			Complies		
1. All apartments are required to have primary balconies as follows:			All apartments comply with and otherwise exceed the minimum numeric requirements and the depth of the balconies and POS.		
Dwelling type	Minimum Area	Min. Depth	1 Bedroom	Min. Area (sqm)	Depth (m)
Studio	4m2		06 GF	27.4	2
1 bedroom	8m2	2m	25 L1	8.2	2.5
2 bedroom	10m2	2m	26 L1	10	2.8
3+ bedroom	12m2	2.4m	30 L5	8.2	2.5
			31 L5	10	2.8
			35 L6	8.2	2.5
			36 L6	10	2.8
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.			2 Bedroom	Min. Area (sqm)	Depth (m)
			01 GF	15.8	2.5
			02 GF	24	4
			03 GF	23.9	4
			04 GF	24.4	4
			05 GF	17.5	3
			07	10.1	2
			08	17.9	2
			09	15	2
			10	15	2
			11	15	2
			12	12.2	2
			13	10.1	2
			14	17.9	2
			15	15	2
			16	15	2
			17	15	2
			18	12.2	2
			19	10.1	2
			20	17.9	2
			21	15	2
			22	15	2
			23	15	2
			24	12.2	2
			27	10	2
			28	10.7	3
			32	10	2
			33	10.7	3
			37	10	2
			38	10.7	3
			40	10	2.5
			41	10	2
			42	10.7	3
			43	12	3
			3 Bedroom	Min. Area (sqm)	Depth (m)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

	29	12	2.5										
	34	12	2.5										
	39	12	2.5										
4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	Complies Private open space is directly accessible from the living area of each dwelling and can be used in conjunction with these. The balconies are integrated into the overall design development and form part of the detail of the building. All balconies shall be conditioned to comprise balustrades of 1.4m in height to ensure safety is maintained.												
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building													
4E-4 Private open space and balcony design maximises safety													
4F Common circulation and spaces													
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments. 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Complies One circulation area is proposed, with a maximum of 6 units serviced on Ground Floor and Levels 1 – 3. The building is not 10 storeys or higher.												
4F-2 Common circulation spaces promote safety and provide for social interaction between residents	The proposal incorporates a common foyer common which provides opportunities for residents to interact.												
4G Storage													
4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td>Dwelling Type</td><td>Storage volume</td></tr><tr><td>Studio</td><td>4m3</td></tr><tr><td>1 bedroom</td><td>6m3</td></tr><tr><td>2 bedroom</td><td>8m3</td></tr><tr><td>3+ bedroom</td><td>10m3</td></tr></table> At least 50% of the required storage is to be located within the apartment	Dwelling Type	Storage volume	Studio	4m3	1 bedroom	6m3	2 bedroom	8m3	3+ bedroom	10m3	Complies The proposal provides for storage within each apartment and on the basement levels. These areas comply with the minimum volume specified in the ADG.		
Dwelling Type	Storage volume												
Studio	4m3												
1 bedroom	6m3												
2 bedroom	8m3												
3+ bedroom	10m3												
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Complies Storage is provided within each apartment, and there are 67 spaces allocated for storage within the basement												

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Complies Noise transfer has been minimised by setting the living areas and bedrooms back from the balconies.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	The apartments have been configured so that quiet spaces (e.g. bedrooms) are co-located.
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies An acoustic report has been provided to demonstrate the proposed apartments will not be adversely affected by external or internal noise subject recommendations of the report to provide appropriate construction standards.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies on merit The development the following unit mix: <ul style="list-style-type: none">• 1 bedroom unit x 7 (16.28%)• 2 bedroom unit x 33 (76.74%)• 3 bedroom unit x 3 (6.98%) Although the proposal consists primarily of 2 bedroom units, the DEP requested the conversion of one of the 3 bedroom units on Level 7, to be reduced in size to a 2 bedroom units, thereby reducing the mix of 3 bedroom units from 9.3% to 6.98%. It is considered that for the purpose of improving solar access to the adjoining building units, this change is seen as reasonable, and would otherwise not warrant the further amendment to the floor plan, as the minimum solar access for the adjoining site was complying, despite DEPs requested amendment.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies The front ground floor apartments face Charles Street and provide opportunities for passive surveillance while achieving privacy to the residents by way of landscaping and low-level fencing.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

interest along the street while respecting the character of the local area	Building façades are articulated and modulated through the use of balconies, varying windows, and recessed elements.
4M-2 Building functions are expressed by the facade	Ground floor building entries and uses are clearly defined and articulated by the façade.
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies As demonstrated in the elevation drawings and photomontage a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	Rooftop communal open space is proposed with landscaping on podium areas.
4N-3 Roof design incorporates sustainability features	The proposal complies with requirements of BASIX and will include the required thermal insulation techniques.
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies The landscape plan incorporates sustainable environmental design and landscaping to the site. The landscape design maximises the use of drought tolerant species.
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes, including for the design of the vertical gardens.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The development does not proposed new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies A total of 5 apartments within the proposed RFB, which equates to 11.63%, are capable of adaptation.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort for a development of this scale. The proposed development satisfies the natural ventilation design criteria requirements.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Complies Potable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system. The site is not flood affected and the proposed hydraulic designs are appropriate as assessed by Council's engineers.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room is provided in the basement.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Complies Building has been designed and will be detailed in a manner to provide protection from weathering. Systems and access enable ease of

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

	<p>maintenance All plant equipment is accessible, being located in the basement.</p> <p>Finishes selected on the basis of reducing maintenance costs.</p>
--	---

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

**ATTACHMENT 3 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2
– GEORGES RIVER CATCHMENT (DEEMED SEPP)**

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers. Minimal affects.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers. Minimal impact.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for high density residential development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The land is not flood-prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	PROPOSAL	COMMENT
PART 1 – General Controls For All Development		
2. Tree Preservation	Trees at the rear of the site are to be removed to accommodate the development as per Arborist Report and as reviewed and agreed by Council's Landscape Officer.	Complies by condition
3. Landscaping	The Landscape Plans show the location and design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately constructed and maintained.	Complies by condition
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	N/A
5. Bush Fire Risk	The site is not identified as bush fire prone.	N/A
6. Water Cycle Management	Plans showing roof runoff directed to discharge to Georges River catchment via Council stormwater system.	Complies by condition
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse.	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed.	Complies by condition
9. Flooding Risk	The site is not identified as flood prone	N/A
10. Contamination Land Risk	The site is unlikely to be contaminated and no remediation is required for the proposed works.	Complies on merit
11. Salinity Risk	Moderate Salinity impact, and minimal Saline Agressivity response required.	N/A
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils.	N/A
13. Weeds	Site is not affected by Weeds.	N/A
14. Demolition Of Existing Development	Demolition of existing structures is to comply with the relevant standards.	Complies by condition
15. On-Site Sewerage Disposal	Not proposed.	N/A
16. Aboriginal Archaeological Sites	The proposal does not impact on any aboriginal heritage.	N/A
17. Heritage And Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item.	N/A
18. Notification Of Applications	Was not required to be notified as per DCP requirements, and no submissions were received.	N/A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

20. Car-parking And Access	Refer to Assessment Under Part 4 of the DCP.	N/A
21.Subdivision Of Land And Buildings	None Proposed. The development site is required to be consolidated as proposed.	N/A
22. Water Conservation	To comply with BCA requirements and BASIX	Complies by condition
23.Energy Conservation	To comply with BCA requirements and BASIX	Complies by condition
24.Landfill	None Proposed	N/A
25.Waste Disposal And Re-Use	<p>Management during construction and on-going waste.</p> <p>During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>On-going Waste Management is dealt with in Part 4 of the DCP.</p>	Complies by condition
26.Outdoor Advertising	No signage proposed	N/A
27. Social Impact Assessment	A Social Impact Assessment was not required to be reviewed by Council's Community Planner.	N/A

LDCP 2008 - Part 4 Liverpool City Centre

Part 4 – Liverpool City Centre		
Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is an 4-4.5m landscaped setback to Charles Street in this part of the city centre.	Complies The proposal provides a minimum 6m setback to Charles Street and no balcony overhang.
	Balconies may project up to 1.2m in high density residential zones.	
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the street.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies No Projections into the building setbacks are provided.
Side Setback	Residential uses up to 12m (i.e Ground floor, Level 1, Level 2 and Level 3) require a minimum side setback of:	Complies as per ADG table

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	<ul style="list-style-type: none"> - 3m to non-habitable rooms. - 6m to habitable rooms. 	
	Residential uses between 12-25m (i.e. Level 4, Level 5, Level 6 and Level 7) require: <ul style="list-style-type: none"> - 4.5m to non-habitable rooms. - 9m to habitable rooms 	Complies as per ADG table
	Residential uses between 25-45m (i.e. Level 8) require: <ul style="list-style-type: none"> - 6m to non-habitable rooms. - 12m to habitable rooms 	N/A
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Complies 642.1sqm of 1368.93sqm is 46.9%.
	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Complies Proposal provided 334.5m ² of deep soil zone, which is 24.21% of the site area.
	Deep soil zones are to accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.	Complies The deep soil zones will include trees that will reach a mature height of ≥ 6m.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies by condition.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies Suitable landscape species have been chosen. The landscape plan has been reviewed by Council's Landscape Officer who has raised no issues.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Complies Two existing trees at the rear of the property have been identified as un-retainable as per the submitted Arborist Report, and as confirmed by Council's Landscape Officer.
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas as

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	how landscaped areas are to be maintained for the life of the development.	identified in the Landscape Plan.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been provided showing the appropriate details which can be conditioned by consent to be implemented and maintained ongoing.
	Design for optimum conditions for plant growth by: <ul style="list-style-type: none"> - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. 	
	Increase minimum soil depths in accordance with: <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and 	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	soil type and quality.	
	<p>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none">- Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³- Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³- Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³- Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		
Front Fences	Controls relating to front fences require that fences not be higher than 1.3m above the public domain / footpath level, and that they not be sheet metal in material.	Complies by Condition A 1.5m high wall is provided for on the submitted front elevation. A condition of consent shall ensure that the front fence complies with the 1.3m height maximum, The front setback POS areas will be required to provide for 1.8m high screen fencing within the front setback.
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles).	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies 2 front entrances are provided to the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
		street frontage.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and are easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances and the rooftop Communal Open Space.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	Complies Only one vehicle entry point is proposed from Charles Street.
	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Complies The proposed development will involve one vehicle entry point, for all vehicles and service vehicles.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	Not Applicable The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	Complies The adjoining site to the south has been approved and is nearing completion, and the vehicular access point for both developments is shared.
	Vehicle access ramps parallel to the street frontage will not be permitted.	Not Applicable The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors, including over the public area at the front (road reserve).
	Articulate façades so that they address the street and add visual interest.	Complies The building facades are articulated

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and screens.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D modelling has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry point is orientated to the street and will be visible. The main entry is centrally located within the site.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to five of the Ground floor units.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points, and this is supported by the submitted Accessibility Report.
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: <ul style="list-style-type: none"> - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 	Complies A driveway is provided located on the eastern side of the development with access from Charles Street, which is a secondary road. The location of the driveway will not be in conflict with any services located within the road reserve, and is located more than 10m from any intersection. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be able to enter and exit the site in a forward direction.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS, as per the comments from Council Traffic Engineers.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS, as per the comments from Council Traffic Engineers.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS, as per the comments from Council Traffic Engineers.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies Development is considered to be designed to minimise noise impacts from vehicle access and basement car parking.
On Site Parking	Car Parking Requirements <ul style="list-style-type: none"> - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle 	Complies by condition (for bicycles) Required Spaces = 1 & 2 Bedroom Units is = 40 3 Bedroom Units is 3 x 1.5 = (3.5) 4 43 Overall units is 43/10 = (4.3) 5 visit 1 For service vehicle = 1 Total Required is 50. Total Number proposed spaces is 52. <ul style="list-style-type: none"> - 5 Visitor Spaces - 47 Unit spaces Note: no service vehicle provided, however a large loading area in the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	Motorcycle Parking Spaces - 1 motorcycle space per 20 car spaces	basement approved in DA-469/2015 provides ample area (33sqm) to be shared for the residents of the two buildings.
	Accessible Car Parking Spaces - 2% of the total demand generated by a development.	- 3 Motorcycle Spaces required and 3 provided
	Bicycle Parking - 1 bicycle space per 200m ² of LFA.	- 5 Accessible spaces provided which is 10% - 18 required and 12 provided. Required by condition of consent to provide additional area for 6 bicycles.
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	Noted 2 additional car-spaces Each car space assessed at 15sqm in area.
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	Not Applicable Car parking above ground level is not provided.
	Onsite parking must meet the relevant Australian Standards	Complies by condition
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Reflectivity	New buildings and facades should not	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	result in glare that causes discomfort or threatens safety of pedestrians or drivers.	The types of building materials used in the facade include painted rendered finish, face brick, glazing, aluminium framed windows and concrete roofing. It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies by condition It is recommended that a condition is imposed to ensure compliance with this provision.
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required	Not Applicable A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: <ul style="list-style-type: none"> - 10m/second in retail streets, - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets. 	Complies It is unlikely the proposed development will impact upon the public safety in terms of wind velocity.
	Site design for tall buildings (towers) should: <ul style="list-style-type: none"> - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, - consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground 	Complies Building separation is achieved and balconies and terraces are design to ensure useability to reduce the impact of wind.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	level, and - ensure useability of open terraces and balconies.	
Noise	An acoustic report is required for all noise affected locations, as identified in figure 25.	Complies on merit and by condition An acoustic report has been submitted demonstrating that the development will achieve the appropriate noise impact for residential development adjacent to a classified road subject to the implementation of construction levels to mitigate the impact. No frontage to Hume Highway (N/A).
	Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site.	
	An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	
Waste	Provisions must be provided for the following waste generation: - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas.	Complies by condition (1) On-going Waste Management (to comply with Council's <i>Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing Fact Sheet</i>): The development includes a waste storage area on Basement Level 1 for waste collection and storage accessed by an elevator from all levels of the development. Bins will be wheeled to the front for collection and will be collected from Charles Street, with a bins to be managed by the building janitor.
	In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: - Not visible from the street - Easily accessible to dwelling occupants	Complies by condition The following comments are made: - The waste storage area will not be visible from the street as it is in the basement. - It is also easily accessible for dwelling occupants through lift access. - The storage area will be

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
	<ul style="list-style-type: none"> - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas 	<p>managed by the body corporate</p> <ul style="list-style-type: none"> - Water facilities can be conditioned. - The waste storage area does not immediately adjoin private open space, windows or clothes drying areas.
	<p>The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.</p>	<p>Complies by condition (1) The waste bins will be collected from the internal Basement Level 1 loading unloading area which is approximately 35sqm in area. This shall be the designated collection point for collection by a private or Council's contractor.</p> <p>The number and size of the bins is assessed beneath this table.</p>
Controls for Residential Development		
Housing Choice Mix	<p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and 	<p>Complies on merit The proposal provides for 19.05% one bedroom units, 72.38% two bedroom units and 8.57% three bedroom units.</p> <p>Although the proposal consists primarily of 2 bedroom units, the DEP requested the conversion of one of the 3 bedroom units on Level 7, to be reduced in size to a 2 bedroom unit, thereby reducing the mix of 3 bedroom units. It is considered that for the purpose of improving solar access to the adjoining building units, this change is seen as reasonable, and would otherwise not warrant the further amendment to the floor plan, as the minimum solar access for the adjoining site was complying, despite DEPs requested</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Development Control	Provision	Comment
		amendment.
	For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	N/A
	For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.	N/A The development will not be built by the Department of Housing.
	For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	Complies 5 adaptable units within the proposed RFB, equates to 11.63% of all dwellings.
	Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	Complies Adaptable units are provided throughout various levels of the buildings. However, this is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies The submitted Access Report confirms that the adaptable dwellings are capable of being modified to comply with AS 4299-1995.

(1) On Going Waste Management

The objectives of the LDCP regarding waste management are:

- Minimise waste and maximise resource recovery
- Encourage improved environmental outcomes through increased source separation of materials
- Ensure more efficient management of waste and recyclable materials
- Ensure waste management for the end use of the development is designed to provide satisfactory amenity for occupants and provide appropriately designed collection systems
- Minimise ongoing waste to landfill and maximise recycling of ongoing waste.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Proposed Details:

The applicant has provided Council a detailed report and provides an overview of how construction waste, including demolition containing any asbestos is to be disposed of by licensed contractors.

The details as commented on by Council's Waste Management Officer in relation to ongoing waste management indicate that 16 x 660L bins (8 x general waste and 8 x co-mingled recycling) in total are appropriate for the 43 units for a once-weekly collection. The size of each bin is 1.16m² to the proposed waste storage room, which provides for an area appropriate and fit for purpose, giving adequate room bin manoeuvring and access.

Assessment (based on Council's Waste Fact Sheet)

The waste bins will be collected from the internal Basement Level 1 loading/unloading area which is approximately 35sqm in size. This shall be the designated collection point for the rear load trucks, which have the appropriate height clearance to enter the basement, which has an entry of higher than the 3.4m high trucks.

As such, no kerbside collection need take place.

Based on the proposed loading and unloading collection point on-site, and Council's Waste Management Officer concurring with the appropriateness of the waste room and accessibility, it is considered that using these bins in this way is more manageable with regard to wheeling smaller bins up and down the ramp from the basement to the kerbside.

As demonstrated in the above compliance tables and assessment, the proposed development generally complies with the requirements of Council's DCP, subject to conditions of consent.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Item no:	2
Application number:	DA-891/2015
Proposed development:	Demolition of existing 3 dwellings and construction of a part 3 and part 5 storey mixed-use development comprising of ground floor commercial tenancies, medical centre and 56 apartments (8 x 1-bedroom, 40 x 20-bedroom & 8 x 3-bedroom)
Property address	175, 175a, 177 & 181 elizabeth drive, liverpool
Legal description:	Lots 101 & 102 dp 612801, lot 1 dp 1135504 and lot 1 dp 534648
Applicant:	LIENG & LY PTY LTD
Land owner:	LIENG & LY PTY LTD AND MS T LY
Cost of Works:	\$19,096,742
Recommendation:	Approval subject to conditions
Assessing officer:	Nelson mu

2. EXECUTIVE SUMMARY

On 27 November 2017 the Independent Hearing and Assessment Panel (IHAP) (now known as Local Planning Panel - LPP) considered the subject application (DA-891/2015). The panel resolved to defer the application as follows:

For the reasons outlined above the panel has resolved to defer determination of the development application to allow the applicant to amend the plans to address the following issues:

- the building setbacks to the R2 and R3 zone boundaries for that part of the building up to 12 metres (4 storeys) is to be increased to 9 metres;*
- the building setbacks to the R2 and R3 zone boundaries for that part of the building above 12 metres is to be increased to 12 metres*
- the internal separation between buildings A and B is to comply with the apartment design guide separation requirements;*
- the height of building A is to be reduced to a maximum of 18 metres;*
- floor to floor heights for all levels of the development are to comply with the apartment design guide;*
- a minimum 600 mm wide landscaped setback be located between the western boundary and the driveway access to the basement carpark.*

The applicant has subsequently responded to the items requested by the panel. The requested information provided by the applicant has been reviewed by Council. This report deals with the additional information provided by the applicant.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

3. HISTORY/BACKGROUND

The application was considered by the IHAP at its meeting on 27 November 2017, where the panel deferred the application for the plans to be amended to address certain issues.

The applicant responded to the IHAP comments and provided the following information to Council for assessment:

- A letter response from HDC Planning dated 14 June 2018 (reference number DA891/2015) outlining how the revised plans have addressed comments from the panel and merit arguments in favour of the revised design where the panel comments have not been fully addressed.
- A full set of architectural plans, which include:
 - Cover Sheet
 - Site analysis and location plan
 - Basement Floor Plan
 - Site and ground floor plan
 - First and second floor plan
 - Third and fourth floor plan
 - Fifth floor, Roof and sections plan
 - Elevations and sections plan
 - Elevations plan
 - Shadow Diagrams
 - Colours and finishes schedule
- An updated landscape plan corresponding the latest architectural plans.
- An updated drainage concept plan corresponding with the latest architectural plans.
- A revised Traffic and Parking Impact Statement reflecting the amended architectural plans.
- A revised Statement of Environmental Effects.
- A revised Design Verification Statement.

The plans and documents have been reviewed by Council for assessment with consideration of the panel comments.

3. DETAILS OF THE PROPOSAL

The subject application, as amended, proposes demolition of all existing structures and the erection of a part 3 and part 5-storey mixed-use development comprising ground floor retail and medical centre and 56 residential apartments above two levels of basement parking and a large area of at-grade parking and ancillary landscaping.

The following is a breakdown of the various components of the development which have been modified from the plans provided to the IHAP in November 2017, the responses are structured using the six issues raised by the panel.

In addition to the comments below, the following aspects of the proposal were modified by the proponent as part of their amended plans package:

- The basement car parking has increased in size in the north-east corner providing parking to support the revised residential, commercial and medical floor layouts.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

- The ground floor medical centre and commercial spaces have been revised.
- Floor plans for residential levels (1, 2, 3 and 4) have been revised.
- The fifth floor proposed for Building B has been removed.
- The commercial building fronting Elizabeth Drive is now 3 storeys (previously 2 storeys).
- The total number of units is now 56 (previously 55).
- The commercial space has increased from 714m² to 1337m²
- The medical centre has reduced in size from 569m² to 561m²

Addressing IHAP comments

1. *The building setbacks to the R2 and R3 zone boundaries for that part of the building up to 12 metres (4 storeys) is to be increased to 9 metres;*

Ground level

Setbacks have increased to 9m to the north (from 7.3m), the east setback remains the same (1.4m) and the west has increased to 9m (from 8.3m). The applicant noted the ADG states:

When measuring the building separation between commercial and residential uses, consider office windows and balconies as habitable space and service and plant areas as non-habitable.

This statement can be applied to building separation from the 'service and plant areas' of the proposed ground floor medical and commercial development to the adjoining R3 land to the east. Non-habitable separation for up to 12m in height as defined by the ADG requires 3m (as compared to the 1.4m provided). This is not considered to be unreasonable on the basis that there will be a 1.8m high boundary fence separating the development from the eastern adjoining site that is being occupied by an aged care facility. It is to be noted that the at-grade car park of the aged care facility abuts the development site. Moreover, the ground floor commercial component of the development is permitted to be built to the boundaries provided that there are no openings along the property boundaries.

First floor

The revised plans have increased the separation of the building façade to the adjoining R2 and R3 zoned land from 7.3m to 9m (except for the outer walls of north facing balconies in Building B at 8.8m and fire stair separation measured at 7.5m to the north – this applies to levels 1-4). Private court yards have been pushed back to 5m from the eastern boundary with an equivalent increase in depth of the proposed planter boxes. Such arrangements are considered acceptable, given the width of the raised planter boxes would alleviate any potential amenity issue to the eastern adjoining site, which is an open car park for the existing aged care facility. The separation distances to the north and east now satisfy the 9m setback control.

Second & third floors

The revised plans provide 9m setbacks to all boundaries (north, east and west).

2. *The building setbacks to the R2 and R3 zone boundaries for that part of the building above 12 metres is to be increased to 12 metres*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Fourth floor

The separation distance has increased to 9m setbacks to both the R2 (north and west) and R3 (east) boundaries however this does not satisfy the IHAP requested 12m (which considers an additional 3m of separation to the adjoining R2 and R3 zones).

The applicant has argued the adjoining R2 and R3 zones are subject to 8.5m height restrictions and therefore the separation is not applicable.

3. The internal separation between Buildings A and B is to comply with the apartment design guide separation requirements;

The amended plans have not fully addressed the ADG design guidance for 18m building separation between parts of buildings which are greater than 12m in height.

The applicant has presented the argument that the relevant height to assess building separation onsite is the internal separation distance considered from the finished surface level of the podium which equates to a maximum building height of 12.4m. The ADG does not differentiate measuring onsite building separation from ground or podium levels. Therefore, the separation distance of 12.04m can be considered compliant with the ADG separation requirement of 12m. Also noting the amended plans have increased the internal building separation from 10m to 12m.

On the basis that the residential component of the development is located above the podium level, it is not considered unreasonable to accept the 12m separation, as opposed to the 18m setback between buildings. The chief purpose of the building separation recommended in the ADG is principally to address amenity issues between buildings in terms of visual and acoustic privacy and overshadowing. In this case, and taking into consideration of the site's orientation and the built form of the building, it is considered that the 12m spatial separation between Building B and part of Building A is acceptable.

4. The height of Building A is to be reduced to a maximum of 18 metres;

The fifth floor of Building A has been removed and the proposal now complies with the maximum building height control of 18m.

5. Floor to floor heights for all levels of the development are to comply with the apartment design guide;

Floor to floor heights in the amended plans are 3.1m inclusive of 400mm concrete slab and 2700mm floor to ceiling. This complies with the required floor to ceiling height of the ADG.

6. A minimum 600 mm wide landscaped setback be located between the western boundary and the driveway access to the basement carpark.

The amended plans have introduced a 600mm landscape strip which has been added to the west of the driveway ramp to the basement car park.

4. ASSESSMENT

The applicant has submitted additional information in response to the request by LPP. An assessment of the proposal with consideration to pertinent controls in the Liverpool Local Environmental Plan 2008 is provided below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Principal Development Standards

The LLEP 2008 contains a number of principal development standards, the following table assesses the revised plans:

Development Provision	Requirement	Proposed	Comment
4.3 Height of Buildings	18m maximum height	18m	Complies
4.4 Floor Space Ratio	1.2:1	1.15:1	Complies
7.15 Minimum building street frontage in Zone B6	90 metres to a classified road.	The site has a frontage of 32.92m to Elizabeth Drive.	Acceptable. Clause 4.6 Variation Statement provided and supported by previous panel.
7.23 Bulk goods premises and retail premises on Zone B6	Maximum of 1,600m ² of retail premises permissible	The total floor space proposed that would be available for retail use is 1337m ² . The size of commercial tenancies would not lend themselves as bulky goods retailing.	Complies

As outlined above, the revised proposal complies with the development standards of the LLEP 2008.

Liverpool Development Control Plan 2008

An assessment of the revised plans with consideration to the pertinent DCP controls is provided in Attachment 4.

Community Consultation

In accordance with Liverpool Development Control Plan 2008 the application was re-exhibited from 4 July 2018 to 18 July 2018 and a total of eight (8) submissions were received. The further amended proposal was exhibited from 28 February 2019 to 14 March 2019 where 8 further submissions were received, including 5 submissions from 1 objector on behalf of adjoining shop owners. A submission was also received from a planning consultant on behalf of the adjoining commercial premises.

The issues of concern to surrounding residents/tenants are summarised below and the following comments are offered to the concerns raised in the submissions:

Impact on retail shops at 183 Elizabeth Drive, access to parking, entry too far away from shops

Concern has been raised regarding the new access point to the Council car spaces and a suggestion that the two access points (from Woodland Rd and Elizabeth Drive) should be maintained. Further, that changing the access point will limit customer access to the shops and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

impact the viability of the local businesses.

The proposed Right-of-Carriageway condition has been revised, from that previously submitted to IHAP, to permit continued access from the east-west laneway behind 183 Elizabeth Drive which will support accessibility to the retail shops fronting Elizabeth Drive. The applicant has provided turning paths, to the satisfaction of Council's Traffic and Transport Section, which demonstrate acceptable turning paths for vehicles utilising the Right-of-Carriageway (behind 183 Elizabeth Drive) to the Council car park (15 spaces provided as part of a separate Parking Area Agreement).

The proposal has been assessed by the RMS whom in their first referral response indicated '*they would not grant concurrence to two vehicular accesses on Elizabeth Drive*'. As noted by the RMS, *Elizabeth Drive is a major arterial road, which carries a high volume of traffic, where transport efficiency of through traffic is of great importance*'. The single point of access from Elizabeth Drive is to the satisfaction of the RMS and Council's Traffic and Transport Section.

Furthermore, the amended proposal has further revised the internal arrangements for the public car parking and access to it whereby the existing Right-of-Carriageway adjacent to northern boundary of the Amber Tile site (Lot 2 DP 1135522) is to be made into an exit only driveway onto Elizabeth Drive. This amended arrangement has been specified in consultation with Council's Traffic and Transport Section. The RMS has indicated that it has no objection to the proposed internal changes for the public car parking and Right-of-Carriageway, provided that the vehicular access on Elizabeth Drive for the development (at 175-181 Elizabeth Drive) remains consistent with the Roads and Maritime Services letter dated 24 October 2017. The vehicular access arrangement is consistent with the RMS' letter.

Inadequate parking provided for the development

As articulated within Attachment 4 DCP Compliance Table of the report, the proposed development requires the following minimum car parking spaces:

- 23 car parking spaces for the proposed medical centre;
- 67 car parking spaces for the commercial/retail premises;
- 84 resident car parking spaces; and
- 14 visitor car parking spaces.

A total of 188 car parking spaces to be provided on site for the proposed development.

In accordance with the existing agreement between the owner of the site and Liverpool City Council, 15 Council car parking spaces are required to be provided on site (181 Elizabeth Drive).

Therefore, the proposed development is required to provide a minimum of 203 car parking spaces onsite, including 15 Council car parking spaces. The revised proposal provides for 210 car parking spaces, of which 15 car spaces are Council spaces, plus 8 additional spaces to be dedicated as public car parking spaces. The proposal provides more than the minimum required car parking spaces for the development.

The community shops rely on the public car park for their customers

The proposed development would maintain the existing 15 Council car parking spaces in almost identical location as currently exists. Therefore, the customers of the nearby community shops (retail) will not be denied access to these 15 Council car parking spaces. In fact, as indicated above, the applicant is proposing to provide 8 additional car parking spaces to be dedicated as

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

public car parking spaces over and above the required 15 Council car parking spaces that the owner of the subject site is required to provide and maintain.

The developer should maintain the existing fenced car park created in 2012

The proposal would maintain the existing 15 Council car parking spaces in near identical location to that currently exists. It is not practical to fence off the Council car park as it exists, as suggested by the objectors, because vehicular access to the basement car park is through a portion of the 15 Council car parking spaces.

What can be said about the arrangements of the car park is that vehicular access to the proposed Council car parking spaces have been significantly improved. That is, the existing access to the Council car parking spaces from Woodlands Road and the Right-of-Carriageway over the Amber tile shop are being maintained, though the Right-of-Carriageway is to be changed to an exit only onto Elizabeth Drive. Significantly, an improved combined entry/exit driveway is proposed off Elizabeth Drive to facilitate vehicular access to the development and the Council car parking spaces.

Use of Council car park in calculating parking required

The Council car park was not used to satisfy Council DCP parking rates for the proposed mixed-use development (it was provided in addition to the required parking rates). The total parking proposed exceeds the DCP parking required (210 provided, 203 required by Council's DCP inclusive of 15 Council car parking spaces).

Site area calculations and Council car park

The site area and FSR calculations are inclusive of the Council car park as it forms part of the subject site. The land where the existing 15 Council car parking spaces are located is a private land belonging to the applicant. The revised FSR is below the maximum which would be permissible. The objectors' raised concerns that 400m² minimum area be kept as a separate car park for existing development. It is to be noted that the area to be occupied by the proposed 15 Council car parking spaces is approximately 400m² in size and in almost identical location to their current position, although the car parking would not be fenced.

Supporting consultant reports have not been updated to reflect the amended architectural plans

It is to be noted that when the amended proposal was publicly exhibited, the supporting consultant reports had not been updated including Statement of Environmental Effects, traffic report and SEPP 65 Design Verification Statement. However, these reports have since been updated to reflect the amended architectural plans.

Measures to ensure the spaces are for public car parking

Conditions are proposed which will ensure appropriate signage and line marking is provided to inform the public of the revised access point and allocated Council car spaces which will be available to the public 24 hours 7 days a week in accordance with the separate Parking Area Agreement. It is considered appropriate that time restriction condition be incorporated into any consent stipulating that the 15 Council spaces to be subject to 2 hours parking restriction. Additional directional street signage will also be required and is to be approved by Council's Traffic and Transport Section as part of conditions of consent. Council, as part of the agreement, will

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

police and maintain the signage for the Council car parking spaces.

Inappropriate use of the Council car spaces

With respect to the potential for future residents to ignoring signage and/or a perception that the Council car parking spaces will benefit the landowner, Council, in accordance with the parking agreement *'agrees to manage and operate the Car Parking area...which includes enforcing....parking restrictions'*.

Council's 99 year lease car park

Concerns raised regarding honouring of the 99 year lease (identified in the Parking Area Agreement) covering the Council car parking spaces. The fifteen (15) Council car parking spaces are covered by a Parking Area Agreement signed by the land owner and Liverpool City Council. A condition is proposed that will require the parking area agreement to be updated to reflect the Council car park as proposed, noting that the car spaces are in a near identical location with a similar orientation as the existing 15 Council car spaces. It is to be noted that the applicant is proposing to provide 8 additional car parking spaces over and above the required 15 Council spaces. These additional spaces are to be dedicated as public spaces.

Consideration of a standalone Council car park

The 15 spaces will be clearly identified and Council will be tasked with patrolling the car park. A standalone car park would introduce safety, permeability and amenity impacts which the proposal has addressed through landscaping, lighting and passive surveillance as a result of the proposed mixed use development.

Measures during construction to ensure the car park will not be blocked or taken up by trades workers and deliveries.

The proposed consent conditions include a requirement for a Construction Traffic Management Plan to be prepared and submitted to Council's Traffic and Transport Section, for review and endorsement, prior to construction. The CTMP will include measures to ensure that access to the Council car park spaces is maintained at all times.

Competition for space with residents of proposed development

There is concern that competition will be introduced between customers of the shops along Elizabeth Street and residents of the proposed mixed use development. Parking has been provided which satisfies Council's DCP requirements for the residential component, including visitor spaces, within the basement car park. An additional level of basement parking is provided for staff of the proposed medical centre and commercial tenancies with ground level parking comprising of 23 customer spaces in addition to the 15 provided in accordance with the Council car park agreement. Council's Traffic and Transport Section have reviewed and support the proposal.

Impact on character of suburb

Concerns have been raised regarding the impact the proposal will have on the character of the local area. The proposal is consistent with the zone objectives and generally consistent with development standards. While the site adjoins low density residential development, the design is considered appropriate and impacts on adjoining properties are minimised. It must be noted that

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

the revised plans include additional setbacks to minimise the bulk and scale of the buildings.

The site is zoned B6 Enterprise Corridor under the Liverpool LEP 2008, which allows for mixed-use development with a maximum building height of 18 metres. The amended proposal is within the allowable building height and has been designed with regard to surrounding properties to ensure acceptable level of amenity impacts in terms of visual and acoustic privacy and overshadowing.

Environmental impacts

The proposal is not considered to have any adverse impacts on existing residents in terms of increased noise. The residential component of the development will largely protect residents in Woodlands Road from Traffic noise. Although there will be noise impacts during construction, this will be for a relatively short period and will be controlled by conditions of consent which restrict hours of construction activities.

Concern has been raised regarding vehicle emissions. Council's Traffic and Transport Section have reviewed the proposal and the traffic impacts are considered acceptable.

Lack of infrastructure to provide amenity for future residents and strain on community infrastructure

The subject land has been zoned for commercial and mixed-use development including shop top housing. The ability of the locality to support such development has been determined at the time of zoning and it would be difficult to justify a refusal of the application on these grounds.

Overlooking, privacy and wellbeing impacts

Concern are raised regarding the impact of the proposed residential units and overlooking to adjoining residents. The proposal is situated on land zoned B6 and interfaces with Low Density (R2) and Medium Density (R3) zoned land. The development has been assessed in accordance with the provisions of SEPP 65 and the Apartment Design Guide and is considered satisfactory in terms of side and rear boundary setbacks and potential resultant privacy impacts. The revised proposal has increased the setback provisions to both the R2 and R3 zoned lands and is considered sufficient to maintain a reasonable level of privacy to the adjoining residences.

Issue of garbage and household goods being dumped in front of multi storey buildings

A concern was raised regarding an observation that rubbish accumulates in front of multi-storey developments. The proposal includes waste storage areas and conditions are proposed to ensure that the waste service provisions are provided to the satisfaction of Council's Waste Service Manager. Council is well aware of the challenges in managing waste and recycling, recently revised conditions are tailored to further ensure local amenity is not impacted by rubbish dumping.

Property values

There is no evidence to suggest that the proposal would have any detrimental impact on the value of surrounding properties and this is not a matter which is subject to assessment under Section 4.15 of the Environmental and Planning Act 1979.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Traffic will increase on Elizabeth Drive

The proposal has been assessed by Council's Traffic Engineers and the RMS and found to be satisfactory in terms of traffic impact. The left in/left out access provisions and the proximity to the signalised intersection of Elizabeth Drive and Flowerdale Road will assist in providing breaks in traffic for vehicles to enter and leave the site safely. In addition, the traffic and parking assessment report accompany the application concludes that *the additional traffic projected to be generated by the subject development is not projected to have any unreasonable impacts on the existing level of safety and efficiency of the surrounding road network.*

Notification of tenants and residents when the application was referred to the November 2017 IHAP meeting

The application was originally notified to all properties within 75m radius of the site from 23 September 2015 to 9 October 2015 in accordance with Council's Notifications Policy. A total of 6 submissions were received in response to the public consultation process. The 6 objectors were notified and invited to attend the 27 November 2017 IHAP (now LPP) meeting. Council is only required to invite those who made submission(s) to the proposal to attend the LPP meeting.

The LPP, at its meeting of 27 November 2017, resolved to defer determination of the application to allow the proponent to address certain issues including building separation and height of building. As a result, the proposal was amended in response to the concerns raised by the Panel. The application was re-notified to all properties within 75m radius of the site, including those previously made submissions from 4 July 2018 to 18 July 2018 as per Liverpool DCP. 8 submissions were received.

As the application was further amended, it was further notified in accordance with Council's DCP from 28 February 2019 to 14 March 2019, where a further 8 submissions were received.

Council notification of original car park sale in 2012 and reduction to the 15 spaces

Concerns have been raised regarding Council notification or lack thereof and correspondence regarding Council's intentions to dispose of what was a larger car park back in 2012. The previous notification or communications in 2012 are not items for consideration as part of the assessment of this proposal. The proposal has been considered with respect to current parking requirements and retention of the Council car parking spaces in accordance with the separate parking agreement.

5. CONCLUSION

The applicant has provided additional information in response to the IHAP's deferral of the matter in the form of revised plans, including plans which give consideration to the six key aspects which the IHAP raised in its 27 November 2017 deferral decision.

The revised plans and additional information were reviewed by Council's Statutory Section and found to be satisfactory subject to conditions.

In view of the assessment of the application, it is recommended that this report be received and noted by the panel in its determination of the application.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

8. RECOMMENDATION

That DA-891/2015 be approved, subject to conditions of consent.

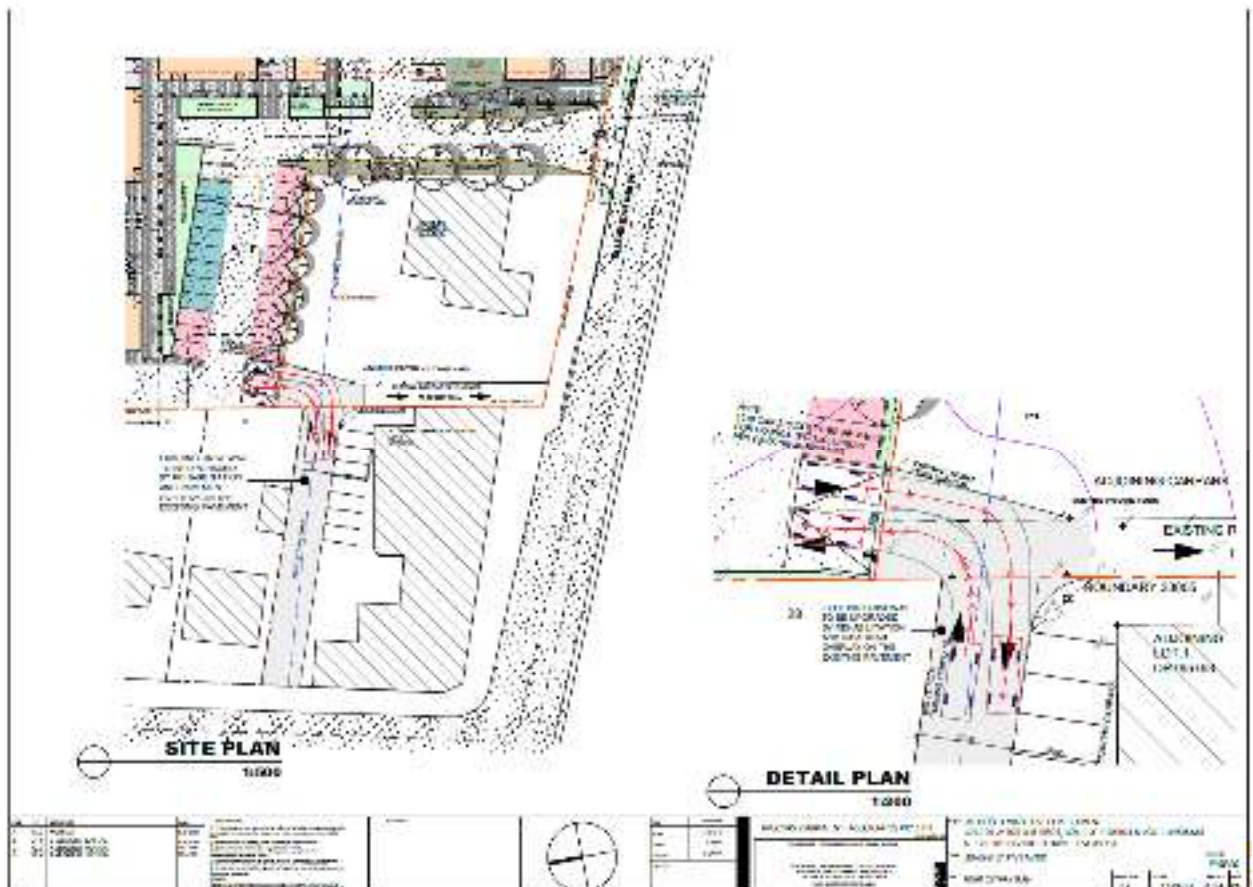
9. ATTACHMENTS

1. Plans of the proposal
2. Applicant's letter response 14 June 2018
3. Apartment Design Guidelines - Compliance Table
4. DCP Compliance Table
5. Recommended Conditions of Consent
6. Amended Statement of Environmental Effects
7. Amended Traffic Report
8. Previous IHAP report
9. Previous IHAP Recommendation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 JUNE 2019

Attachment 1: Plans of the Proposal



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

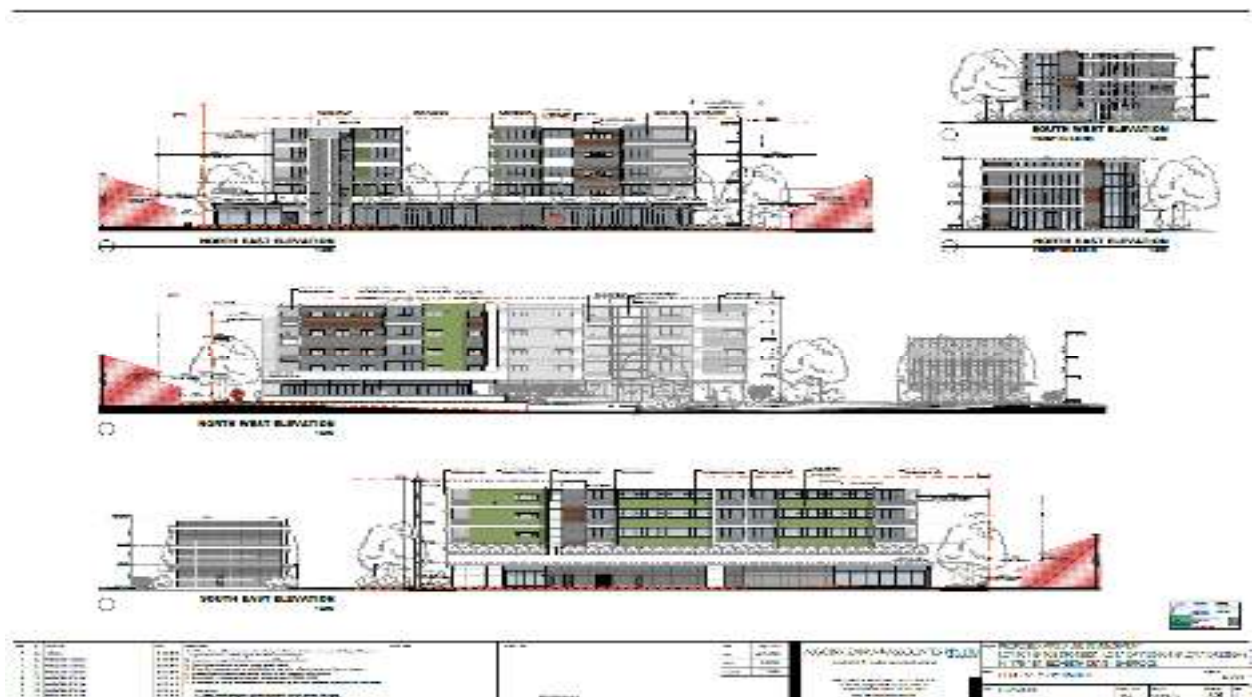
24 JUNE 2019



24 JUNE 2019



24 JUNE 2019



LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 JUNE 2019







01
Architectural rendering of the building from a distance.

02
Architectural rendering of the building from a closer angle.

03
Architectural rendering of the building from a different angle.

04
Architectural rendering of the building from another angle.

05
Architectural rendering of the building from a distance.

06
Architectural rendering of the building from a closer angle.

07
Architectural rendering of the building from a different angle.

08
Architectural rendering of the building from another angle.

Item	Description	Value
1	Architectural rendering of the building from a distance.	10.00
2	Architectural rendering of the building from a closer angle.	10.00
3	Architectural rendering of the building from a different angle.	10.00
4	Architectural rendering of the building from another angle.	10.00
5	Architectural rendering of the building from a distance.	10.00
6	Architectural rendering of the building from a closer angle.	10.00
7	Architectural rendering of the building from a different angle.	10.00
8	Architectural rendering of the building from another angle.	10.00



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL

Item	Description	Value
1	Architectural rendering of the building from a distance.	10.00
2	Architectural rendering of the building from a closer angle.	10.00
3	Architectural rendering of the building from a different angle.	10.00
4	Architectural rendering of the building from another angle.	10.00
5	Architectural rendering of the building from a distance.	10.00
6	Architectural rendering of the building from a closer angle.	10.00
7	Architectural rendering of the building from a different angle.	10.00
8	Architectural rendering of the building from another angle.	10.00

Attachment 2: Applicants Letter Response 14 June 2018



14 June, 2018

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL S.C. 1871

Your Reference: DA891/2015
Att: Nelson Mu

Dear Sir,

Re: 175-181 Elizabeth Drive, Liverpool
DA-891/2015

Reference is made to the Independent Hearing and Assessment Panel's assessment report of 27 November 2017.

The Panel's assessment held that the application was unsatisfactory on 6 primary grounds. These were primarily related to the interface between the proposed development and more sensitive, lower density residential zones which adjoin the site. In this regard, the Panel noted that the "proposed side boundary setbacks of levels 1 to 4 to the adjacent R2 and R3 zones are less than the minimum 9m required by the apartment design guide".

The Panel was also unsupportive of the proposed exceedance of the height of buildings development standard under clause 4.3 of LEP 2008. It further suggested that an allowance of 400mm be allowed for floor slab and associated utilities, which if provided, would further increase the extent of non-compliance shown on the approved plans.

The Panel determined to defer the Application pending receipt of amendment plans which incorporated the following:

PLANNING	APPROVALS	DEVELOPMENT ADVICE
www.hdcplanning.com.au		
David Haskew (B.T.P. Hon's 1) P: 0414487822 E: david@haskew.com.au P.O. Box 810 Katoomba 2780 A: Soper Chambers - Suite 10 / 118-120 Katoomba Street, Katoomba		Gilbert de Chalmers MP/IA P: +61 292383963 M: 0417253416 E: gilbert@hubplanning.com.au G.P.O. Box 5386, Sydney 2001 A: Level 12, 32 Martin Place, Sydney

- the building setbacks to the R2 and R3 zone boundaries for that part of the building up to 12 metres (4 storeys) is to be increased to 9 metres;
- the building setbacks to the R2 and R3 zone boundaries for that part of the building above 12 metres is to be increased to 12 metres;
- the internal separation between buildings A and B is to comply with the apartment design guide separation requirements;
- the height of building A is to be reduced to a maximum of 18 metres;
- floor to floor heights for all levels of the development are to comply with the apartment

Submitted under separate cover, are plans prepared by Algory Zappia and Associates which have been prepared in accordance with the Panel's requested amendments. From the amended plans we provide the following comments relative to each of the 6 issues raised by the Panel.

Building Setbacks to the R2 and R3 Zone Boundaries for that part of the building up to 12 Metres

- Setbacks to northern western and north eastern boundaries have each been increased to 9m from 7.38m and 7.25m respectively. In respect of the south-eastern boundary (to the adjoining R3 zone) the building setback has also been increased to 9m. The ground floor and podium is however, setback 1.4m.

The Apartment Design Guide (ADG) does not mandate a uniform 9m setback as recommended by the Panel. In respect of commercial development, the ADG states (page 37):

When measuring the building separation between commercial and residential uses, consider office windows and balconies as habitable space and service and plan areas as non-habitable.

The relevant non-habitable building separation distance is 6m, or if non-habitable to habitable, 9m. Pursuant to Table 2 of DCP Part 3.6, hypothetical future development of the R3 – Medium Density Residential zone would require a 4m setback to common the boundary at ground level. Strictly applied Table 2 would also direct a 4m first floor setback.

Notwithstanding the above, departure from the ADG design guidance only applies to a hypothetical future development of the eastern adjoining site. The actual eastern adjoining aged care site is setback approximately 14.4m from the common boundary of the subject site. Hence, building separation at ground level is in the order of 15.8m, far in excess of the 9m separation distance required by the ADG.

The eastern adjoining site is zoned R3 – Medium density Residential and is subject to a floor space ratio of 0.5:1. The site is presently developed with a seniors living development. The existing building is in good condition and is far from the end of its economic life expectancy.

Whilst it is appropriate to have regard to future development scenarios, it is not appropriate assessment methodology to ignore the built form of the actual adjoining development. The adjoining building, its setback from the common boundary, that it is the highest and best use of that land, and that it is far from the end of its economic life expectancy are all relevant matters in site analysis and the identification of constraints and opportunities.

Whilst not explicitly stated to our knowledge, it would seem to us that the characteristics of the existing development is precisely why two Design Excellence Panels – and Council's assessment officers have not requested increased setback to the site's eastern boundary.

The amended plans have provided genuine and significant design amendment to respond to the Panel's directions regarding interface with adjoining residential land.

In circumstances where the actual building separation at the eastern boundary will be 15.8m at ground floor, increasing to 23.4m at first floor and above, and where the ADG directs a building separation of only 9m, the Panel is respectfully requested to reconsider its position that a 9m ground level setback to the eastern boundary is required.

We trust that upon further consideration, the Panel will recognise the same to be unreasonable and unnecessary.

Building Setbacks to the R2 and R3 Zone Boundaries for that Part of the Building Above 12 Metres

The Panel has recommended increasing the setbacks to 12 m for the referenced parts of the building.

ADG provides design guidance for 18m building separation between parts of buildings which are greater than 12m in height. At a zone boundary, the setback (necessary to achieve equitable building separation) is to increase by 3m. For this reason, the Panel has recommended a 12m setback which equates to 9m building separation plus 3m additional setback.

However the requirement for a 12m building separation has been incorrectly applied, given the zoning and height of buildings maps of the adjoining properties. In each case, the maximum building height in the R3 – Medium Density Residential zone and R2 – Low Density Residential zones is 8.5m. Hence there is no reasonable nor foreseeable expectation for development within the adjoining residential zones to exceed 12m in height. As such, the building separation between those parts of the proposed development which exceed 12m in height and adjoining buildings also having a height of 12m or greater will be effectively

infinite. Nil plus 3m setback from the common boundary would still satisfy building separation design guidance for those parts of the building exceeding 12m in height.

The Panel is respectfully requested to reconsider its assessment with regard to this issue.

Internal Separation Between Buildings A and B

The Panel has recommended compliance with ADG internal building separation requirements.

In the case of internal building separation, the relevant height is from the roof to the finished surface level of the podium. The maximum height of the proposed development when measured relevant to internal building separation is 12m. Hence, the ADG design guidance separation is 12m. The proposed separation between Buildings A and B is 12.044m and hence compliance with the ADG is achieved.

Maximum Height of Building A to be reduced to 18m

The amended plans remove the top storey from proposed building A such that full compliance with the Panel's recommendation and the height of buildings development standard is achieved.

Floor to Floor Heights

Floor to floor heights have been increased in accordance with the Panel's recommendation.

Landscaped Setback to the Western Boundary

The 600mm landscaped setback to the western boundary as recommended by the Panel has been incorporated in the amended plans.

Summary

The amended plans submitted under cover of this letter incorporate each of the Panel's recommendations pursuant to its report of 27 November 2017, with the partial exception of setbacks to the R3 zone boundary and arguably in relation to internal building separation.

In the case of internal building separation, compliance with the ADG was already achieved under the originally submitted plans. It would seem likely that the Panel has calculated the height of the buildings (and hence required separation) from ground level and not from podium level. The height above podium is the consequential metric for internal building separation and hence, compliance with ADG building separation is achieved.

In respect of the R3 – Medium Density Residential zone boundary setback, it is agreed that the proposed development will not strictly comply with ADG building separation requirements if the adjoining site were to be redeveloped and if provided the same setback to the common boundary as the proposed development (i.e. 50% distribution of building separation requirement). Importantly however the eastern adjoining site is already developed with a seniors living development. It is a medium density form which is at or close to its maximum permissible FSR (0.5:1). The planning controls applicable to that site do not suggest any likelihood for redevelopment in the foreseeable future. Building separation to the existing development vastly exceeds ADG requirements.

At the upper levels of the proposed development, a progressive setback is not required because the height of buildings standard applicable to the eastern adjoining site will prevent it from being developed to a height where direct interface with the upper levels of the proposed development could occur.

Having regard to the above, the Panel's favourable determination of the subject application is now requested.

Should you have any enquiries please call me at your convenience on 041 4407022.

Yours faithfully,



David Haskew
Senior Partner
HDC Planning

Attachment 3: Relevant provisions of the Apartment Design Guide

Provisions	Comment																											
PART 1 IDENTIFYING THE CONTEXT																												
2C Building Height																												
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	Complies The revised plans have removed the fifth floor component.																											
2D Floor Space Ratio																												
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	Complies The revised plans provide a compliant FSR.																											
PART 3 SITING THE DEVELOPMENT																												
3E Deep soil zones																												
Site Area greater than 1500m ² Min. Dimensions 6m Deep soil zone (% of site area) - 7% <ul style="list-style-type: none">- Not possible on some sites where there is non-residential uses at ground floor level	Complies The total deep soil area on the subject site (15.9%) meets the design criteria with adequate deep soil landscape area.																											
3F Visual Privacy – side and rear boundaries																												
Requirement: Note - Bracketed figures are those representing desirable separation. <table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non Habitable Rooms</td></tr><tr><td>Up to 12m (4 Storeys)</td><td>6m (9m)</td><td>3m (6m)</td></tr><tr><td>Up to 25m (5-8 Storeys)</td><td>9m (12m)</td><td>4.5m (7.5m)</td></tr></table> ADG states buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential development. Desirable separation of 9m (up to 4 storeys) and 12m (5-8 storeys)	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m (9m)	3m (6m)	Up to 25m (5-8 Storeys)	9m (12m)	4.5m (7.5m)	Supported on merit Provided rear separation to R2 (north): <table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non Habitable Rooms</td></tr><tr><td>Ground Floor</td><td>N/A</td><td>N/A</td></tr><tr><td>Level 1</td><td>9m</td><td>N/A</td></tr><tr><td>Level 2</td><td>9m</td><td>N/A</td></tr><tr><td>Level 3</td><td>9m</td><td>N/A</td></tr><tr><td>Level 4</td><td></td><td></td></tr></table> Levels 1, 2, 3 and 4 provide 9m separation with the exception for the outer walls of north facing balconies in Building A which is measured at 8.8m . Fire stair separation is measured at 7.5m to the north. Provided side separation to R2 (west):	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Ground Floor	N/A	N/A	Level 1	9m	N/A	Level 2	9m	N/A	Level 3	9m	N/A	Level 4		
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms																										
Up to 12m (4 Storeys)	6m (9m)	3m (6m)																										
Up to 25m (5-8 Storeys)	9m (12m)	4.5m (7.5m)																										
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms																										
Ground Floor	N/A	N/A																										
Level 1	9m	N/A																										
Level 2	9m	N/A																										
Level 3	9m	N/A																										
Level 4																												

accordingly to the adjoining R2 zone to the north and west and the R3 zoned land to the east.	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
	Ground Floor	N/A	9.1m
	Level 1	9.2m	N/A
	Level 2	9.2m	N/A
	Level 3	9.2m	N/A
	Level 4		
	Provided side separation to R3 (east):		
	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
	Ground Floor	N/A	1.4m
	Level 1	5m	9m
	Level 2	9m	9m
	Level 3	9m	9m
	Level 4		
<u>Bold numbers denote numerical non-compliance to adjacent R2 or R3 with consideration to the desirable separation.</u>			
R3 - the 5m separation is to the private court yards, the separation to the habitable rooms is at least 9m.			

PART 4 DESIGNING THE BUILDING**4A Solar and Daylight Access**

1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

Complies

93% of units provide compliant solar access.

4B Natural Ventilation

4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.

1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the

Complies

64% of the apartments are cross ventilated.

<p>balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	
4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised	
4C Ceiling Heights	
<p>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <p>Habitable Rooms 2.7m</p> <p>Non-Habitable 2.4m</p> <p>If located in mixed use areas 3.3m for ground and first floor</p>	<p>Complies</p> <p>All floors achieve a minimum floor-to-ceiling height of 2.7m. The amended plans provide for 3100mm floor to floor height for all residential levels and 3900mm for the ground floor commercial tenancies.</p>
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies</p> <p>The apartment layouts have been revised to comply.</p>
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	<p>Complies</p> <p>The development provide for the following unit mix:</p>

4N-3 Roof design incorporates sustainability features	<ul style="list-style-type: none"> • One bedroom: 14% (8). • Two bedroom: 71% (40). • Three bedroom 14% (8). <p>The dwelling mix is considered appropriate for the locality. The 1 bedroom apartments provided in the proposal support the objective of providing different household types which are relatively cheaper, in a suburb which will transition to greater density.</p> <p>The 56 shop top housing apartments provide locational advantages for future residents (close to shops and transport).</p>
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies - subject to condition A revised BASIX Certificate reflecting the amended plans is proposed as a condition of consent.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	

Note: Proposed development does not generate any additional matters of consideration that were not deemed acceptable under the ADG by previous IHAP panel.

Attachment 4: DCP Compliance Table**Liverpool Development Control Plan 2008**

The Liverpool Development Control Plan 2008 is applicable to the proposed development. The key controls are discussed in the following table:

Part 1 General Controls for all Development		
Control	Requirement	Comment
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was re-notified in accordance with the LDCP 2008 twice since the last LPP meeting.
Section 20. Car Parking and Access	<p>Medical Centre 1 space per 25m² leasable floor area</p> <p>Retail Premises - 1 space per 20m² of LFA</p> <p>Residential Units (outside city centre) - 1 space per small dwelling (<65sqm) or 1 bedroom - 1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms - 2 spaces per large dwelling (>110m²) or 3 or more bedrooms - 1 visitor space or part thereof for every 4 dwellings</p>	<p>Complies</p> <p>Medical Centre proposed - A total of 561.2m² of medical is provided which equates to 23 parking spaces.</p> <p>Retail Premises proposed - A total of 1337m² of retail space is provided which equates to 67 spaces required.</p> <p>Residential Units proposed - 8 one bedrooms = 8 spaces req. - 40 two bedrooms = 60 spaces req. - 8 three bedrooms = 16 spaces req. Total Residents = 84 req. 56 units = 14 visitor spaces req.</p> <p>The proposal requires a minimum of 188 car spaces, plus 15 existing Council spaces, to be provided onsite. Thus, a total 203 car spaces are required to be provided onsite. The revised proposal provides for 210 spaces.</p> <p>15 existing Council spaces are to be retained and provided plus 8 spaces to be dedicated as public spaces are proposed.</p>

Part 6 Development in Business Zones		
Development Control	Provision	Comment
Rear Setbacks	<p>Where there is no rear lane access and the site adjoins land that is in a residential zone, the building shall be setback from the rear boundary as follows:</p> <ul style="list-style-type: none"> - 5m for non-residential component of building up to 10m high. - 8m otherwise for components of building up to 15m high. 	<p>Minor variation</p> <p>The revised plans comply with the exception of fire stair separation to the northern boundary.</p> <p>Rear setback of ground floor, non-residential component is at least 9m with the exception of the fire stairs at 7.5m.</p> <p>With the exception of fire stairs at the northern end of Building A, all residential levels are setback 9m or greater from the northern (rear) boundary. The fire stairs at the western end of Building A encroach within the 8m setback by approximately 0.5m.</p> <p>This variation is acceptable given this portion of the building is non-habitable and will not lead to additional overshadowing of sites to the rear.</p> <p>The extent of setback encroachment is extremely minor relative to the overall length of the northern elevation of both buildings. There are no north facing windows proposed within the fire stair and accordingly, the encroachment does not introduce any overlooking impacts.</p> <p>Given that the average setback exceeds the minimum standard, and that the design also delivers breaks between the two buildings, the bulk and scale impacts of the proposal are considered to be acceptable, notwithstanding the minor numerical non-compliance.</p> <p>Accordingly, given the absence of any impacts, together with the overall design merit of the northern elevation of the development, the minor setback encroachment as proposed is considered to be reasonable and appropriate in the circumstances of the case.</p>

Part 6 Development in Business Zones		
Development Control	Provision	Comment
	Where the side boundary of the site adjoins land that is in a residential zone, the building may be required to be setback from the side boundary or limited to one storey near the boundary. Any floors above the ground floor shall be setback equal to the height of the additional floors.	<p>Does not comply, supported on merit</p> <p>The site is adjoined on its eastern boundary by land zoned R3 – Medium Density Residential. The eastern adjoining site is occupied by a single storey seniors living development which is setback generally 19m from the common boundary with the subject site.</p> <p>The proposed development is setback 1.4m from the eastern boundary at ground level. However the revised residential levels, excluding the first floor private court yards, are setback 9m. The separation distance between the proposed residential levels and the adjoining retirement village buildings would be approximately 28m. It is also noted that the private courtyards have been reduced in depth with their closest point being 5m from the western lot boundary.</p> <p>As such, the proposed interface with the eastern adjoining seniors living development is considered to be satisfactory.</p>
Amenity and Environmental Impact	Development shall be designed to minimise overlooking of adjoining and nearby residential development.	<p>Complies</p> <p>The revised proposal has increased the setbacks to the adjoining R2 and R3 zoned land and increased planter box depths on the first floor which align with the objective of minimising overlooking.</p>
Shop Top Housing		
	<p>Controls are:</p> <p>1) A minimum of 16sqm of open space in the form of a balcony shall be provided for each dwelling with a minimum width of 2.4m.</p> <p>2) Private open space areas should be an extension of indoor</p>	<p>Complies</p> <p>Previous non-compliances have been addressed.</p>

Part 6 Development in Business Zones		
Development Control	Provision	Comment
	<p>living areas and be functional in size to accommodate seating and the like.</p> <p>3) If there is little or no ground floor private open space, a minimum 4sqm fully or partially covered space (2 x 2m minimum) must be provided for clothes drying within the dwelling.</p>	

Attachment 5: Recommended Conditions of Consent**A. THE DEVELOPMENT****Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows, except where modified by the undermentioned conditions:

Plans

Plan Name/ Revision	Issue	Prepared Date	Created by
Cover Sheet	E	13.05.2019	Algorry Zappia & Associates
Site Analysis & Location Plan – Sheet A01	G	13.05.2019	Algorry Zappia & Associates
Basement Floor Plan – Sheet A02	E	13.05.2019	Algorry Zappia & Associates
Site & Ground Floor Plan – Sheet A03	I	13.05.2019	Algorry Zappia & Associates
1 & 2 Floor Plan – Sheet A04	E	13.05.2019	Algorry Zappia & Associates
3 & 4 Floor Plans – Sheet A05	E	13.05.2019	Algorry Zappia & Associates
Fifth Floor, Roof Plan & Section – Sheet A06	F	13.05.2019	Algorry Zappia & Associates
Elevations and Section – Sheet A07	G	13.05.2019	Algorry Zappia & Associates
Elevations – Sheet A08	I	13.05.2019	Algorry Zappia & Associates
Shadow Diagrams – Sheet A09	C	13.05.2019	Algorry Zappia & Associates
Colours & Finishes Schedule – Sheet A10	F	13.05.2019	Algorry Zappia & Associates
Demolition, Erosion & Sediment Control Plans – A11	C	13.05.2019	Algorry Zappia & Associates
Notification Plan – Sheet A12	D	13.05.2019	Algorry Zappia & Associates
Notification Plan – Sheet A12	D	13.05.2019	Algorry Zappia & Associates
Right of Way Plan – Sheet A14	D	13.05.2019	Algorry Zappia & Associates
Landscape Plans – Drawing Numbers 36-15.00 to 36-15.03	E	02.05.2019	Distinctive Living Design
Stormwater Drainage Concept Plans (Basement 1 & 2)	E	14.05.2019	Algorry Zappia & Associates

Stormwater Drainage Concept Plans (Ground Floor)	F	14.05.2019	Algorry Zappia & Associates
Sediment Control Plan	D	14.05.2019	Algorry Zappia & Associates
Catchment Plans	D	14.05.2019	Algorry Zappia & Associates
Underground OSD Tank/Stormwater Chamber Details	C	14.05.2019	Algorry Zappia & Associates
Pit Schedules & Details	C	14.05.2019	Algorry Zappia & Associates

Reports

Report Name	Prepared Date	Reference	Prepared by
SEPP 65 Design Verification Statement	11 June 2019		Villa and Villa Architects
BASIX Certificate	13 May 2019	656737M_02	Building & Energy Consultants Australia
Acoustics Report Addendum	23 August 2017	2669/D02A	Sebastian Giglio Acoustic Consultant
Salinity Management Response			Algorry Zappia & Associates
Traffic & Parking Impact Statement	10 May 2019	15-120-1	Thompson Stanbury Associates
Statement of Environmental Effects	11 June 2019		Haskew Planning

General Terms of Approval

- All the General Terms of Approval issued by NSW Transport Roads & Maritime Services (RMS) shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 24 October 2017. A copy of the General Terms of Approval is attached to this decision notice.
- All requirements identified by Sydney Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the letter dated 2 June 2015. A copy of the Terms of Approval are attached to this decision notice.

Council car park

- The required 15 Council car parking spaces under the existing and separate parking agreement, in addition to the proposed 8 public spaces, shall be provided, signposted/marked 2P to the satisfaction of Council's Traffic and Transport Manager, with the approval of the Liverpool Pedestrian, Active Transport and Traffic Committee. The parking spaces are to be maintained to Council's satisfaction.

Parking Area Agreement update

5. The figure title 'Plan of Car Spaces' in the Parking Area Agreement dated 25 February 2013 which permits 24 hour access to the 15 Council car spaces is to be updated to align with the Site & Ground Floor Plan which forms part of this consent to the satisfaction of Liverpool Council's Manager of Development Assessment.

Waste Management

6. The waste management bin/carousel system shall be amended to use 660 litre bins to the satisfaction of Council's Waste Management Coordinator.
7. The layout of proposed roads and/or laneways, where waste collection will take place, are to be sized for waste collection truck movements and clearance. See Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing for vehicle specifications.

Works at no cost to Council

8. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

Building

9. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.
10. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.
11. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
12. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority

Cladding

13. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Substation

14. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:

SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2009)

15. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with above Liverpool Contributions Plan as amended.

The total contribution is **\$177,079**.

A breakdown of the contributions payable is provided in the attached payment form.

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney).

Provision of Services

16. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

17. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

18. Written approval must be gained from Endeavour Energy stating they have reviewed the proposed engineering design plans and that they consent to the issue of a CC by the PCA.

Fee Payments

19. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

S138 Roads Act – Minor Works in the public road

20. Prior to the issue of a Construction Certificate S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in adjacent public roads. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancies

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note:

1. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Garbage Services

21. On site collection of waste and recycling must be provided and integrated with the design of high density residential development (RFBs and MUDs). This must comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing.

Retaining Walls on Boundary

22. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

S68 Local Government Act – Stormwater drainage works

23. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for connection of the proposed stormwater pipe into the existing pit.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice.

On-Site Detention

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Algorry Zappia & Associates Pty Ltd, reference 1623-14, revision F, dated 14.05.2019.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention

policy and Technical Specification.

Stormwater Discharge – Basement Car parks

25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

Water Quality

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

Access, Car Parking and Manoeuvring – General

27. Prior to the issue of a Construction Certificate, detailed design drawings and report demonstrating that vehicular access circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan, are to be submitted to Council's Traffic & Transport Section for review.

The vehicular access arrangement is to include the proposed driveway off Elizabeth Drive, rehabilitation of the access road off Woodlands Road and the proposed exit only Right-of-Carriageway adjacent to northern boundary of the Amber Tile site (Lot 2 DP 1135522).

The applicant is to confirm the proposed amendments to the existing north south Right-of-Carriageway over the northern portion of Lot 2 DP 1135522 and submit an amended Right-of-Carriageway documentation to the satisfaction of Council's Traffic & Transport Section Manager.

Works on Adjoining Land & Owner's Consent

28. Details of work proposed to be carried out on adjoining property (Lot 2 DP 1135522, No. 179 Elizabeth Drive) is to be included with the application for a Construction Certificate. The required documentation shall also include owner's consent from the owner(s) of Lot 2 DP 1135522 to allow works to be undertaken within the Right-of-Carriageway.

Construction Traffic Management Plan (CTMP)

29. A construction traffic management plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement.

The CTMP is to be prepared by a qualified project manager/engineer and is to include measures to minimise traffic impact during construction, including the following:

- a) The Council car park (15 spaces) is accessible at all times;
- b) All construction vehicles must enter and exit in forward direction;
- c) No construction materials are to be stored on affected road and footpath reserves; and
- d) Shakers installed to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

The construction activities are not to commence prior to Council endorsing the CTMP.

Recommendations of Acoustic Report

30. The recommendations provided in the approved acoustic report provided by Sebastian Giglio, Ref. 2669/D02A, dated 23 August 2017, shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

Waste management

31. Prior to the issue of a Construction Certificate, plans are to be amended to the satisfaction of the PCA which provide a garbage chute system for waste and recycling bin facilities on each floor.

Swimming Pool

32. Architectural plans are to comply with the requirements of AS 1926.1-2012 and the Swimming Pools Act 1992 to the satisfaction of the PCA.

Design Verification Statement

33. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent

was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

34. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
- (a) Back to base alarm systems shall be considered;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Street Lighting is required to be designed and installed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;
 - (f) Corrugated ramps should be considered to prevent skate boarding activities;
 - (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
 - (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
 - (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Construction Certificates

35. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.

Site Facilities

36. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

37. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Sydney Water

38. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

"DIAL BEFORE YOU DIG"

39. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Requirement for Works within adjoining public lands/roads

40. No work or craning shall be undertaken within the adjoining public lands/roads without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Sediment & Erosion Control

41. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Traffic Control Plan

42. Prior to commencement of works a Traffic Control Plan based on an endorsed CTMP, including details for traffic and pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller, and submitted to Council's Traffic & Transport Section for review.

Associated required Road Occupancy applications are to be submitted to Council's Traffic & Transport Section for approval.

Endorsed traffic control measures and Road Occupancy Permit or Licence conditions shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Dilapidation report

43. Prior to the Commencement of Works a dilapidation report of sections of Elizabeth Dive and Woodlands Road fronting the development is to be submitted to Liverpool City Council. The report is to include, but not limited to, the conditions of the road pavement, kerb and guttering, footpaths, services and street trees and is to extend 50m either side of the development site.

Waste Classification

44. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

Environmental Management

45. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;

- (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
46. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Mechanical Plant & Equipment

47. Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the internal noise levels detailed within Acoustic Report prepared by Sebastian Giglio, Ref. 2669/D02A, dated 23 August 2017.

Building

48. Prior to the commencement of any building works, the following requirements must be complied with:
- a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
 - c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.
49. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation Certificate.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Hours of Construction Work and Deliveries

51. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Demolition Inspections

52. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

General Site Works

53. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
54. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Erosion and sediment control

55. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Major Filling/ Earthworks

56. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Car Parking Areas

57. Car parking spaces and driveways must be constructed in accordance with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking. The car parking spaces and the driveway are to be sealed with a minimum of two coat finish seal or better. The parking spaces must be clear of obstructions, permanently line marked or demarcated, signposted and provided with adequate manoeuvring areas.

The number of accessible parking spaces should be provided in accordance with AS:2890.6.

Vehicular Access Arrangements

58. Council endorsed vehicular access arrangement including a combined entry/exist driveway off Elizabeth Drive, removal off all redundant driveways along the Elizabeth Drive and replacement with matching kerb and guttering, rehabilitation of the access road off Woodlands Road, and an exit only Right-of-Carriageway adjacent to northern boundary of the Amber Tile site (Lot 2 DP 1135522) shall be carried out to Council's satisfaction.
59. Directional signage indicating the location of customer parking, "in" and "out" crossings and directional arrows are to be provided in accordance with the approved plans.
60. A total of 210 off street car parking spaces must be provided in accordance with Liverpool Development Control Plan 2008. 9 of the spaces must be designed and signposted/marked for the specific use of persons with a disability. The required car parking spaces are to be provided as follows:
- i. 23 car parking spaces for the proposed medical centre;
 - ii. 67 car parking spaces for the proposed commercial/retail;
 - iii. 84 resident car parking spaces;
 - iv. 14 visitor car parking spaces;
 - v. 15 Council car parking spaces;
 - vi. 8 car parking spaces dedicated as public car parking spaces.

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, residents and visitors' vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

The fifteenth (15) Council car parking spaces are to be line marked and signposted as 2P parking and to be maintained to be used as such, in accordance of the existing agreement between Council and the land owner of the subject site.

In addition, the 8 public car parking spaces are to be line marked and signposted as 2P

parking and to be maintained to be used as such, at all times.

Road Occupancy

61. Prior to construction activities affecting the adjoining road reserves (Elizabeth Drive and Woodlands Road) a road occupancy permit and/or Licence needs to be obtained from the Council and the NSW Transport Management Centre.

Road occupancy permit and/or Licence applications, with traffic control plan/s and public liability insurance are to be made to Council's Traffic and Transport Section. The traffic control plan/s must be prepared by a qualified professional, specify the date and times of road occupancies, and include traffic control plans, insurances and any other relevant information in accordance with the RTA's Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RTA Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.

62. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval.
63. The operator of the development must not permit the reversing of vehicles onto or away from Elizabeth Drive and Woodlands Road, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Construction Waste Management Plan

64. The Construction Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Vegetation

65. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
66. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
67. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Landscaping Works

68. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

69. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

Fencing

70. Any gate associated with a front fence shall swing inwards from the property.

Boundary Barrier

The barrier around the swimming pool including the boundary fencing is to comply with the requirements of AS 1926.1-2012 and the Swimming Pools Act 1992.

Pool Area Design

71. The rails of any timber paling boundary fencing are to comply with AS 1926.

External

72. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
73. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
74. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Graffiti

75. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

Contamination

76. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
77. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be

used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

78. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

79. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

80. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
81. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
82. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Water Quality

83. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

84. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
85. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Ventilation

86. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
87. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

Recommendations of Acoustic Report

88. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
 - (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

Building

89. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
90. The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works.
91. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

92. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.
93. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
 - a) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)

- b) name, address and telephone number of the *Principal Certifying Authority*
 - c) a statement stating that 'unauthorised entry to the work site is prohibited'.
94. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
 - c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.
95. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c) be a temporary chemical closet approved under the Local Government Act 1993.
96. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:
- Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.
97. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.
98. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
99. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note. Fencing is not to be located on Council's reserve area.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Display of Street Numbers

100. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Landscaping

101. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Recommendations of Acoustic Report

102. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

Lot Registration/Dedication

103. Evidence shall be submitted to Council, to confirm that any required land dedications have been approved by Council and lodged with the LPI Service.

Garbage Services

104. Prior to the issue of an Occupation Certificate, if onsite waste and recycling collection is required the following restriction as to user must be registered on the title of the property:

The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool Council.

Garbage Services

105. The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

Liverpool City Council clearance – Roads Act/ Local Government Act

106. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval, including street light improvements along the sections of Elizabeth Drive fronting the development site, and Woodlands Road, from Elizabeth Drive to the access road, have been inspected and signed off by Liverpool City Council.

Works as executed - General

107. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

108. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
 - e) Basement Carpark pump-out system
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

109. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:
- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
 - e) Basement carpark pump-out system

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

110. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Elizabeth Drive will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Pump-out system

111. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Service Providers

- 112.
- a) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the occupation certificate.
 - b) Notification of arrangement for the development from Integral Energy shall be submitted to Council.
 - c) Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Footpath Paving and Landscaping

113. Construction/reconstruction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving and tree planting along the section of Elizabeth Drive fronting the development site and Woodland Road (from Elizabeth Drive to the access road) to be carried out to Council's satisfaction.

Dilapidation Report

114. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
115. Drainage easement shall be created over the drainage line located within right-of way of the adjoining land (Lot 2 DP1135522) in favour of proposed development and the

proposed easement shall be registered with the LPI. Evidence of the registration must be provided to the PCA.

Building

116. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
117. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
118. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

Lot consolidation

119. All separate lots must be consolidated. The Occupation Certificate cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

Design Verification Statement

120. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
 - (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

Swimming pool

121. The swimming pool shall be fenced in accordance with the provisions of AS 1926, prior to the pool being filled with water.
122. The Swimming Pool fencing and enclosure shall be constructed and used in accordance with the Swimming Pools Act 1992.
123. In accordance with the Swimming Pools Act 1992, no structures are to be located within the pool enclosure/pool fencing.
124. The rails of any timber paling boundary fencing are to comply with AS 1926.

Pool Gate

125. The pool gate(s) shall open outwards, to comply with the Swimming Pools Act 1992, as amended.

Warning Notices Must Be Erected Near Swimming Pools

126. The occupier of the premises in or on which a swimming pool is situated must ensure that there is all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected in accordance with the Regulations and bearing the notice required by the Regulations.

The warning notice shall comply with Clause 17 of the Swimming Pools Act 1992 and Clause 10 of the regulations.

The sign must bear a notice that contains all of the following:

- a. The words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
 - ii. "POOL GATE MUST BE KEPT CLOSED AT ALLTIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
- b. A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. That are set out in accordance with the relevant provisions of that Guideline, and
 - ii. That comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. That are illustrated by drawings with key words only in bold print;
- c. A statement of the effect that formal instruction in resuscitation is essential;
- d. The name of the teaching organisation or other body that published the sign and the date of its publication.

Swimming Pool Register

127. Land owners are to be aware of their responsibility under the Swimming Pools (Amendment) Act 2012 which requires swimming pools to be registered at: www.swimmingpoolregister.nsw.gov.au

Authorised officers may fine pool owners if their pool is not registered on the NSW Swimming Pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

G. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Pool Area Design

128. The swimming pool shall be fenced in accordance with the provisions of AS 1926.
129. All drainage and pool wastes to be discharged in accordance with AS 3500.0
130. The area between the pool and side boundary is to be retained, graded and drained to prevent nuisance occurring on the adjoining property. A minimum of 1.0 metre wide clearance is to be provided between:
- (a) the water line of the pool and the side and/or rear boundaries
 - (b) the water line of the pool and the pool safety fencing

General Requirements for Swimming Pools

131. To ensure compliance with the Swimming Pools Act, the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is surrounded at all times by a child-resistant barrier:
- a. That separates the swimming pool from any place (whether public or private) adjoining the premises, and
 - b. That is located immediately around the swimming pool, 'and
 - c. That contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool, and
 - d. That is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations.

Pool Pump and Filter Not to Cause any Offensive Noise

132. The pool pump and filter shall not cause any offensive noise as defined under the Protection of the Environment Operations Act 1997.

Use of Retail/Commercial Premises

133. Separate development consent is required for the fit-out and use of commercial and retail premises prior to the occupation of the building.

Separate development consent is required for the fit-out of the medical centre prior to the occupation of the building for a medical centre.

Lighting

134. Illumination of the site is to be arranged in accordance with the requirements of Australian Standards 4282-1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

135. Adequate lighting is to be provided to the entrance and main foyer of the apartment block and mail box areas.

Safety

136. Cameras are to be installed covering the entrance/exit and main areas of the ground floor commercial tenancies.

Waste Storage Area

137. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
138. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
139. A separate storage area is to be allocated for the holding of bulk waste prior to collection.
140. Any bin bays must be:
- (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (f) Garbage is to be placed wholly within the garbage bins provided;
 - (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (h) The area is to be kept tidy;
 - (i) A phone number for arranging disposal of bulky items;
 - (j) Graphic illustrative content to be 50%.
 - (k) Bin bay signs are available from Council;
 - (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;
 - (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
 - (n) Maximum compaction ratio is 2:1;
 - (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

Landscaping

141. Landscaping shall be maintained in accordance with the approved plan (as required for the Construction Certificate), in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

Mail-boxes

142. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
143. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Graffiti

144. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Washing on Balconies

145. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony shall not be visible from any street.

Council's Infrastructure

146. Council's infrastructure shall be protected at all times. Any damages shall be rectified by the developer, to Council's satisfaction and at no cost to Council.

Car Parking

147. All parking areas and allocations as shown on the approved plans must be used solely for this purpose.
148. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
149. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Operational Traffic Management Plan

150. The developer is to submit an Operational Traffic Management Plan (OPTM) prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

The Operational Traffic management Plan is to outline measures to maintain the 15 Council and 8 proposed public parking spaces and minimise operational traffic impacts of the development.

Noise

151. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Air conditioners and heat pump water heaters associated with the development shall only be permitted to operate in accordance with the requirements of Clause 52 of the Protection of the Environment Operations (Noise Control) Regulation 2008.

H. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.

- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- l) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

ATTACHMENT 2

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan (Established Areas)****Note to the applicant:**

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI March Quarter 2019 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.:

DA-891/2015

APPLICANT:

LIENG & LY PTY LTD

PROPERTY:

175 – 181 ELIZABETH DRIVE, LIVERPOOL NSW 2170

LOT 101 & 102 DP 612801, LOT 1 DP 1135504,
LOT 1 DP 534648, LOT 102 DP 612801

PROPOSAL:

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
<u>Liverpool Contributions Plan 2009</u>		
<u>Whitlam Centre Extensions</u>	<u>\$8,710</u>	<u>GL.10000001869. 10110</u>
<u>Central Library Extensions</u>	<u>\$5,911</u>	<u>GL.10000001870. 10112</u>
<u>Powerhouse</u>	<u>\$5,036</u>	<u>GL.10000001870. 10114</u>
<u>District Community Facilities</u>		
<u>Central</u>	<u>\$7,947</u>	<u>GL.10000001870. 10099</u>
<u>District Recreation</u>		
<u>Central</u>	<u>\$29,468</u>	<u>GL.10000001869. 10093</u>
<u>Local Recreation</u>		
<u>Liverpool</u>	<u>\$117,874</u>	<u>GL.10000001869. 10103</u>
<u>Administration</u>	<u>\$2,133</u>	<u>GL.10000001872. 10104</u>
<u>TOTAL</u>	<u>\$177,079</u>	

----- OFFICE USE ONLY -----

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ **Cashier:** _____

ATTACHMENT 3 – RMS General Terms of Approval



24 October 2017

Our Reference: SYD16/01562/02 (A19475759)
Council Ref: DA-891/2015

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Marcus Jennejohn

Dear Sir/Madam,

**CONSTRUCTION OF MIXED USE DEVELOPMENT - 175 – 181 ELIZABETH DRIVE,
LIVERPOOL**

Reference is made to Council's correspondence dated 28 August 2017, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

Roads and Maritime has reviewed the submitted application and would provide concurrence for the removal of the redundant driveways and construction of the new vehicular crossing on Elizabeth Drive under Section 138 of the *Roads Act 1993*, subject to the following conditions being included in any consent issued by Council:

1. Roads and Maritime has previously resumed and declared a strip of land as road along the Elizabeth Drive frontage of the subject property, as shown by grey on the attached Aerial – "X".

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Elizabeth Drive boundary.

2. The redundant driveways on Elizabeth Drive shall be removed and replaced with kerb and gutter to match existing.
3. The removal of the redundant driveways and construction of the new single gutter crossing on Elizabeth Drive shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2495)

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to Suppiah.thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

5. The developer is to submit design drawings and documents relating to any excavation of the site adjacent to Elizabeth Drive and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to Suppiah.thillai@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. The proposed development should be designed such that road traffic noise from Elizabeth Drive is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007*.
7. All vehicles are to enter and leave the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
8. All vehicles are to be wholly contained on site before being required to stop.
9. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Elizabeth Drive during construction activities.
10. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Elizabeth Drive.
11. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

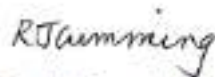
Roads and Maritime has the following comments for Council's consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.
2. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
3. It is recommended that the driveway within the property boundary is designed to physically separate the simultaneous service vehicle movements.

The subject site is located within an area currently under investigation for strategic transport corridors between the Western Sydney Airport, the Western Sydney Priority Growth Area and the Liverpool City Centre. The strategic transport corridors under investigation are trying to address capacity demands and constraints for transport efficiency and reliability, freight demand and bus services. The timing of the strategic transport corridor investigations along Elizabeth Drive is currently unknown, and will be subject to further investigation and community consultation in future.

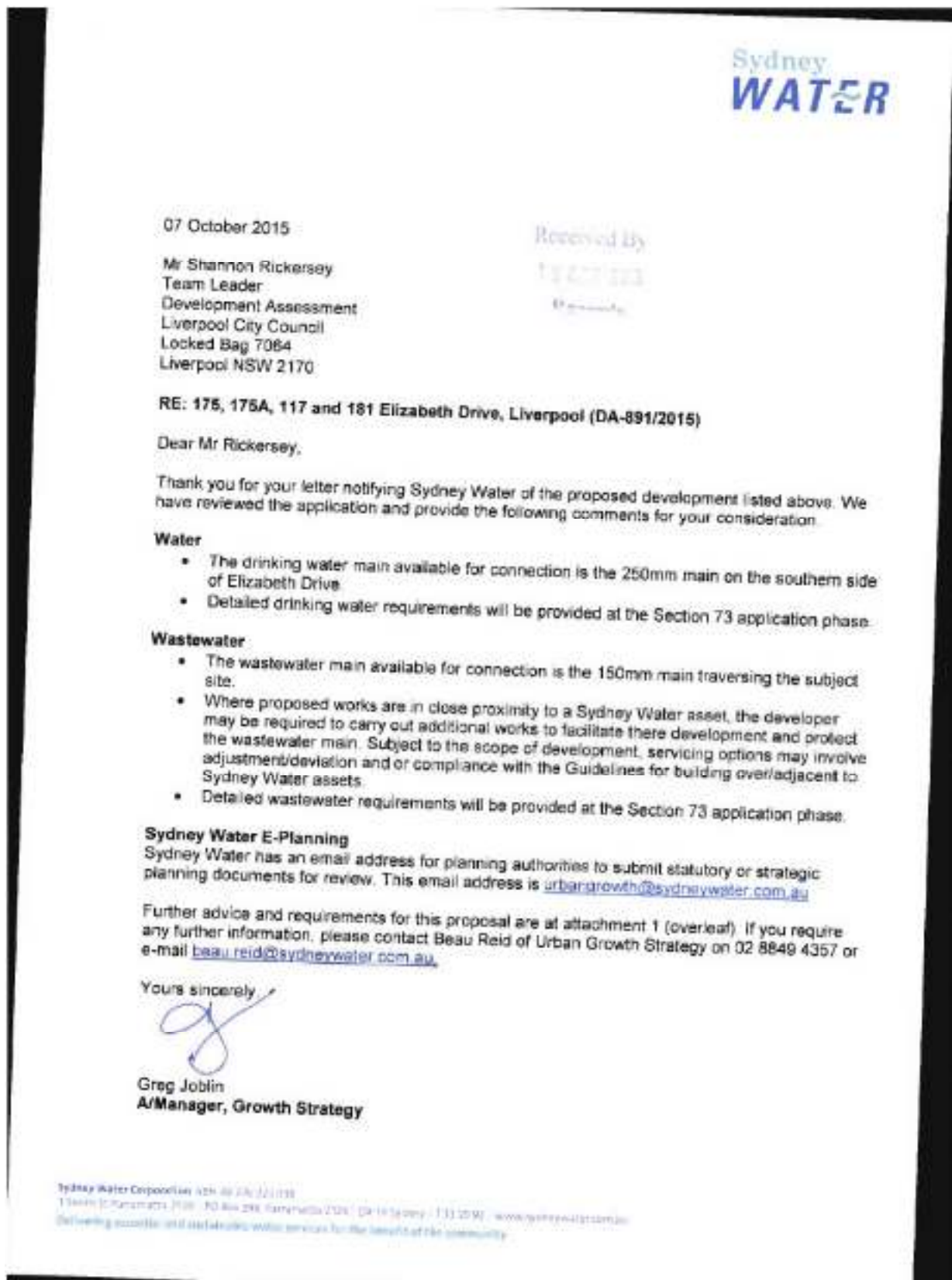
Any inquiries in relation to this Application can be directed to Malgy Coman on 8849 2413 or development.sydney@rms.nsw.gov.au.

Yours sincerely,



Rachel Cumming
Senior Land Use Assessment Coordinator
Network and Safety Section

ATTACHMENT 4 – SYDNEY WATER REQUIREMENTS





Introduction

Sydney Water Strategy

A Section 78 Development Consent under the Sydney Water Act 1989 must be obtained from Sydney Water.

Before starting any work for the development, you must first get water and wastewater pipes to the site, and then have them installed. This work must be done in accordance with the Sydney Water Act 1989.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

You must have your building plans stamped and approved before any construction commences. You must obtain approval because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further information please telephone 13 20 92 or visit the Building over or next to assets page on the Sydney Water website www.sydneywater.com.au for more information.

Attachment 6: Amended Statement of Environmental Effects - Please refer to this link for details -

<https://eplanning.liverpool.nsw.gov.au/Common/Integration/FileDownload.ashx?id=5228653&ext=PDF&filesize=10107631>

Attachment 7: Amended Traffic Report - Please refer to this link for details –

<https://eplanning.liverpool.nsw.gov.au/Common/Integration/FileDownload.ashx?id=5222585&ext=PDF&filesize=1029180>

Attachment 8: Previous IHAP Report - Please refer to this link for details –

<https://eplanning.liverpool.nsw.gov.au/Common/Integration/FileDownload.ashx?id=4575313&ext=PDF&filesize=25167>

Attachment 9: Previous IHAP Recommendation - Please refer to this link for details –

<https://eplanning.liverpool.nsw.gov.au/Common/Integration/FileDownload.ashx?id=4575313&ext=PDF&filesize=25167>