

# MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

**Monday 22<sup>nd</sup> February 2021**

To be held online via Microsoft Teams

The meeting will commence at **2:00 PM** please click on the below link to join the meeting:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTM4MzNhZDEtZDYyOS00ZWRhLTkwODktNjgyYzM0NmY1MGNj%40thread.v2/0?context=%7b%22Tid%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22Oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTM4MzNhZDEtZDYyOS00ZWRhLTkwODktNjgyYzM0NmY1MGNj%40thread.v2/0?context=%7b%22Tid%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22Oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d)

**Or call in (audio only)**  
02 9161 1229 Australia, Sydney  
Phone Conference ID: 973 638 539#

or contact Danielle Hijazi Panel Support Officer on 8711 7627 or  
[hijazid@liverpool.nsw.gov.au](mailto:hijazid@liverpool.nsw.gov.au)  
for assistance.

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 [hijazid@liverpool.nsw.gov.au](mailto:hijazid@liverpool.nsw.gov.au), by 4pm, Friday, 19<sup>th</sup> February 2021.

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

ITEM No.	SUBJECT	PAGE No.
1	<p><b>Development Application DA-625/2019</b></p> <p><b>Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages.</b></p> <p><b>Stage 1: Torrens Title Subdivision to create two (2) new lots and associated road construction and civil works; and</b></p> <p><b>Stage 2: Construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated road and landscaping works.</b></p> <p><b>Lot 266 DP 1200043</b>  <b>2000 Camden Valley Way, Edmondson Park</b></p>	2-126

ITEM No.	SUBJECT	PAGE No.
2	<p><b>Development Application DA-313/2018</b></p> <p><b>Demolition of existing structures and tree removal, subdivision into 11 Torrens title lots, construction of a Residential Flat Building above a basement carpark on proposed Lot 1, integrated housing on proposed Lot 2 to 7 (all inclusive) and associated external works.</b></p> <p><b>Lot 2 DP 1199136</b>  <b>185 Fifth Avenue, Austral</b></p>	127-271

# LIVERPOOL CITY COUNCIL

## LOCAL PLANNING PANEL REPORT

22 February 2021

<b>Item no:</b>	1
<b>Application Number:</b>	DA-625/2019
<b>Proposed Development:</b>	<p>Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages.</p> <p>Stage 1: Torrens Title Subdivision to create two (2) new lots and associated road construction and civil works; and</p> <p>Stage 2: Construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated road and landscaping works.</p>
<b>Property Address</b>	2000 Camden Valley Way, Edmondson Park NSW 2174
<b>Legal Description:</b>	Lot 266 DP 1200043
<b>Zoning:</b>	B6 – Enterprise Corridor and R1 – General Residential under Liverpool Local Environmental Plan (LLEP) 2008
<b>Applicant:</b>	CVW Investments Pty Ltd
<b>Land Owner:</b>	Mr J Pierobon
<b>Cost of Works:</b>	\$14,691,056.00
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Kevin Kim

### 1. EXECUTIVE SUMMARY

Council has received a Development Application seeking consent for a Torrens Title subdivision to create two (2) new lots with ancillary civil and road works and construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking over two (2) stages at 2000 Camden Valley Way, Edmondson Park.

The site has split zoning with the southern part of the site (Birdwood Lane) zoned R1 General Residential and the rest of the site zoned as B6 Enterprise Corridor pursuant to Liverpool Local Environmental Plan (LLEP) 2008. The proposed subdivision of the site is consistent with the intended purpose of the Indicative Layout Plan (ILP) prepared for the Edmondson Park Precinct which requires an extension of Nivelles Road in a north-west direction linking Birdwood Lane to the south and Mons Lane to the north.

The proposed multiple land uses consisting 'Commercial Premises, Recreation Facilities (Indoor), Roads (extension of Nivelles Road and Mons Lane) and Business and Retail Premises' are permissible within the B6 Enterprise Corridor zone pursuant to LLEP 2008, 'Medical Centres' are permissible within B6 Enterprise Corridor zone pursuant to State Environmental Planning Policy SEPP (Infrastructure) 2007 and 'Road (Birdwood Lane)' is permissible within R1 General Residential zone pursuant to LLEP 2008.

The development application was notified and advertised on two (2) separate occasions in accordance with Liverpool Development Control Plan (LDCP) 2008 with the first round of notification from 31 October 2019 to 20 November 2019 and second notification from 23 October 2020 to 10 November 2020. Three (3) submissions were received during the second round of notification raising the following concerns:

- Noise and air pollution from construction and on-going use of the site to nearby residents.
- Existing health service facilities in the vicinity of the subject site and potential economic impacts as a result of the concentrated similar land use within the area.
- Restrict the types of tenancies to bulky good and showrooms only and prohibit medical centres and specialised retailers such as pharmacies for the subject site.

The proposed development is consistent with the objectives and development standards of the LLEP 2008 and is generally compliant with the provisions of the LDCP 2008. The proposed medical centres are also consistent with the provisions of the SEPP (Infrastructure) 2007.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the proposed development contravenes development standards (relating to the minimum lot size for subdivision and the maximum building height) contained in LLEP 2008 by more than 10%.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be approved, subject to the imposition of conditions.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is located at 2000 Camden Valley Way, Edmondson Park NSW and is legally identified as Lot 266 in DP 1200043. An aerial photograph of the subject site is provided in **Figure 1** below.



**Figure 1:** Aerial photograph of the subject site (Source: Council's GeoCortex program)



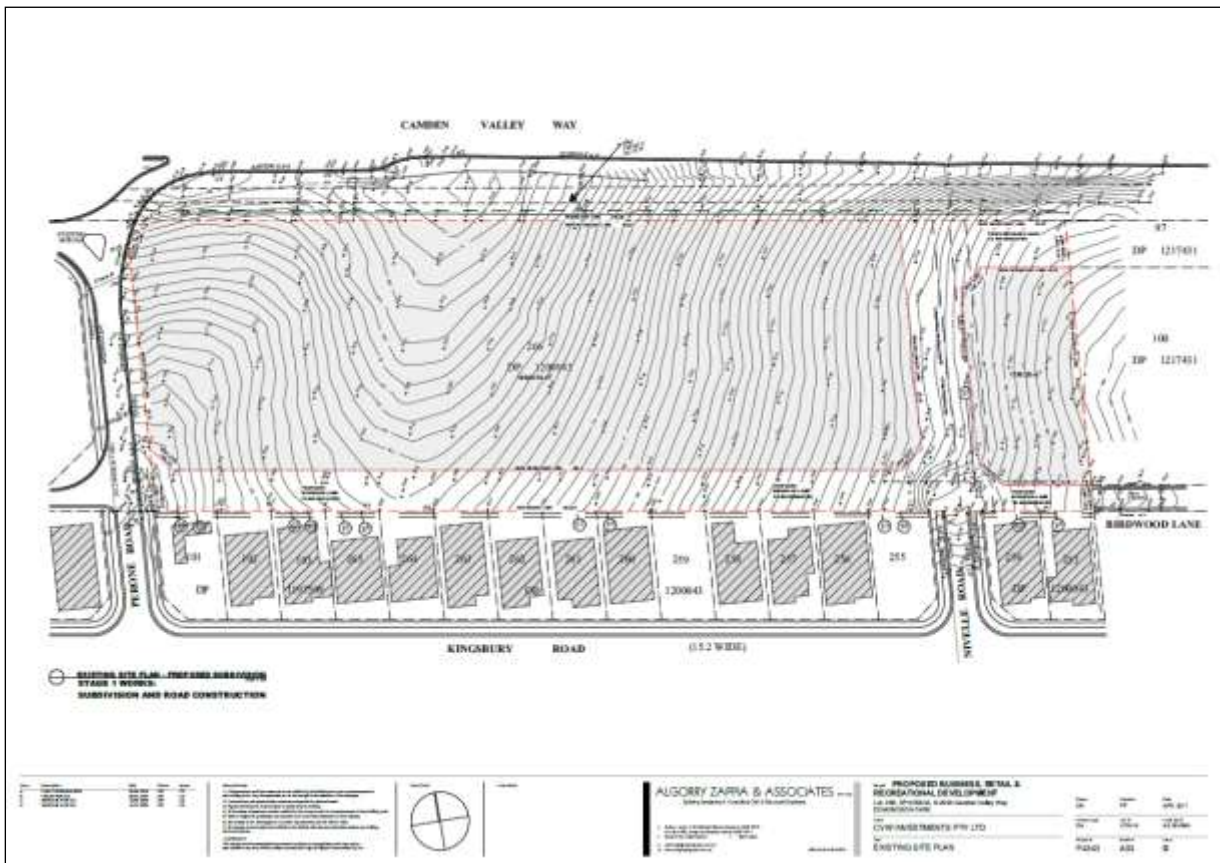
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The subject site is a regularly shaped allotment with the following site area and dimensions:

<b>SITE AREA:</b>	20,727m <sup>2</sup> (17,848.1m <sup>2</sup> B6 zoned land + 2,878.9m <sup>2</sup> R1 zoned land)
<b>SITE WIDTH:</b>	Frontage to Camden Valley Way (North) = 208.5m, Frontage to Birdwood Lane (South) = 201.5m, Frontage to Perone Road (West) = 52.695m, and Eastern boundary (Nivelle Road) = 48.305m.

The site is an east-west orientated allotment and falls from its peak point at the Camden Valley Way frontage (RL 61.3 to AHD) towards the southern boundary by approximately 5.2m (RL56.1 to AHD) to the south western corner and approximately 9.1m (RL52.2 to AHD) to the south eastern corner of the site as shown in **Figure 2** below.



**Figure 2:** Site/Subdivision Plan (Source: 20888COMSUB-A, prepared by Algorry Zappia & Associates)

The primary frontage of the site is Camden Valley Way, which is a ‘Classified Road’ and thus the front portion of the site is subject to road noise impacts. The subject site is currently vacant and has been cleared of any vegetation or trees as depicted in **Figure 2** above.

The site is Biodiversity Certified and is identified as being moderate salinity potential. The site adjoins the existing Jemena’s gas pipeline along Camden Valley Way and therefore the proposed development was referred to APA group for concurrence/comments.

2.2 The locality

Development surrounding the site to the north across Camden Valley Way is predominantly established residential in nature, being within the Prestons suburb bounds. To the south of the site is characterised by a mix of various residential densities, primarily consisting of single and double storey detached dwellings of brick veneer, and brick and weatherboard clad constructions. Pockets of multi-storey high density residential flat buildings have been constructed within the new Edmondson Park Town Centre and along Camden Valley Way.

Although the locality is presently characterised by low density single and double storey dwellings, the immediate locality is zoned B6 Enterprise Corridor and the subject site is within a portion of land along Camden Valley Way zoned for commercial and retail uses and is within the Edmondson Park urban release area, which is regulated by the Liverpool Local Environment Plan 2008 and Part 2.11 of the Liverpool Development Control Plan 2008. The adjoining properties are detailed in the following table and **Figure 3**.

Orientation	Description of Site
North (side)	Camden Valley Way
South (side)	Birdwood Lane and R1 General Residential zoned land
East (Front)	Nivelle Road and B6 Enterprise Corridor zoned land at Lot 97 Camden Valley Way and Lot 100 Croatia Avenue, Edmondson Park. The eastern adjoining site is currently vacant and has been approved for the construction of two storey Serviced Apartments with basement parking and a single storey pub above 2 levels basement parking and ancillary road works under DA-698/2019 by the Liverpool Local Planning Panel (LLPP) at its meeting on 7 December 2020
West	Perone Road and B6 Enterprise Corridor zoned land



**Figure 3:** Aerial photograph of the subject site and recent surround developments (Source: Council's GeoCortex program)

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**3. BACKGROUND/HISTORY**

- i) 4 January 2018  
A pre-DA meeting (PL-144/2017) was conducted between Council and the current applicant together with their project team.
- ii) 3 October 2019  
The subject application (DA-625/2019) was lodged.
- iii) 31 October 2019  
Application was advertised and notified between 31 October 2019 and 20 November 2019.
- iv) 22 January 2020  
Meeting with Transport for NSW (TfNSW) relating to non-support of the proposed extension of slip lane from Camden Valley Way.
- v) 15 October 2020  
Amended proposal and information received by Council.
- vi) 23 October 2020  
Application was re-advertised and re-notified between 23 October 2020 and 10 November 2020. The amended proposal was re-referred to relevant internal departments and external agencies for review and comments.
- vii) 6 November 2020  
Further information requested as a result of a review of re-referral by Council's officers.
- viii) 18 November 2020  
Council received additional information.
- ix) 11 December 2020  
All relevant internal and external referrals completed.
- x) 22 February 2021  
Liverpool Local Planning Panel (LLPP) meeting.

**4. DETAILS OF THE PROPOSAL**

The proposal seeks consent for a Torrens Title subdivision to create two (2) new lots with ancillary civil and road works and construction of two (2) storey commercial buildings, consisting medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking over two (2) stages at 2000 Camden Valley Way, Edmondson Park. Details of the proposed development can be summarised as follows:

**Torrens Title Subdivision (Stage 1)**

- Torrens Title subdivision of the existing allotment (Lot 266 DP 1200043) to create two (2) new lots (Lots 1 – West and Lot 2 – East) and associated road construction including Birdwood Lane extension (east-west), Nivelle Road extension (north-south) and Mons

Lane extension (North eastern corner of the site). The road construction also includes a new roundabout at the intersection of Perone Road and Birdwood Lane to the south west of the site. The new roads are proposed to be dedicated to Council, except the private common driveway along the northern boundary of the site.

### Construction of buildings and car park (Stage 2)

#### Building A

- 2 storey building is proposed on the western part of the site fronting Perone Road to accommodate: specialist retail (bulky goods), food and drink premises and indoor recreation facility at the ground floor with pedestrian access from Perone Road; and 2 office premises at the first floor level of the building.

#### Building B

- 2 storey building is proposed in the mid-section of the site fronting the Birdwood Lane frontage to accommodate: 2 commercial premises and a specialist retail (bulky good) at the lower ground floor with pedestrian access from Perone Road; and 3 food and drink premises at the upper ground floor around a centralised piazza with toilets on the southern side of this building. A loading bay for Heavy Rigid Vehicle (HRV) is proposed in the centre of the northern elevation of this building with vehicular access for delivery trucks via the common driveway along the northern boundary of the site. A separate loading bay is also proposed at the end of the common driveway (north west) for Medium Rigid Vehicle (MRV).

#### Building C

- Part single and part 2 storey building is proposed on the eastern part of the site fronting Nivelles Road to accommodate: car park (partially basement due to the cross fall of the site) with waste storage and plant rooms at the ground floor; and 2 medical centres and a commercial premises at the first floor level of the building with pedestrian access from Nivelles Road. A loading bay is also proposed on the south western side of the building at the end of the at-grade parking between Buildings B and C.

#### Car parking and vehicular access

- A total of 248 car parking spaces are proposed including 169 (90 degree) parking spaces within four (4) separate at-grade off-street parking areas and 79 car spaces within the Building C. The proposal also provides 12 motorcycle spaces and 34 bicycle spaces throughout the site.
- Vehicular access is in the form of two-way (6m width each) ingress/egress driveway off Birdwood Lane for the western section of the site, two-way ingress/egress driveway off Nivelles Road for the Building C car park and a 7.5m wide common driveway off Mons Lane along the northern side of the site for the at-grade car parking areas and loading bays.

A summary table of the proposed development (Stages 1-2) is provided below:

Element	Proposed	Notes
Site Area	Lot 1 (proposed) = 14,648.5m <sup>2</sup> Lot 2 (proposed) = 1,799.2m <sup>2</sup> Road extension (Birdwood Lane,	

Element	Proposed	Notes
	Nivelle Road and Mons Lane) = 4,279.3m <sup>2</sup>	
Gross Floor Area	<p>Building A = 272.5m<sup>2</sup> (recreation) + 777.6m<sup>2</sup> (specialist retail) + 1,232.9m<sup>2</sup> (food/drinks) + 119.9m<sup>2</sup> (amenities) = 2,402.9m<sup>2</sup></p> <p>Building B = 785.8m<sup>2</sup> (commercial) + 1,262.7m<sup>2</sup> (specialist retail) + 334.9m<sup>2</sup> (office) = 2,383.4m<sup>2</sup></p> <p>Building C = 933.6m<sup>2</sup> (medical centres) + 469.7m<sup>2</sup> (commercial) = 2,402.9m<sup>2</sup></p>	A total gross floor area of <b>6,189.6m<sup>2</sup> (FSR = 0.42:1)</b> is proposed.
Height of Buildings	<p><u>Note:</u> All points A-E listed below refer to the perspectives showing height encroachments in <b>Attachment 1</b>.</p> <p><u>Building A</u>                      North west (Point A) = 9.15m                      Pitched roof over the piazza (Point B) = 9.15m                      South west (Point C) = 9.8m</p> <p><u>Building B</u>                      South east (Point D) = 10.8m</p> <p><u>Building C</u>                      South east (Point E) = 9.7m</p>	<p>Maximum height of building is 8.5m.</p> <p><u>Exceedance over the max. HOB:</u></p> <p>0.65m (7.6%)                      0.65m (7.6%)                      1.3m (15.3%)                      2.3m (27.05%)                      1.2m (14.1%)</p>
Setbacks	<p><u>Building A</u>                      North (primary frontage) = 11.475m                      West (secondary frontage) = min. 3m                      South (rear lane) = 13m</p> <p><u>Building B</u>                      North (primary frontage) = 16.4m                      South (rear lane) = 35.7m</p> <p><u>Building C</u>                      North (primary frontage) = 14m                      East (separation between the proposed Lot 1 and Lot 2) = min. 16.75m                      South (rear lane) = 13m</p>	<b>More than 10m</b> ground floor setback to Street frontage (as required under the Liverpool DCP 2008).
Operational and Signage Details	2 x freestanding pylon signs and top hamper/wall signs on all elevations.	--

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Element	Proposed	Notes
Materials and Finishes	<p>The selection of building finishes and materials were considered to reduce maintenance and increase durability.</p> <p>These includes face brick, cladding, painted concrete panels, glazing, horizontal metal louvres, metal palisade security fencing and the like.</p>	--

**Table 1:** Summary table (Stages 1-2).

The proposal is depicted in the staging/car parking plans, landscape plans, elevations and perspective views provided in **Attachment 1** of this report.

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (Infrastructure) 2007;
- 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 2.11: Land Subdivision and Development in Edmondson Park
- Liverpool Contributions Plan 2008 (Edmondson Park) applies to all development pursuant to Section 7.11 of the EP&A Act.

## **6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration as prescribed by Section 4.15 of the EP&A Act 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. 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.

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*

- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	<p>Phase 1 preliminary contamination and salinity investigation was conducted by GeoEnviro Consultancy Pty Ltd.</p> <p>When reviewing the aforementioned report, Council's Environmental Health Section considered whether the land is contaminated. Based upon the consultants' findings, Council's Environmental Health Section understands that the land is suitable in its current condition for the proposed use without the need for remediation.</p>
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	<p>The contamination assessment indicates that the land is suitable for the proposed works and as it is unlikely that the land is contaminated. Furthermore, no complaints or evidence in Council records indicate the presence of any contaminates or dumping of potential contaminates.</p> <p>Based upon the consultants' findings, Council's Environmental Health Section is satisfied that the land is suitable in its current condition for the proposed use without the need for remediation.</p>
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The information provided states that no further remediation of the development site is required which was confirmed by Council's environment and health section.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

#### **(b) State Environmental Planning Policy No.64 – Advertising and Signage**

State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) applies to the site due to the visibility of the proposed signage from a public area. Pursuant to Clause 8 of SEPP 64, the proposed signage must be consistent with the objectives of Clause 3 (1) (a) of SEPP 64 and satisfies the assessment criteria specified in Schedule 1.

The objectives of SEPP 64 are as follows:

*“(a) to ensure that signage (including advertising):*



- (i) is compatible with the desired amenity and visual character of an area, and  
(ii) provides effective communication in suitable locations, and  
(iii) is of high quality design and finish,”

The proposed signage is compatible within the locality, is positioned in an appropriate position within the business zone and is of a high quality design. In this regard, the proposed signage is considered consistent with the objectives of SEPP 64.

Compliance with the assessment criteria of Schedule 1 is outlined in the table below:

Requirement	Yes	No	N/A	Comments
<b>Schedule 1 – Assessment Criteria</b>				
<b>1. Character of the area</b>				
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signs will provide suitable business identification within the existing business and B6 area.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The types of signage proposed are consistent with the B6 – Enterprise Corridor zone. Similar signage is utilised across various businesses in the B6 zone. The various style and sizes of the signage proposed are not likely to detract from the amenity or visual quality of the area.
<b>2. Special areas</b>				
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signs are unlikely cause amenity impacts as there are no heritage, environmentally sensitive, conservation, open space, waterways or rural areas within proximity of the tenancy to impact upon. It is not located in a residential area.
<b>3. Views and vistas</b>				
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signs unlikely to compromise important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The signs do not dominate the skyline or reduce the quality of any vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signs are strategically positioned in a way that respects the viewing rights of other advertisers.
<b>4. Streetscape, setting or landscape</b>				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signs are consistent with the desired character of the area and is to an appropriately sized for the streetscape and setting.

<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sign directly addresses the use of the site, being the pharmacy and is located at the business front.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed signs are appropriately located as to not create clutter with other signage on site.
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No protrusion over buildings, structures or tree canopies in the area or locality.
<i>Does the proposal require ongoing vegetation management?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No vegetation involved.
<b>5. Site and building</b>				
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signs are compatible with the scale, proportion and other characteristics of both the site and building.
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signs do respect important features of the site and building.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design of the signs is imaginative and an appropriate use of the site. It is located to be seen by motorists from all road frontages and be identified by both motorists and pedestrians.
<b>6. Associated devices and logos with advertisements and advertising structures</b>				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no ancillary structures.
<b>7. Illumination</b>				
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A. Both proposed sets of signs are not proposed to be illuminated.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A

Is the illumination subject to a curfew?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<b>8. Safety</b>				
Would the proposal reduce the safety for any public road?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	It is considered that the proposed signs are unlikely to result in adverse physical safety impacts.
Would the proposal reduce the safety for pedestrians or bicyclists?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed signs are not placed in locations that would obscure sight lines from public areas.

**(c) State Environmental Planning Policy (Infrastructure) 2007**

The provisions of SEPP (Infrastructure) 2007 were considered in the assessment of the development application.

**Clause 57 Health Services Facilities**

The proposed health services facility is best described as a medical centre which is defined by the Standard Instrument as:

*“**Medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

**Note.** Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.”

While the proposed medical centre is a prohibited development in the B6 zone pursuant to LLEP 2008, the SEPP (Infrastructure) 2007 nominates the B6 Enterprise Corridor zone as a prescribed zone and health services facility is a permitted land use within a prescribed zone (Clause 57 of the SEPP). As the SEPP prevails to the extent of any inconsistency between itself and the LLEP 2008, the proposal would be permissible with consent.

**Subdivision 2 Development in or adjacent to road corridors and road reservations**

The site is located on Camden Valley Way and it fronts onto Camden Valley Way, which is a State Classified Road. As a result, Clauses 100 and 101 of SEPP (Infrastructure) 2007 are relevant to the proposal and require consideration.

**Clause 100 Development on proposed classified road**

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—*

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- (a) give written notice of the application to the chief executive officer of RMS within 7 days after the application is made, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

**Comments**

As the site is located on a Classified Road, the proposal was referred to Transport for NSW (TfNSW) (formerly RMS) for concurrence. Two Development Applications have been lodged in 2019 for developments sites along Camden Valley Way: the subject application and the east adjoining site at 2000 Camden Valley Way (DA-698/2019) for a pub and serviced apartments.

To facilitate vehicular access to these development sites from Camden Valley Way, these applications initially sought to extend the existing slip lane for the Aldi Supermarket and the existing commercial developments along Camden Valley Way between Perrone Road and Gellibrand Road, in an easterly direction across the frontage of these development sites. In effect, the proposed slip lane would extend the existing slip lane to the east from Peronne Road to Croatia Avenue.

TfNSW did not support the proposed extension of the slip lane along Camden Valley Way on the basis that it does not support additional entry points from Camden Valley Way, unless the existing entry to the Aldi Supermarket's slip lane is removed and replaced with a new entry point.

It was accepted by both applicants that extension of the existing slip lane in an easterly direction is unlikely to occur due to the opposition from TfNSW. As a result, the design was amended whereby the proposed access slip lane from Camden Valley Way was deleted.

**Clause 101 Development with frontage to classified road**

*(1) The objectives of this clause are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

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**Comments**

Although TfNSW did not support the proposed traffic slip lane from Camden Valley Way into Peronne Road and Mons Lane, it provided recommended conditions for the proposals. The non-support of the slip lane has created access issues with the site due to its location between Bernera Road, Croatia Avenue and Gellibrand Road. As a result, the design was amended to remove the proposed access slip lane from Camden Valley Way so as to ensure that the proposal does not impact the operation of Camden Valley Way. Vehicles accessing the area from Camden Valley Way are restricted to Peronne Road and from Gellibrand Road. Council's Traffic Engineering Section has requested that the existing Birdwood Lane along the southern end of the site be increased in width to provide a larger capacity road with a new roundabout at the intersection of Peronne Road and Birdwood Lane and increase the separation from the residential area. This has been resolved with the amended proposal which is the subject of the assessment of the report.

**(d) 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.

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 2** 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.

**(e) Liverpool Local Environmental Plan 2008**

**(i) Zoning**

The subject site is zoned B6– Enterprise Corridor and a sliver of R1 General Residential pursuant to the Liverpool Local Environment Plan 2008 (LLEP 2008).

Road works for the extension of Birdwood Lane are within R1 zoned part of the land. An extract of the zoning map is provided in **Figure 4** below.



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are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) *(Repealed)*
- (b) *cellar door premises,*
- (c) *food and drink premises,*
- (d) *garden centres,*
- (e) *hardware and building supplies,*
- (f) *kiosks,*
- (g) *landscaping material supplies,*
- (h) *markets,*
- (i) *plant nurseries,*
- (j) *roadside stalls,*
- (k) *rural supplies,*
- (l) *shops,*
- (la) *specialised retail premises,*
- (m) *timber yards,*
- (n) *vehicle sales or hire premises,*

*but does not include highway service centres, service stations, industrial retail outlets or restricted premises.*

**Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

The proposed development within the R1 component of the site is appropriately defined as roads are identified as permitted land use with consent within the General Residential zone under the Liverpool Local Environment Plan 2008.

While the proposed medical centre is a prohibited development in the B6 zone pursuant to LLEP 2008, the SEPP (Infrastructure) 2007 nominates the B6 Enterprise Corridor zone as a prescribed zone and health services facility is a permitted land use within a prescribed zone (Clause 57 of the SEPP). As the SEPP prevails to the extent of any inconsistency between itself and the LLEP 2008, the proposal would be permissible with consent.

### **(iii) Objectives of zone**

The objectives of the B6 Enterprise Corridor zone are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting the retailing activity.*
- *To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.*
- *To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.*
- *To provide for residential uses, but only as part of a mixed use development.*

The proposed development is considered to satisfy the relevant objectives of the B6 zone by promoting businesses along Camden Valley Way, a classified road, as well as providing opportunities and maintaining the economic strength of centres by limiting retailing activity (the development has limited specialist retail floor space to a max. 32.9% of the total floor area, and therefore the limited retail floor area proposed is unlikely to erode the economic strength of the existing centres in the area).



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The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*

The proposal is considered to be consistent with the objectives of the R1 zone in that the development proposed roads to enable land uses that provide facilities and services to meet the day to day needs of residents.

**(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
<b>Part 4 Principal Development Standards</b>		
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 2,000m <sup>2</sup>  Lot 1 (proposed) = 14,648.5m <sup>2</sup>  Lot 2 (proposed) = 1,799.2m <sup>2</sup> (10% variation)	<b>Complies</b>  <b>Does not comply</b>  See discussion below (1)
Clause 4.3 Height of Buildings (as per HOB Map)	Maximum building height = 8.5m  <u>Building A</u> North west (Point A) = 9.15m Pitched roof over the piazza (Point B) = 9.15m South west (Point C) = 9.8m  <u>Building B</u> South east (Point D) = 10.8m  <u>Building C</u> South east (Point E) = 9.7m  <u>Note:</u> All points A-E listed above refer to the perspectives showing height encroachments in <b>Attachment 1.</b>	<b>Does not comply</b>  See discussion below (2)
Clause 4.4 Floor Space Ratio (as per FSR Map)	Subject site (Proposed Lot 1) = 14,648.5m <sup>2</sup> .  Maximum FSR is 0.65:1	<b>Complies</b>  The combined GFA for the proposed development is

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<p>Clause 4.4(2B)</p>	<p>GFA calculations:</p> <p>Building A = 272.5m<sup>2</sup> (recreation) + 777.6m<sup>2</sup> (specialist retail) + 1,232.9m<sup>2</sup> (food/drinks) + 119.9m<sup>2</sup> (amenities) = 2,402.9m<sup>2</sup></p> <p>Building B = 785.8m<sup>2</sup> (commercial) + 1,262.7m<sup>2</sup> (specialist retail) + 334.9m<sup>2</sup> (office) = 2,383.4m<sup>2</sup></p> <p>Building C = 933.6m<sup>2</sup> (health services) + 469.7m<sup>2</sup> (commercial) = 1403.3m<sup>2</sup></p>	<p>6,189.6m<sup>2</sup> or FSR = 0.42:1.</p>
<p>Clause 6.5 Public Utility Infrastructure</p>	<p>Public utility infrastructure must be available</p>	<p><b>Complies by condition</b></p>
<p>Clause 7.15 Minimum Building Street Frontage in Zone B6</p>	<p>Development consent must not be granted to the erection of a new building or to an addition to an existing building on land in Zone B6 Enterprise Corridor unless any frontage of the site to a classified road is at least— 90 metres, or if the site also fronts a road other than the classified road, 30 metres.</p>	<p><b>Complies</b></p> <p>Frontage to Camden Valley Way (North) = 208.5m, Frontage to Birdwood Lane (South) = 201.5m, Frontage to Perone Road (West) = 52.695m, and Eastern boundary (Nivelle Road) = 48.305m.</p>
<p>Clause 7.22 Development in B6 Zones</p>	<p>Development consent must not be granted to development that would result in total gross floor area of all retail premises (other than timber and building supplies, landscape and garden supplies or vehicle sales or hire premises) in a single building being more than 8,000 square metres.</p>	<p><b>Complies</b></p> <p>No retail premises exceed 8,000m<sup>2</sup> in GFA.</p> <p>Building A = 777.6m<sup>2</sup> (specialist retail)</p> <p>Building B = 1,262.7m<sup>2</sup> (specialist retail)</p>
<p>Clause 7.23 Specialised Retail Premises and Retail Premises in B6 Zones</p>	<p>Development consent must not be granted to development for the purposes of specialised retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the specialised retail premises is more than 2,500 square metres.</p>	<p><b>Complies</b></p> <p>No specialised retail premises exceed 2,500m<sup>2</sup> in GFA.</p> <p>Building A = 777.6m<sup>2</sup> (specialist retail)</p> <p>Building B = 1,262.7m<sup>2</sup> (specialist retail)</p>
<p>Clause 7.31 Earthworks</p>	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p>	<p><b>Complies</b></p> <p>A partial basement car park is provided under the Building C, which is considered acceptable for</p>

	<p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>this type of development given that it results in a built form that is appropriate to the context of the site and the surrounding area.</p> <p>A Geotechnical Investigation report undertaken by Geo-environmental Engineering has been submitted with this application which concludes that the proposal is geotechnically feasible.</p> <p>The development is considered satisfactory in respect of this clause, subject to conditions of consent to ensure that mitigation measures are in place during excavation and construction management of the site against any likely impacts resulting from the development.</p>
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**(1) Clause 4.1 – Minimum Subdivision Lot Size**

The proposal seeks a variation to Clause 4.1 – Minimum subdivision lot size under the LLEP 2008. The minimum subdivision lot size for any new allotment in B6 Zoned land is 2,000m<sup>2</sup>.

The proposed Torrens Title subdivision of the existing allotment creates two (2) new lots with Lot 1 with a site area of 14,648.5m<sup>2</sup>, Lot 2 with a site area of 1,799.2m<sup>2</sup> and an area of 4,279.3m<sup>2</sup> for road extensions (Birdwood Lane, Nivelles Road and Mons Lane) which has been designed to be consistent with the intended purpose of the Indicative Layout Plan (ILP) prepared for the Edmondson Park Precinct. It is noted that the ILP requires the extension of Nivelles Road in a north-west direction linking Birdwood Lane to the south and Mons Lane to the north (refer to **Figure 5**).



*subdivision layout to guide the development of the Precinct. The ILP required the extension of Nivelles Road to proposed Mons Lane and Birdwood Lane which resulted in proposed Lot 2 with a lot size of 1800m<sup>2</sup> and non-compliant with the minimum subdivision lot size of 2,000m<sup>2</sup>.*

- *Proposed Lot 2 with an area of 1,800m<sup>2</sup> provides an area that will adequately accommodate a development that can comply with the Edmondson Park DCP controls.”*

Comment:

The applicant’s written request to vary the development standard has been considered and it is concluded that the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. This conclusion has been reached for the following reasons:

- The proposed road extension requires a site area of 4,279.3m<sup>2</sup> to be dedicated to Council. The development site can easily comply with the minimum subdivision lot size with a total site area of 20,727m<sup>2</sup>, however the ILP for the Edmondson Park Precinct prohibits the proposal to provide the minimum 2,000m<sup>2</sup> with the location and alignment of Nivelles Road, which is required to be extended: the non-compliance with this Clause of the LLEP 2008 is a result of the ILP for the Edmondson Park Precinct and is considered inevitable. Overall, the reduced lot size of Lot 2 compares favourably to the subdivision pattern that does not comply with the ILP.
- Despite of having a reduced lot size for Lot 2, the site area of 1,800m<sup>2</sup> for Lot 2 is suitable for various permitted land use within the B6 zone and is capable of accommodating a development that can comply with the relevant planning controls.

**3. There are sufficient environmental planning grounds to justify contravening the development standard**

The applicant has provided the following comments:

*“The particular environmental planning grounds which distinguish it from other potential requests to vary the minimum subdivision lot size development standard are summarised below:*

- *The proposed site area of Lot 2 is capable of providing for a development site which will not compromise the privacy of adjoining land uses;*
- *The proposed development is considered to meet the objects of the Environmental Planning and Assessment Act 1979 (Section 1.3); and*
- *Any future development of proposed Lot 2 can be designed to comply with Liverpool DCP 2008 Part 2.11 Land Subdivision and Development in Edmondson Park.”*

Comment:

Agreed – the proposed Lot 2 is capable of accommodating a development that can be designed to minimise privacy impacts upon adjoining land uses with appropriate building separations and mitigation measures as part of any future Development Application to Council (Council currently has a Development Application for Lot 2 under DA-970/2020 for a fast food restaurant with parking and landscaping).

Any future Development Application to Council is subject to the assessment against the relevant planning controls contained in EPIs and DCPs in accordance with the provisions of the Environmental Planning and Assessment (EP&A) Act 1979.

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It is worth noting that the current Development Application for Lot 2, DA-970/2020, includes a building that has been designed to be oriented towards Nivelles Road with the main entrance and driveway-thru on the northern side of Lot 2 for visibility from the Camden Valley Way and adjoining businesses. This building orientation encourages vehicle and pedestrian flow and activity away from the southern side of the site (R1 General Residential) and therefore no detrimental impacts are envisaged.

Therefore, it is considered that there are sufficient planning grounds to justify contravening the development standard and strict compliance with the minimum subdivision lot size standard is considered unnecessary and unreasonable in this instance.

**4. Consent authority is satisfied that development is 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**

The applicant has provided the following comments:

**Objectives of the Minimum Subdivision Lot Size Development Standard**

*“The lot size of proposed Lot 2 (1,800m<sup>2</sup>) is capable of accommodating a development that can comply with the development controls as detailed in Liverpool DCP 2008 Part 2.11 Land Subdivision and Development in Edmondson Park.*

*Currently Council has a Development Application for a proposed take away food and drink premises for proposed Lot 2.*

*The proposed subdivision and the site area of proposed Lot 2 will not fragment the land for future development.*

*The subdivision of proposed Lot 2 will not impact on neighbouring properties. Council will assess any future proposed development on proposed Lot 2 on its merits. The width, depth and site area of proposed Lot 2 reflects the B6 zone lot pattern.”*

**Comment:**

The relevant objectives of Clause 4.1 Minimum Subdivision Lot Size are considered below.

- (1) *The objectives of this clause are as follows—*  
(b) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*

**Comment:**

As mentioned in the report, the reduced site area for Lot 2 is suitable for various permitted land uses and the current Development Application (DA-970/2020) for the new Lot 2 demonstrates that the site is capable of accommodating a development that complies with the relevant planning controls and minimised impacts upon the south adjoining residential properties.

- (c) *to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*

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Comment:

The proposed subdivision is consistent with the intended purposed of the ILP for the Edmondson Park Precinct endorsed by Council and is of benefit of the community. The proposal is unlikely to fragment the land for future development.

- (d) to minimise traffic impacts resulting from any increase in the number of lots on classified roads,*

Comment:

Not applicable – the proposed Lot 2 will not be accessed via Camden Valley Way.

- (e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*

Comment:

No amenity impacts on the adjoining properties are envisaged with the proposed subdivision and development on Lot 2.

- (f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*

Comment:

It is noted that the subdivision pattern of the area is defined by the ILP. The proposal is consistent with the intended purposed of the ILP for the area and therefore is considered acceptable in this regard.

- (g) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.*

Comment:

The proposal is unlikely to cause amenity impacts as there are no heritage, environmentally sensitive, conservation, open space, waterways or rural areas within proximity of the site to impact upon.

In summary, the proposed development is considered to be consistent with the above objectives identified in Clause 4.1 Minimum Subdivision Lot Size of the LLEP 2008.

In addition, the objectives of the zone have been discussed earlier under the 'Zone Objectives' section of the report.

**Conclusion:**

The proposal is considered to be site/contextual responsive and appropriate planning outcome for the site as visioned in the ILP, which is consistent with the zone and objectives of the development standard. Furthermore, there are no material planning impacts are generated by this variation.

Therefore, strict compliance with the minimum subdivision lot size is considered to be both



unreasonable and unnecessary for the proposed development.

The Clause 4.6 variation is considered to be well founded, and compliance with the development standard is unreasonable in the circumstances of the proposal for the reasons stated in this report. It is also noted that in supporting this Clause 4.6 variation that it is considered unlikely to generate an undesirable precedent within the area given the generally positive outcome of the proposal.

**(2) Clause 4.3 – Height of Buildings**

The proposal seeks a variation to Clause 4.3 – Maximum building heights under the LLEP 2008. The maximum height of a building under Clause 4.3 is 8.5m above the existing ground level.



**Figure 6:** Perspectives and sections showing the area of non-compliance (areas of non-compliance shaded). Source: P.4343 Sheet A12 Rev E prepared by Algorry Zappia and Associates.

A variation to the height can be considered under Clause 4.6 – Exceptions to Development Standards of the LLEP 2008. In assessing the variation, the questions identified in Clause 4.6 have to be considered.

The applicant’s town planning consultants, C C Weston & Associates has provided a response to the main matters for consideration under Clause 4.6 (under separate sub-headings) as follows:

**1. A written request must be provided**

The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3 of the LLEP 2008.

In respect to the Clause 4.6 variation the following key questions need to be addressed:

**2. Compliance with the standard is unreasonable or unnecessary in the circumstances of the case**

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

*“It is considered that compliance with the standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:*

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard.*
- *The proposal’s physical impacts on surrounding development particularly the dwellings fronting Kingsbury Lane to the south are acceptable and would not be demonstrably different to that of a development where strict compliance with the 8.5m height of building development standard is achieved.*

*The proposed location of Buildings A and C will result in partial overshadowing of the private open space of Lots 101,102, 255 and 256 Kingsbury Road from 9am to 1pm with no overshadowing from 1pm to 5pm (4 hours) during Winter Solstice.*

- *The additional height of the building and setback from Birdwood Lane does not result in any additional potential for overlooking of the POS or living areas of adjoining residential premises. As is evident with the southern elevation of the building and car park areas to Birdwood Lane there are no windows or public or communal spaces that would result in privacy or overlooking concerns associated with the non-compliance. There are no windows on the southern side of Building A recreation facility (indoors). Building B health services can be fitted with fixed privacy shutters to reduce privacy and overlooking concerns as a condition of consent. Views from the site to the west and east are to existing B6 – Enterprise Corridor zoned land.*
- *To ensure strict compliance with the standard would necessitate the removal of a significant portion of the eastern and western elevations of the development and the likely loss of the proposed health services floor space. The impact on the feasibility of the development would be disproportionate to any potential adverse impacts attributable to the proposed non-compliant development.*
- *The development could be further benched into the contours and floor levels stepped across the commercial and parking areas to follow the contours of the site. However, this would likely compromise the design and use of these areas with inconsistent levels within the basement and grade parking and commercial spaces likely to result in a flawed design outcome with no appreciable benefits.*
- *The proposed development of the site has been undertaken with due consideration of the existing and future redevelopment of neighbouring properties in the B6 – Enterprise Corridor zone and existing residential premises in the R1 General Residential zone Density zone to the rear of the site along Kingsbury Road. The existing Aldi building on the south eastern side at the corner of Peronne Road and the existing service lane exceeds the maximum 8.5m building height*
- *The design and siting of the development is otherwise compliant with LLEP 2008 and with the Liverpool Development Control Plan 2008 and Liverpool Development Control Plan 2008 Part 2.11 Land Subdivision and Development in Edmondson Park.”*

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Comment:

The applicant's written request to vary the development standard has been considered and it is concluded that the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. This conclusion has been reached for the following reasons:

- The proposal has been amended to reduce the mass and scale of the development along the southern boundary of Birdwood Lane. Particularly the longest elevation upon the Birdwood Lane, the southern elevation of Building B of the amended, represents a 60% reduction to the length of the original proposal.

The majority of the roof areas of the proposed development is less than 8.5m except for the 5 main areas (points A-E as shown in **Figure 6**) relating the parapets and roof areas of each building. Variation to the height ranges from 7.6% to 27.05% for less than 12.42% of the total roof area of the buildings (which has been reduced from 25.51% of the originally proposed) and are mainly located either in the centre of the site (exceedance of 27.05%) or parapets at natural ground level at lowest points. When viewed from the street at foot path level, the additional heights are not readily noticeable. The extent of height variations is summarised below:

Height of Buildings	<p><u>Note:</u> All points A-E listed below refer to the perspectives showing height encroachments in <b>Attachment 1 and Figure 6</b>.</p> <p><u>Building A</u>  North west (Point A) = 9.15m  Pitched roof over the piazza (Point B) = 9.15m  South west (Point C) = 9.8m</p> <p><u>Building B</u>  South east (Point D) = 10.8m</p> <p><u>Building C</u>  South east (Point E) = 9.7m</p>	<p>Maximum height of building is 8.5m.</p> <p><u>Exceedance over the max. HOB:</u></p> <p>0.65m (7.6%)  0.65m (7.6%)  1.3m (15.3%)  2.3m (27.05%)  1.2m (14.1%)</p>
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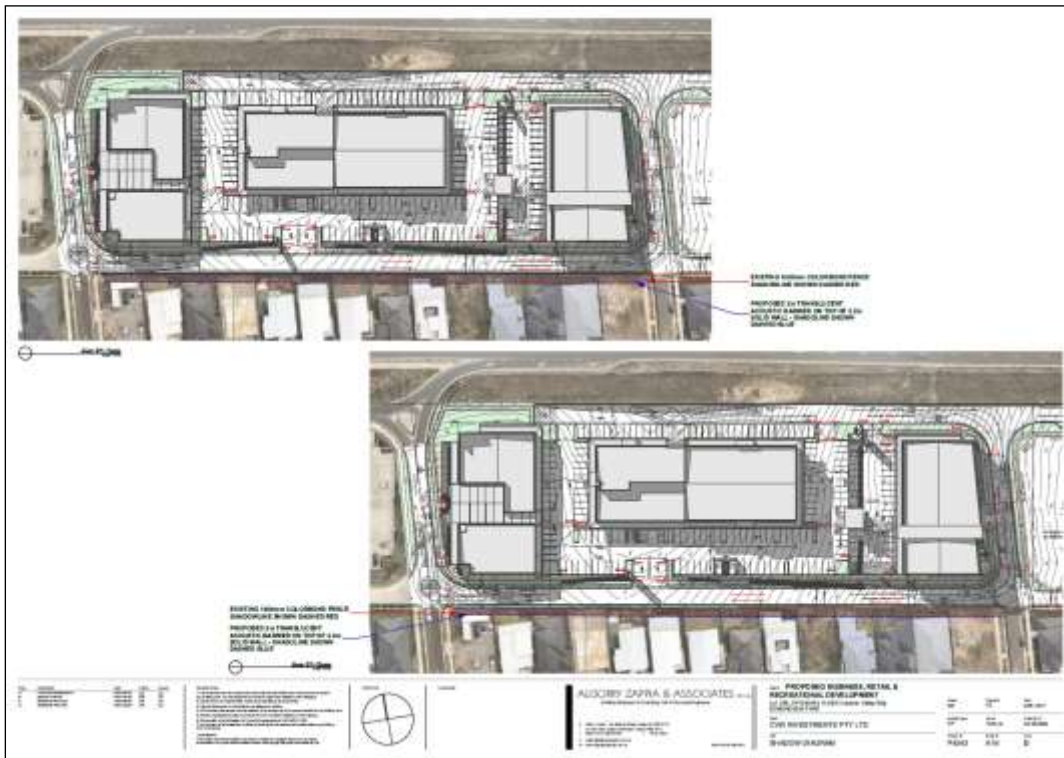
- The additional height to the development does not result in any additional privacy or shadow impacts to adjoining developments. Shadow diagrams submitted with the application show that south adjoining developments will receive sunlight in excess of 3 hours between 9am and 3pm during mid-winter, as illustrated in the shadow diagrams (**Figure 7**) below. The additional shadows from the increased height of the buildings cast mainly on the car park/rear lane of the development itself. In addition, the proposed 4.2m high acoustic fence along the Birdwood Lane boundary (2.2m high solid base with 2m high translucent acoustic barrier on top of the solid base fence) allows solar access upon the south adjoining properties with the 2m high translucent barrier as shown in **Figure 7**.





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**Figure 7:** Shadow diagrams showing the context (additional shadows from the increased height shaded). Source: P.4343 Sheet A14-17 Rev D prepared by Algory Zappia and Associates.

- The floor space ratio of the development (FSR of 0.42:1) is well below the maximum allowed (Max. FSR of 0.65:1) and complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development.
- The proposed development is indicative of and consistent with future character and scale for the area where it is undergoing an urban transformation with commercial activities along Camden Valley Way.

**3. There are sufficient environmental planning grounds to justify contravening the development standard**

The applicant has provided the following comments:

*“The particular environmental planning grounds which distinguish it from other potential requests to vary the height of building development standard are summarised below:*

- *The proposed variation is for a maximum of 10.800 m, which is only at the highest point and not a consistent breach along the southern elevation roof form;*
- *Due to the gradually sloping nature of the site (sloping from the centre to the east and west), the variation to the height is not uniform across the design of the building;*
- *The design has, as far as possible, sought to step the design and reduce the extent of the intrusion of the building height standard;*
- *The exceedance of the building height standard does not compromise any important or significant views adjoining residents;*
- *The potential impact of the building on overshadowing of adjoining land is not considered to significantly increase as a result of the non-compliance due to the site characteristics;*
- *The increased height does not compromise the privacy of adjoining land uses. It is noted that the southern elevation of the Building A fronting Birdwood Lane has been designed with no windows or public or communal spaces which ensures the privacy of the adjoining residential properties. The non-compliance of the building height will not result in privacy and overlooking concerns of the residents of the adjoining properties. All windows on Building B, medical services can be fitted with fixed privacy shutters to provide privacy to residents. Council can include a condition of consent to install fixed shutters;*
- *The proposed development is considered to meet the objects of the Environmental Planning and Assessment Act 1979 (Section 1.3); and*
- *Notwithstanding the above, the design of the Buildings A, B and C have been designed as far as possible to comply with the height standard. Consequently, as the variation does not result in additional floor areas and is partially subject to the topography of the site, the breach in height is considered to be an acceptable variation to the development standard.”*

**Comment:**

Agreed – The floor space ratio of the development (FSR of 0.42:1) is well below the maximum allowed (Max. FSR of 0.65:1) and complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development. The proposed development is indicative of and consistent with developments envisaged for the Edmondson Park.

The development is unlikely to cause any detrimental impacts on the adjoining properties with

the increased building height. The amended proposal has been designed to provide greater setbacks from Birdwood Lane, reduced building elevations upon the southern boundary to Birdwood Lane and landscaping. As such, the proposed floor area and amended building setbacks are unlikely to dominate the landscape or the streetscape of the existing B6 zoned land.

The positive outcome of the amended development as functional buildings with equitable access in mind (with generally uniformly levelled floor levels) outweigh the minimal benefit of a full compliant built height across the building (ie. Split levels with steps to respond to the contours).

The increased roof height of each building is considered to be inevitable due to the finished level of the buildings and genuine site constraint with the natural topography. There are no physical impacts from the increased roof height of each building given its location as demonstrated in shadow diagrams (**Figure 7**) including the redesigned acoustic fence along Birdwood Lane (the transparent section of this fence will not overshadow the rear yards of the residential properties).

Therefore, it is considered that there are sufficient planning grounds to justify contravening the development standard and strict compliance with the building height standard is considered unnecessary and unreasonable in this instance.

**4. Consent authority is satisfied that development is 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**

**Objectives of the Height of Buildings Development Standard**

The relevant objectives of Clause 4.3 Minimum Height of Buildings are considered below.

(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*

The applicant has provided the following comment:

*“LLEP has nominated an 8.5m building height and 0.65:1 floor space ratio for the site (clause 4.4).”*

Comment:

Noted.

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

The applicant has provided the following comment in respond to the above objective (b) of Clause 4.3:

*“The proposed building demonstrates high-quality urban form. The design exhibits design excellence within the existing B6 Enterprise Corridor developments to the west of the site. The development appropriately responds to Liverpool Development Control Plan 2008 Part 2.11 Land Subdivision and Development in Edmondson Park in terms of the roof form, materials and finishes, building depth and landscaping for development in the B6 Enterprise Corridor zone*



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Comment:

This development is consistent with the desired future character of the area.

As mentioned earlier, the increased building heights of each building occur either in the centre of the site (exceedance of 27.05%) or parapets at natural ground level at lowest points close to the rear lane (adjacent Birdwood Lane). When viewed from the street at footpath level, the additional heights are not readily noticeable.

Therefore the development is unlikely to have any adverse visual impact and the proportion is considered acceptable upon the streetscape.

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

The applicant has provided the following comment in respond to the above objective (c):

*“The shadow diagrams provided by Algorry Zappia and Associates demonstrate that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.*

*The most significant sunlight exposure for public areas is associated with Birdwood Lane overshadowing. It is important to note that Birdwood Lane is to be a dedicated road within the road network.*

*There are no perceived impacts on existing buildings in relation to sky and sunlight.”*

Comment:

It has been discussed that the proposal is acceptable with regard to overshadowing and impacts on the streetscape. This is primarily due to the primary areas of non-compliance are located in the centre and roof areas where there are sufficient separation from the southern boundary, limiting the total extent of overshadowing impacts.

As illustrated in the overshadowing diagrams (**Figure 7**), the additional overshadowing from the variation is minimal and will not adversely impact on any adjoining properties.

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

The applicant has provided the following comment in respond to the above objective (d):

*“The nominated 8.5m height of building development standard is consistent with the adjoining R1 General Residential zoned land and B6 Enterprise Corridor zoned land to the east and west of the site.*

*It would be reasonable to conclude that the Council would have envisaged development exceeding a single storey on the subject site. Therefore strict compliance with the building height standard across the site is made problematic when standard floor to ceiling heights for commercial tenancies and basement car parking is taken into account for the proposed development.*

*Finally, it is not considered that the extent of the variation warrants the preparation of a*

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*planning proposal to increase the maximum building height on the lot. The limited point intrusions are justified and reflect the constraints of the site as opposed to the developer's desire for uplift of development potential on the site."*

**Comment:**

The proposed two storey buildings are considered to be site/contextual responsive and appropriate use of the land, which is consistent with the zone and objectives of the development standard.

The proposed variation will allow appropriate amenities and services for the area and is unlikely to cause any unreasonable impacts on the adjoining properties. For this reason, there are sufficient planning grounds to justify the non-compliant height of the buildings.

The proposal is unlikely to cause amenity impacts as there are no heritage, environmentally sensitive, conservation, open space, waterways or rural areas within proximity of the site to impact upon.

In addition, the objectives of the zone have been discussed earlier under the 'Zone Objectives' section of the report.

**Conclusion:**

The proposal is considered to be a better outcome in terms of aesthetic appearance, amenity for the future residents of the proposed building whilst having minimal impacts on the surroundings.

For the reasons stated above, strict compliance with the maximum building height is considered to be both unreasonable and unnecessary for the proposed development.

It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site having regard to the comments above.

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

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 2.11 Land Subdivision and Development in Edmondson Park*.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008, as detailed within the compliance table in **Attachment 3** of this report.

**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 NCC (BCA) and the Safety standards for basement excavation. Accordingly, appropriate conditions of consent will be imposed.

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

**Natural Environment**

The proposal is unlikely to cause environmental impacts as there are no environmentally sensitive, conservation, open space or waterways within proximity of the site to impact upon.

The design of the development has incorporated sufficient setback areas for landscaping. The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, or to any endangered and non-endangered species of flora and fauna, subject to the imposition of appropriate conditions of consent.

**Built Environment**

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 unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole.

The proposal will facilitate development consistent with the desired future built character of the B6 zoned land.

Overall, it is considered that an appropriate built form is proposed for the site that has been designed with adequate regard to surrounding residences, combined with the spatial separation between the residential properties and commercial buildings that have been designed to face internally and away from residential properties.

**Social Impacts and Economic Impacts**

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 for the locality.

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

The proposed development has been designed in line with the applicable planning controls which describe the desired future character of the site and surrounding locality. The proposed development is a permitted use and has a scale and appearance which also takes account of the site attributes and constraints. The proposed development is therefore considered suitable for the site.

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**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:

<b>Department</b>	<b>Comments</b>
Development Engineer	Approval subject to conditions of consent
Flood Engineer	Approval subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Environmental Health	Approval subject to conditions of consent
Landscape Officer	Approval subject to conditions of consent
Building	Approval subject to conditions of consent
Strategic Planning	Concerns raised in relation to compliance with various LEP standards and planning controls (see below)

**(i) Strategic Planning**

Council's Strategic Planning section has initially raised concerns with the originally submission of the proposed development as follows:

- *Restrictions to ensure development complies with zoning objectives;*
- *Ensure the development is consistent with the desired character of the Enterprise Corridor as per the DCP;*
- *Reducing the height of buildings;*
- *Better adherence to the natural topography; and*
- *Adequate response to Crime prevention through environmental design.*

The proposal has appropriately been amended in response to the above concerns raised by Council's Strategic Planning section, requiring the following amendments in response made by the applicant:

1. The development complies with Clause 7.22 and 7.23 of the LLEP 2008 with a total GFA less than 8,000m<sup>2</sup> for all retail premises and a total GFA of less than 2,500m<sup>2</sup> for specialist retail premises. The proposed health services facilities (medical centres) are permissible under the SEPP (Infrastructure) 2007 and the development does not propose any prohibited land uses, such as a child care centre, and other prohibited land use, as part of this application.
2. The development has now been separated into three (3) blocks with a FSR of 0.42:1 which is significantly less than the maximum FSR of 0.65:1. The amended plans indicate that each retail unit/commercial/food and drink premises (layout shop front with entry door and future subdivision of each unit) as shown on the floor plan) will have a maximum shop front of 30m and a maximum GFA of 1,000m<sup>2</sup>, except for the specialist retails proposed under Clause 7.22 and 7.23 of the LLEP 2008 and health service facilities proposed under the SEPP (Infrastructure) 2007.
3. The original plans included a continuous wall running along the southern side of the site fronting Birdwood Lane for approximately 153m. The amended plans provide for a wall on the rear boundary to Birdwood Lane of 25m in length to Building A and 30m in length to Building C with Building B set back 22.5m from Birdwood Lane. This amendment to the proposed development addresses Council's concerns for the compatibility with the nearby residential development. There is a significant reduction in the overshadowing of residential properties in

Kingsbury Road. The amended plans now provide for a 1.6m wide landscape area along the total rear boundary to Birdwood Lane excluding the driveway entry.

4. The proposed noise barrier fencing has been redesigned in accordance with the recommendations of the amended Acoustic Report:

*“The recommended minimum height is 4.2m overall. This noise barrier should have a base say 2.2m tall of solid masonry. Atop this is a transparent section (for example, 10mm thick self cleaning glass or 15mm thick clear polycarbonate). The height of the transparent section should be 2.0m, so that the overall height of the noise barrier is 4.2m.*

*The redesigned acoustic fence provides for a solid masonry base which has been reduced in height from 3 metres to 2.2 metres (reduction of 0.8 metres) with an extended transparent section 2.0 metres in height. The transparent section will not overshadow the rear yards of the residential properties”.*

5. The amended building designs and building setbacks have provided increased areas of passive surveillance and improved pedestrian safety along Birdwood Lane. Within the 22.5m building setback of Building B to Birdwood Lane provision has been made for 66 off-street car parking spaces. The main entry point to the proposed development is off Birdwood Lane via a 13m wide dual driveway. The amended design of the development provides increased activation of Birdwood Lane. It should be noted that Birdwood Lane has been increased in width from 8m to 11.100m

The provision of street lighting in Birdwood Lane (public road) will be a provided in the Development as a requirement of the utility service authorities.

The redesign of the car park and access to and from Birdwood Lane will provide additional passive surveillance.

The amended plans, elevations, access and landscaping have provided substantial articulation to the southern elevation of the development.

**(b) External Referrals**

The following comments have been received from External Authorities:

Department/Authority	Comments
Transport for NSW (TfNSW)	Specific conditions of consent provided for the proposal. Camden Valley Way slip lane portion of the proposal is not supported.
Sydney Water	No objection to the development subject to conditions of consent
APA Group (Gas Pipeline)	No objection to the development subject to conditions of consent
Endeavour Energy	No objection to the development subject to conditions of consent

**(c) Community Consultation**

The development application was notified and advertised on two (2) separate occasions in accordance with Liverpool Community Participation Plan 2019 with the first round of notification from 31 October 2019 to 20 November 2019 and second notification from 23 October 2020 to 10 November 2020. Three (3) submissions were received during the second round of notification.

These issues raised in the submissions are discussed below:

Issues	Comment
<ul style="list-style-type: none"> <li>Noise and air pollution from construction and on-going use of the site to nearby residents.</li> </ul>	<ul style="list-style-type: none"> <li>Construction impacts are controlled by Part of the Liverpool DCP 2008. Council’s standard conditions of consent have been imposed to control the impact of the abovementioned construction activities.</li> <li>Similar to any major redevelopment work, some level of inconvenience/impact may result once construction commences. However, to address the issue and to minimise traffic impact and associated noise impact, appropriate conditions have been imposed requiring submission of a Construction Management Plan to minimise impact of construction activities on the surrounding area, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.</li> <li>A revised noise impact assessment for the development, the Acoustic Report prepared (Blackett Acoustics) for the applicant has been reviewed by Council’s Senior Environmental Health officer. The following comment was received upon the review of the Report:   <i>“Taking into consideration the submission from a local resident in close proximity to the development, should the assessment/plan be conditioned, ample means for anyone affected by noise or dust as a result of the development must be provided. Conditions surrounding this requirement will be provided accordingly.</i>   <i>In light of the information provided and the guarantee that a thorough construction noise vibration assessment and management plan be undertaken, environmental health support the application and provide conditions for consideration by planning.”</i>                       Accordingly, the recommendation of this report includes appropriate conditions for noise and                 </li> </ul>

<ul style="list-style-type: none"> <li>Existing health service facilities in the vicinity of the subject site and potential economic impacts as a result of the concentrated similar land use within the area.</li> </ul>	<p>dust mitigation measures.</p> <ul style="list-style-type: none"> <li>It would be unreasonable for a proposed use to be refused on the basis that similar uses exist in the vicinity of the subject site. The development site is located within the B6 zone and is strategically located within the locality for various land uses permitted in the area. The proposal is considered to be consistent with the zone objectives.</li> </ul>
<ul style="list-style-type: none"> <li>Restrict the types of tenancies to bulky good and showrooms only and prohibit medical centres and specialised retailers such as pharmacies for the subject site.</li> </ul>	<ul style="list-style-type: none"> <li>Medical centres are permitted under the SEPP (Infrastructure) 2007 which applies to the state and specialised retail premises are permitted under Clause 7.23 of the LLEP 2008. Council does not have legislative power to limit the type of future uses of the proposed retail/commercial premises (e.g. pharmacies, and the like) which are permitted within the B6 zone. Future uses/tenancies of these premises are subject to a separate development applications or CDC applications.</li> </ul>

The issues raised in the submissions are considered to contain varying degrees of relevance and have been considered in the assessment of the application.

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

The proposed development is consistent with the zoning of the land and would provide for uses that are not currently available in the area for community use. The development is generally in accordance with the planning controls and the objectives for Edmondson Park, and provides additional accommodation opportunities and facilities for community in close proximity to employment opportunities and public transport.

Given the assessment undertaken, the proposal is considered to be in the public interest and therefore is recommended for approval subject to conditions of consent.

**7. DEVELOPMENT CONTRIBUTIONS**

A Section 7.11 Development Contributions (Edmondson Park 2008) is applicable to the proposed development in accordance with Liverpool Contributions Plan 2008 – Edmondson park and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$793,055.00** (refer to **Attachment 5** of this report).

**8. CONCLUSION**

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, including SEPP (Infrastructure) 2007, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

Based on the assessment of the application, it is recommended that the application be



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approved subject to the imposition of conditions.

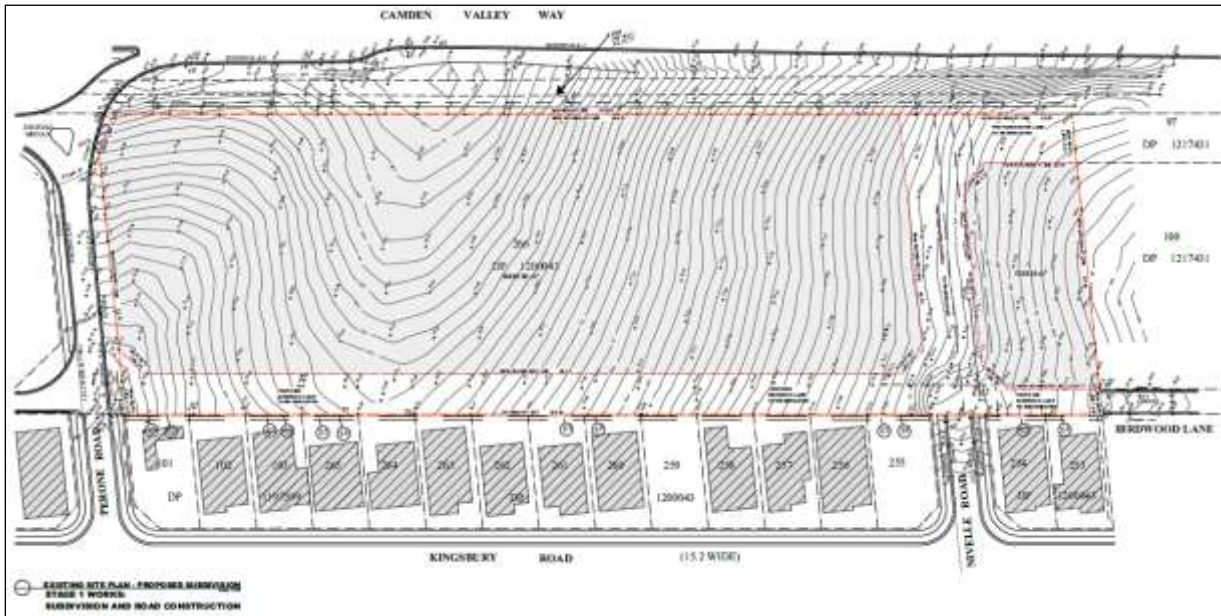
**9. RECOMMENDATION**

That Development Application No. DA-625/2019 for Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages, be approved subject to conditions of consent.

**10. ATTACHMENTS**

- 1. PLANS OF THE PROPOSAL**
- 2. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 3. DCP COMPLIANCE TABLE**
- 4. DRAFT CONDITIONS OF CONSENT**
- 5. SECTION 7.11 CONTRIBUTIONS**

ATTACHMENT 1: PLANS OF THE PROPOSAL



Stage 1 – Site Plan



Stage 2 – Site Plan

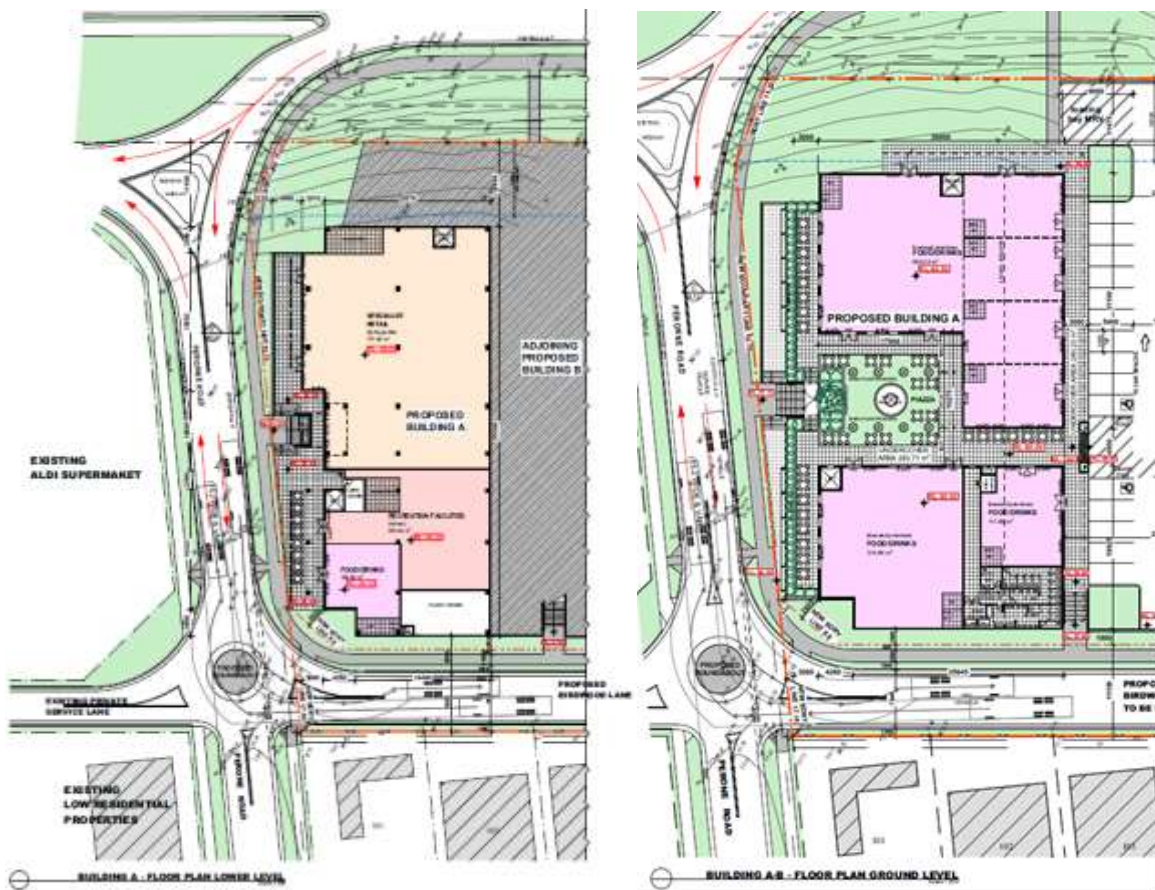


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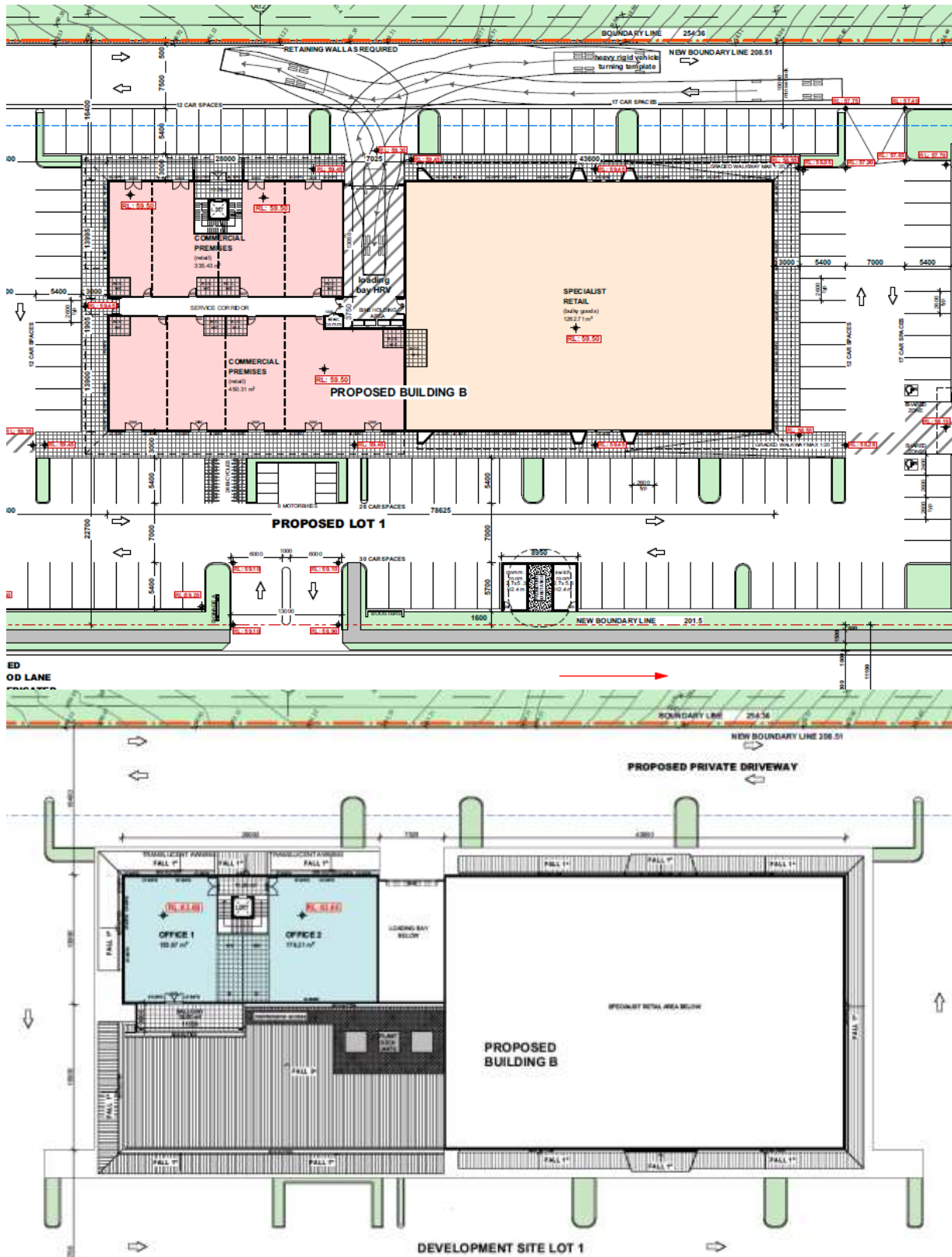
Site Analysis Plan



Building A floor plans

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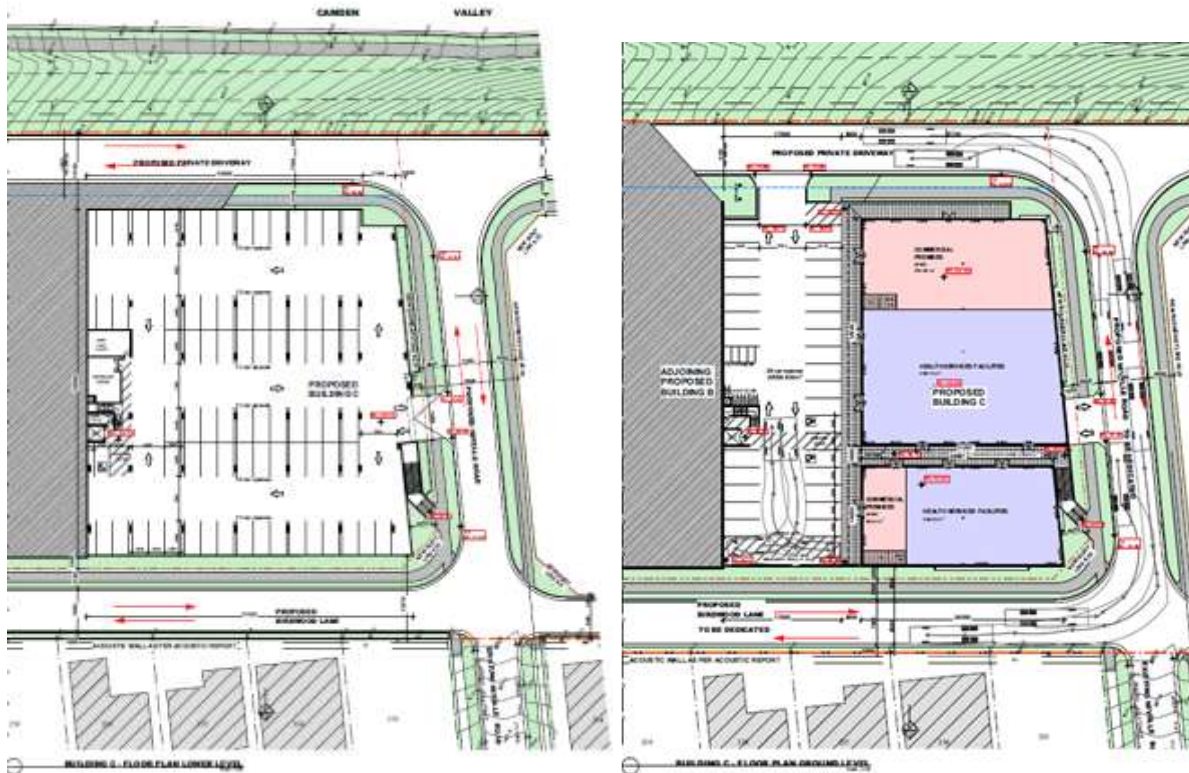


Building B floor plans



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Building C floor plans



Building A-B - south elevation (from Birdwood Lane)



Building A-B – north elevation (from Camden Valley Way)



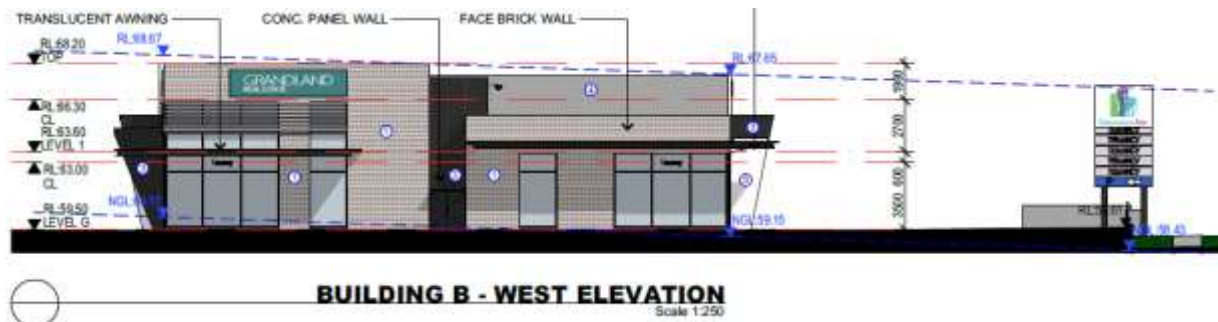
Building A – West elevation (from Perone Road)

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Building A – East elevation (from Building B)



Building B – West elevation (from Building A)



Building B – East elevation (from Building C)



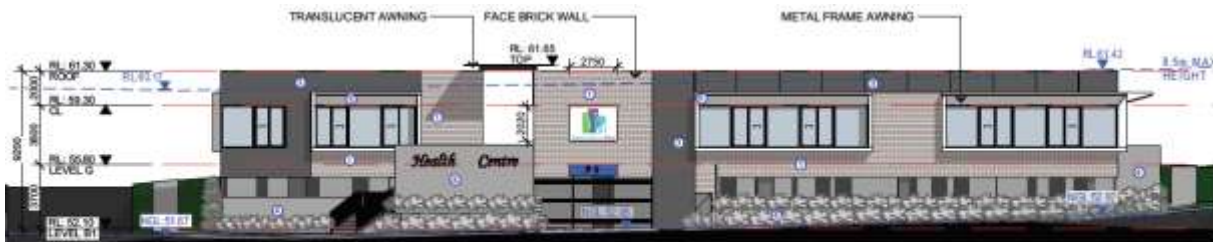
Building C – north elevation (from Camden Valley Way)

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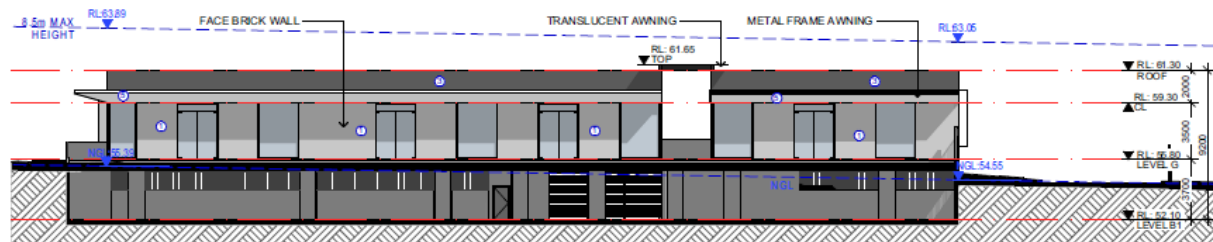
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**BUILDING C - SOUTH ELEVATION**  
Scale 1:250  
Building C - south elevation (from Birdwood Lane)



**BUILDING C - EAST ELEVATION**  
Scale 1:250  
Building C - east elevation (from Nivelle Road)

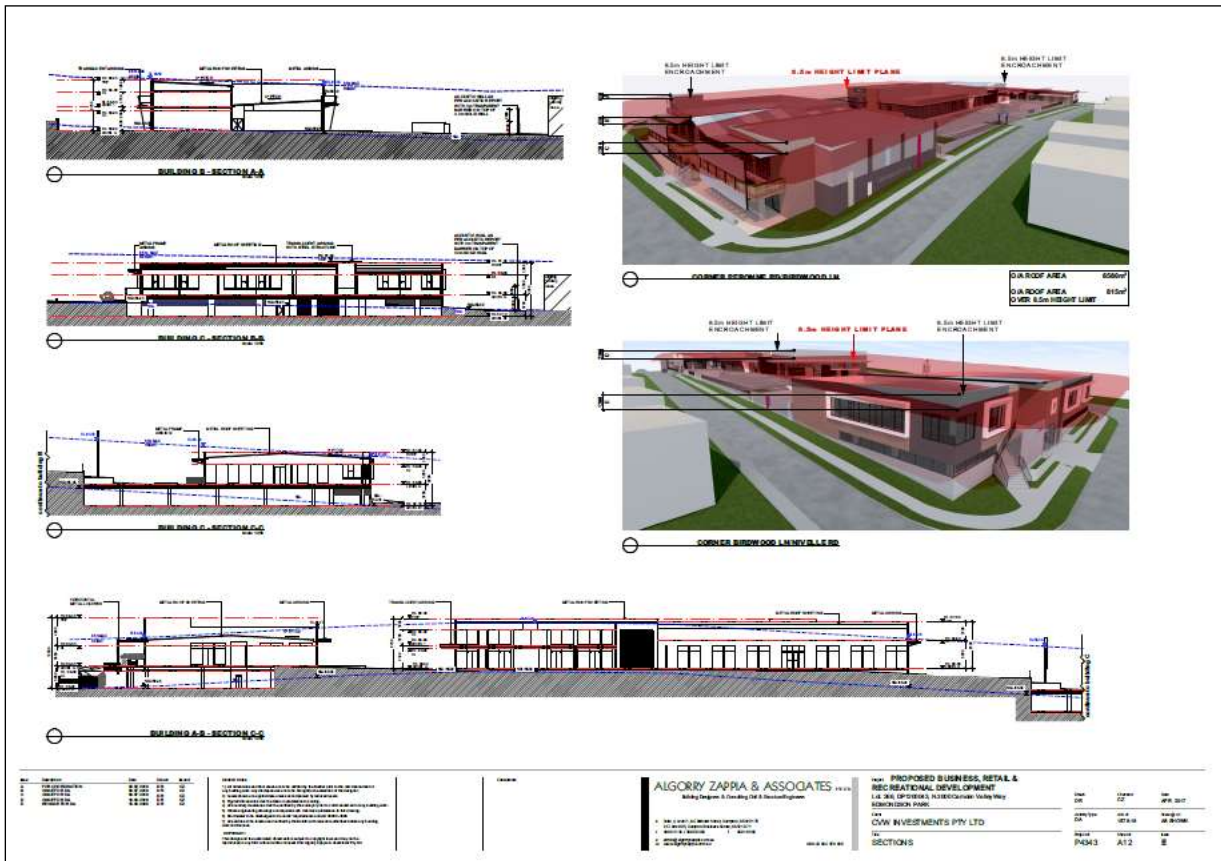


**BUILDING C - WEST ELEVATION**  
Scale 1:250  
Building C - west elevation (from Building B)



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Building A-C - sections



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PERONNE RD



BIRDWOOD LANE

3D views of Building A (indoor recreation facility, food and drinks premises and bulky goods) from various angles

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3D views of Building B (bulky goods, commercial and office premises) from various angles



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CAMDEN VALLEY WAY



CORNER NIVELLE RD - MONS LANE

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CORNER BIRDWOOD LANE - NIVELLE RD

**3D views of Building C (medical centres and commercial premises) from various angles**

### SCHEDULE OF FINISHES

CODE	DESCRIPTION	SWATCH	CODE	DESCRIPTION	SWATCH
①	AUSTRAL - FACE BRICK "BOWRAL BROWN" or sim. Main Walls - retail, foods & medical		⑤	DULUX - PAINT FINISH "NATURAL WHITE" or sim. Awning, fascias	
②	KNOTWOOD - METAL CLADDING "ZEBRANO" or sim. Balconies food area		⑥	DULUX - PAINT FINISH "PEA CASE" or sim. Concrete panel	
③	DULUX - PAINT FINISH "DOMINO" or sim. Lower retainings walls & fascias		⑦	DULUX - PAINT FINISH "CLARY" or sim. Concrete panel	
④	DULUX - PAINT FINISH "TIMELESS GREY" or sim. Main concrete panels		⑧	DULUX - PAINT FINISH "SHIMMER" or sim. Concrete panel	

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

<b>Clause 8 General Principles</b>	<b>Comment</b>
(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 Land and Development Engineers. Minimal impact.
(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 Land and 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 commercial 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.
<b>Clause 9 Specific Principles</b>	<b>Comment</b>
(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 identified as being flood affected.
(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.

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(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 3 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

## LDCP 2008 - Part 1 General Controls for All Development

Development Control	Proposal	Comment
<b>PART 1 – General Controls For All Development</b>		
2. Tree Preservation	The site does not contain any significant vegetation.	<b>N/A</b>
3. Landscaping	A number of new trees are proposed to be planted in the new development. Furthermore, a conditions of consent has been imposed requiring Cupaniopsis Anacardioides (Tukeroos Trees) to be planted as Street trees along Perone Rd and Birdwood Lane frontages of the site.  Tuckeroo trees grow between 3-5m approximately and have excellent foliage coverage to provide visual and some acoustic absorption of the proposed development.	<b>Complies</b>
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	<b>N/A</b>
5. Bush Fire Risk	The development site is not identified as being bushfire prone land.	<b>N/A</b>
6. Water Cycle Management	A stormwater drainage concept plan has been submitted and referred to Council's Land and Development Engineers who raised no objections subject to the imposition of condition.	<b>Complies</b>
7. Development Near A Watercourse	The site is not within 40m of the nearest watercourse - Maxwell's Creek. As this is the case, the proposal was not required to be referred to the Natural Resources Access Regulator (NRAR).	<b>Complies</b>
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed.	<b>Complies</b>
9. Flooding Risk	The site is not mapped as being flood prone and the proposal has been reviewed by Council's Floodplain Management Engineers who have not raised any objections to the development.	<b>N/A</b>
10. Contamination Land Risk	A Phase 1 Contamination report has been provided and reviewed by Council's Environmental Health officer who is satisfied that the proposal meets the requirements and condition of consent have been provided.	<b>Complies</b>
11. Salinity Risk	The development site is identified as containing a moderate salinity potential. Conditions of consent will be applied to ensure that the construction addresses salinity	<b>Complies</b>
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	<b>N/A</b>
13. Weeds	Site is not affected by Weeds	<b>N/A</b>
14. Demolition Of Existing Development	The site is currently vacant. Not proposed.	<b>N/A</b>

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15. On-Site Sewerage Disposal	The development will be connected to Sydney Water sewer system.	<b>N/A</b>
16. Aboriginal Archaeological Sites	The site is considered to have been heavily disturbed by the previous use and the nearby residential subdivision and is not considered to be likely to contain Aboriginal archaeology. Conditions of consent will be imposed in the event of unexpected finds during excavation works. Unexpected finds protocols will be conditioned in the consent.	<b>N/A</b>
17. Heritage And Archaeological Sites	The site is not mapped as containing European a heritage item or within the immediate vicinity of a heritage item.	<b>N/A</b>
18. Notification of Applications	The application was notified in accordance with the requirements of this section between 31 October 2019 to 20 November 2019. No submissions were received as a result of the first round of notification. Amended plans were notified the between 23 October 2020 to 10 November 2020 and three (3) submissions were received raising concerns as detailed in the report.	<b>Complies</b>
20. Car-parking And Access	Refer to assessment under Part 2.11 of the LDCP 2008.	<b>Complies</b>
21. Subdivision Of Land And Buildings	The site will be subdivided to create 2 new lots and part of the site will be used to facilitate the creation of roads. New lots comply with the minimum site frontage width as specified under this part of the LDCP 2008 Part 1.	<b>Complies</b>
22. Water Conservation	Not applicable for commercial buildings.	<b>N/A</b>
23. Energy Conservation	Not applicable for commercial buildings.	<b>N/A</b>
24. Landfill	All fill applied should be Virgin Excavated Natural Material (VENM), as defined by the NSW Department of Environment and Climate Change. Any fill involving material other than VENM is subject to referral to the State Government as potential Integrated Development or contaminated land assessment.	<b>Complies</b>
	A condition of consent will require that any fill brought onto the site will be VENM.	
	Any excavation within the zone of influence of any other building will require a Dilapidation Report.	<b>N/A</b>
	The proposed design includes basement excavation that will have sufficient setback to not impact adjacent buildings	
	All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).	
	There is no remaining native vegetation on the site.	<b>N/A</b>

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	<p>Refer to the section on Salinity if cutting greater 500mm is to be undertaken.</p> <p>Conditions of consent will require that the development is constructed that appropriately addresses salinity.</p>	<p><b>Complies</b></p>
	<p>No retaining wall structures will be permitted within any easements such as drainage easements. Retaining walls located on the boundary of two allotments or boundary to a public street or public reserve shall be of masonry construction. Other types of retaining wall structure may be permitted if the structure is located wholly within the property.</p> <p>Retaining walls will be conditioned in the consent to address this control.</p>	<p><b>Complies</b></p>
<p>25.Waste Disposal And Re-Use</p>	<p>Management during construction and on-going waste.</p> <p><u>During Construction:</u> A waste management plan (WMP) has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p><u>On-going Waste Management:</u> Occupants will dispose their garbage in a designated room for each building.</p> <p>Sufficient bins have been provided in accordance with Council's waste management plan.</p> <p>The main garage rooms are of sufficient size to accommodate a compactor, bins and bulky storage in accordance with Council's Waste Management Policy.</p> <p>The requirements of the approved Waste Management Plan will be imposed as a condition of consent.</p>	<p><b>Complies</b></p>
<p>26.Outdoor Advertising</p>	<p>The proposed signage has been assessed under the SEPP 64 as outlined in the report.</p>	<p><b>Complies</b></p>
<p>27. Social Impact Assessment</p>	<p>A Social Impact Assessment was not required to be reviewed by Council's Community Planner.</p>	<p><b>N/A</b></p>

LDCP 2008 - Part 2.11 Land subdivision and development in Edmondson Park

Development Control	Provision	Comment	Complies
<b>PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK</b>			
1.1 INDICATIVE LAYOUT	<p>1. To be in accordance with Figure 2.</p> <p>2. Where variation from the ILP is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the precinct set out within this Part.</p>	<p>The proposed indicative layout plan proposed a service way parallel to Camden Valley Way.</p> <p>The proposal seeks to vary the ILP due to the amended proposal that is consistent with the east adjoining property's development approved under DA-698/2019.</p> <p>Discussions with TfNSW has resulted with non-support for an additional slip lane to improved access to and from the proposal which places additional impact on the local street network.</p> <p>Overall, this results only one point of ingress to the precinct is permitted from Camden Valley Way. This has resulted in this development and the neighboring development to the west having to utilise the existing Perrone Road for access which would mean traffic accessing the site to do so via residential streets. (Refer to SEPP infrastructure discussion of the report for further information).</p>	<p><b>Acceptable -</b> DCP Variations supported on merit.</p>
1.2 DEVELOPMENT WITHIN SUB PRECINCTS	<p>Development site maintains the level and access to fixed roads, the proposal will allow for the provision of drainage and services through conditions of consent and storm water design and does not</p>	<p>The application was referred to Council's Land Development engineers who are supportive of the stormwater design and have provided conditions for consent.</p>	<p><b>Complies</b></p>

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Development Control	Provision	Comment	Complies
	create a detrimental impact on adjoining sub-precincts.		
1.4 CHARACTER AREA STATEMENTS	<p>The Enterprise Corridor character area is located at the northern end of the locality along Camden Valley Way and at the northern end of Ardennes Avenue. It will service passing trade travelling along Camden Valley Way. A service road will run parallel to Camden Valley Way with 45 degree parking to provide access to all properties and businesses fronting Camden Valley Way.</p> <p>Rear lane access is to be provided to service these businesses. The area is characterised by up to 2 storey retail and commercial premises built to the street alignment. To maximise active frontages and to minimise the scale of individual buildings, each retail unit will have a maximum street frontage of 30m and a maximum gross floor area of 1,000 sqm.</p>	<p>The development proposes the DCP laneway on the northern side of the site however, provides 90 degree parking with no access from Camden Valley Way.</p> <p>As discussed in the report, TfNSW supports the alternative vehicular access via Perone Road. Furthermore, Council's Traffic section has supported 90 degree parking along the service road on the northern side of the site.</p> <p>The proposal provides for a wall on the rear boundary to Birdwood Lane of 25m in length to Building A and 30m in length to Building C with Building B set back 22.5m from Birdwood Lane. Building B has a maximum frontage of 78.6m, but it has been designed to appear as two separate buildings with a loading dock in the centre of Building B for visual relief and use of building materials for the eastern part for bulky good and western part of the building for commercial and office premises.</p>	<p><b>Acceptable -</b> DCP Variations supported on merit.</p>
1.5 PUBLIC TRANSPORT	Proposed development does not impact the ability to maintain required public transport routes in Edmondson Park	The development will not prevent or impact on existing public transport routes in Edmondson Park.	<b>Complies</b>

Development Control	Provision	Comment	Complies
<p>2.1 STREET NETWORK AND ACCESS Subdivision plans must indicate street type.</p>	<p>Local Street Network 1. With applicable Development Applications, a subdivision plan is to be submitted highlighting the street network. All plans must indicate street types and intersection treatments,</p>	<p>As a result of the inability to develop the sites in accordance with the ILP due to changes to Nivelles Road and the Perrone Street access point from Camden Valley Way, an amended road layout has been designed for the site. This has been considered by Council's Traffic section.</p>	<p><b>Acceptable -</b> DCP Variations supported on merit.</p>
	<p>2. Council may require additional traffic calming measures to be incorporated into fourway intersections where traffic volumes necessitate controls in addition to signage. Measures may include roundabouts, carriageway narrowing or realignment, pedestrian islands or raised platforms. In circumstances where traffic volumes require traffic calming measures in excess to that provided in the section 94 plan, these are to be provided by the developer.</p>	<p>A condition has been appropriately imposed to require contribution of one-half of the cost of constructing the roundabout at Perrone Road and the proposed Birdwood Lane intersection. This has been considered by Council's Traffic section.</p>	<p><b>Complies by condition</b></p>
	<p>3. Subdivision plans are required to comply with the fixed roads identified in Figure 8.4. The proposed local street networks detailed within Figure 8 are to provide a clear hierarchy for roads in the form of a modified grid road pattern.</p>	<p>No fixed roads are included in the development area.</p>	<p><b>Not applicable</b></p>
	<p>4. Retain and incorporate existing streets into the road network where possible and practical.</p>	<p>Nivelles Road, Birdwood Lane and Mons Lane extension have been designed to align with the existing and the</p>	<p><b>Complies</b></p>

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Development Control	Provision	Comment	Complies
		approved road layout of the east adjoining property under DA-698/2019. This has been considered by Council's Traffic section.	
	5. Provide a grid-like street network pattern to facilitate walking and cycling and enable direct local vehicle trips within the neighbourhood. Cul-de-sacs will not be supported other than where alternative street patterns are not achievable.	The roads proposed are considered to be generally consistent with the DCP road network in terms of access and walkability.	<b>Complies</b>
	6. Design safe pedestrian crossing points to the satisfaction of Council.	No crossing points have been proposed in the development.	<b>Not applicable</b>
	7. All intersections are to be designed in accordance with the RTA Austroads standards.	All intersections are to be designed in accordance with the RTA Austroads standards.	<b>Complies</b>
	8. Street sections are to comply with Chapters 2.2 and 2.3 of this Part.	Street sections related to the proposed road have been provided.	<b>Complies</b>
2.2 PEDESTRIAN AND CYCLEWAY NETWORK	The DCP plan indicates that an on-street dedicated bicycle lane is required for Bernera Road while an off-street shared pedestrian/ bicycle path is required for Hartlepool Road to the south of the area.	The proposal will not impact on the bicycle lane in the vicinity of the site.	<b>Not applicable</b>
2.3 STREETScape AND STREET TREES	Minimum of two trees (to a min mature height of 4m) per six metres of frontage. Suitable Planting is provided	Suitable Street Planting will be conditioned to be provided to provided additional screening and acoustic barriers the south.  This will be required to be included in a revised Landscape plan which has also been	<b>Complies by condition</b>



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		conditioned.	
2.4 OPEN SPACE	This section sets controls for the open space requirements for the precinct.	The site is not located in or near areas indicated in the precinct plan mapping for open space areas.	<b>Not applicable</b>
2.5 ENVIRONMENTAL MANAGEMENT	This section includes controls in relation to Stream and Riparian Management and Core Riparian Corridors	The site is not located on or in close proximity to streams or riparian corridors.	<b>Not applicable</b>
2.6 WATER CYCLE MANAGEMENT	This section includes controls in relation to management of storm water, deep soil areas, vegetation and fill.	The development has been reviewed by Council's Land Development Engineers who have raised no issues with the proposal.	<b>Complies</b>
2.7 CONTAMINATION <i>Potential for contamination to be assessed.</i>	Contamination assessment submitted as discussed previously in the report. The contamination assessment concluded the subject site is suitable for commercial development.	The development has been reviewed by Council's Environmental Health officer who has raised no issues with the proposal.	<b>Complies</b>
<b>7 Controls for Land in the B6 Zone – Enterprise Corridor</b>			
7.1 Site Planning	<ol style="list-style-type: none"> <li>1. Provide safe pedestrian, cycle and vehicle access to and from the public street.</li> <li>2. Be compatible with nearby residential development in terms of appearance, overshadowing, privacy, views, setbacks and height.</li> <li>3. Address the street and consider its presentation to the public domain.</li> <li>4. Consider the impact on existing and potential pedestrian links.</li> <li>5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary</li> </ol>	<ol style="list-style-type: none"> <li>1. The development includes footpaths that connect to the footpaths within the residential zone. This will require the negotiation of a laneway that will be used by heavy vehicles. The development is primarily accessed from the northern laneway so accessibility is not prioritised. The access to the retail units from Peronne Road is via steps is not conducive to access.</li> <li>2. The proposed two storey buildings are considered to be site/contextual responsive and appropriate use of the land, which is consistent</li> </ol>	<p><b>Complies</b></p> <p><b>Complies</b></p>

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Development Control	Provision	Comment	Complies
	<p>to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Refer to Water Cycle Management in Part 1.</p> <p>6. Be compatible with existing business development in terms of scale, bulk, setbacks, materials and visual amenity.</p> <p>7. Address the street and consider its presentation to the Classified road environment</p>	<p>with the zone and objectives of the development standard. The increased roof height of each building is considered to be inevitable due to the finished level and natural contours of the site. There are no physical impacts from the increased roof height of each building given its location as detailed in the report.</p> <p>3. It is considered that presentation to the public domain is appropriate to the uses.</p> <p>4. The development provides footpaths to the perimeter of the site. These appear to be in alignment with the footpaths opposite in the residential component of the vicinity thereby creating pedestrian linkages.</p> <p>5. The stormwater plans have been reviewed and supported by Council's Land Development Engineers who have provided conditions for consent.</p> <p>6. The proposed development of the site has been undertaken with due consideration of the existing and future redevelopment of neighbouring properties in the B6 – Enterprise Corridor zone in terms of its scale, bulk, setbacks, materials and visual amenity.</p> <p>7. The development is considered to address Camden Valley Way. The site has a significant</p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>

Development Control	Provision	Comment	Complies
		setback from Camden Valley and will include planting of small to medium sized vegetation where applicable.	
7.2 Setbacks	<p><b>Rear Setbacks</b></p> <p>1. Where the site has rear lane access the building may be built to the rear boundary, at ground and first floor level. Any floors above the first floor shall be setback equal to the height of the additional floors.</p> <p>2. Where there is no rear lane access and the site adjoins land that is in a residential zone, the building may be required to be setback from the rear 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>	<p><u>Building A</u> South (Birdwood Lane) = 13m</p> <p><u>Building B</u> South (Birdwood Lane) = 35.7m</p> <p><u>Building C</u> South (Birdwood Lane) = 13m</p> <p>Not applicable</p>	<p><b>Complies</b></p> <p><b>Not applicable</b></p>
	<p><b>Side Setbacks</b></p> <p>1. Where the site adjoins land that is also in a business zone there is no setback requirement.</p> <p>2. 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>	<p><u>Building A</u> West (secondary frontage) = min. 3m</p> <p><u>Building C</u> East (separation between the proposed Lot 1 and Lot 2) = min. 16.75m</p>	<p><b>Complies</b></p>
	<p><b>Front Setbacks</b></p> <p>1. The minimum setback from the front boundary is</p>	<p><u>Building A</u> North (primary frontage) = 11.475m at all levels</p>	<p><b>Complies</b></p>

Development Control	Provision	Comment	Complies
	<p>10m for the ground floor and 7.5m for the first floor.</p> <p>2. Any floors above the ground floor shall be setback equal to the height of the additional floors.</p>	<p><u>Building B</u> North (primary frontage) = 16.4m at all levels</p> <p><u>Building C</u> North (primary frontage) = 14m at all levels</p>	
<p><b>7.3 Landscape Areas and Pedestrian Areas Objectives</b></p> <p>a) To ensure active street frontages on public streets.</p> <p>b) To encourage provision of attractive pedestrian areas.</p> <p>c) To encourage linkages between centres and any adjacent public areas such as open space.</p>	<p>1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths.</p> <p>2. Pedestrian areas should link all major activity areas of the centre.</p> <p>3. Pedestrian areas should be separate from loading areas.</p> <p>4. Separate pedestrian access should be provided to adjoining public footpaths, community facilities and open space.</p> <p>5. Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car parking areas.</p>	<p>1. The development consists of at grade and basement parking which will facilitate wheelchair access.</p> <p>2. Pedestrian areas are linked to all activity in the centre.</p> <p>3. The loading areas for the centre does encroach the pedestrian areas access way through the centre of the site.</p> <p>4. The design does not permit pedestrian access to the surrounding residential development.</p> <p>5. Tree planting in the form of raised garden beds is proposed through the carparking areas with trees planted in ground in deep soil zones.</p>	<b>Complies</b>
<p><b>7.4 Building Form, Streetscape and Layout</b></p>	<p>1. External walls are to be constructed of high quality and durable materials and finishes, with low maintenance costs.</p> <p>2. Articulate facades so that they address and add visual interest. Buildings four storeys and above are to be articulated to differentiate between base, middle and top in design.</p> <p>3. Buildings on corner sites are to be designed to address the two adjacent streets in a similar way.</p> <p>4. Limit opaque or blank</p>	<p>1. The external walls proposed are a combination of face brick and painted concrete panels</p> <p>2. The buildings are a maximum of two stories and include recessed and are articulated elements defined by various materials on the façade.</p> <p>3. The developments corner buildings are considered to address their relative street corners.</p> <p>4. Overall the outward facing walls of the</p>	<b>Complies</b>

Development Control	Provision	Comment	Complies
	<p>walls for ground floor uses to 20% of the street frontage.</p> <p>5. Highly reflective finishes and curtain wall glazing are not permitted above the ground floor.</p> <p>6. Incorporate changes in level within retail development and civic facilities such that they are accessible to the people with disabilities.</p> <p>7. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</p>	<p>buildings are not opaque or blank more than 20% of the street frontage.</p> <p>5. No highly reflective finishes are proposed above the ground floor.</p> <p>6. The development provides accessible levels across the site with lifts available to provide access from carpark area under Building C.</p> <p>7. It is considered the development achieves this requirement.</p>	
	<p><b>Roof Forms</b></p> <p>1. Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.</p> <p>2. Roof top structures, such as air conditioning, lift motor rooms and the like are to be incorporated into the architectural design of the building and to be screened from public view.</p> <p>3. Communication towers, such as mobile phone towers and the like, are not to be located on buildings with a residential component.</p>	<p>1. The development includes minimal bulk and mass of roofs being of 3° fall. Minimal overshadowing impacts caused by the flat roofs of the buildings.</p> <p>2. The plans provided do not indicate that air conditioning units and lift overruns will be visible above the roof.</p> <p>3. Not applicable</p>	<p><b>Complies</b></p> <p><b>Not applicable</b></p>
	<p><b>Material and Finishes</b></p> <p>1. Avoid expanses of any single material.</p> <p>2. Utilise high quality and durable materials and finishes.</p> <p>3. The following materials are preferred:</p> <p>- Face brick with / without coloured render; and</p>	<p>1. The selection of building finishes and materials were considered to reduce maintenance and increase durability.</p> <p>These includes face brick, cladding, painted concrete panels, glazing, horizontal metal louvres, metal palisade security fencing and the like.</p> <p>2. Conditions of consent</p>	<p><b>Complies</b></p>

Development Control	Provision	Comment	Complies
	<p>- Plain glass windows.</p> <p>4. The following materials must be avoided:</p> <ul style="list-style-type: none"> <li>- Large wall tiles,</li> <li>- Rough textured render,</li> <li>- Polished metal and curtain walls, and</li> <li>- Reflective glass.</li> </ul>	<p>will require that high quality materials and finishes are utilised.</p> <p>3. The facades of the buildings utilize the preferred materials.</p> <p>4. The development does not include materials that are to be avoided.</p>	
	<p><b>Building Depth</b></p> <p>1. Maximum building depths for ground floor uses are 40m for Enterprise Corridor. Speciality retail shops should not exceed 15m in depth from the street frontage.</p> <p>2. All points on an office floor should be no more than 12.5m from a source of daylight (e.g. window, atria or light wells).</p>	<p>1. The proposed specialised retail premises within Building A-B are no more than 2,500m<sup>2</sup> as per Clause 7.23 of the LLEP 2008 and the overall GFA/FSR is well below the maximum allowed. The depths of specialised retail premises exceed the maximum 15m, but they are not considered to be the dominant feature of the overall development (approx. 20% of the total GFA).</p> <p>2. The proposed office premises within Building B comply with this requirement with windows on all elevations.</p>	<p><b>Acceptable - DCP Variations supported on merit.</b></p> <p><b>Complies</b></p>
<p>7.5 Landscaping and Fencing</p>	<p>1. Where trees are planted around high use facilities such as car park areas, children's play areas and walkways, they should have clean trunks to height of 1.8m.</p> <p>2. Landscaping on any podium level or planter box shall be appropriately designed and irrigated.</p> <p>3. Where landscaping is to be provided a detailed</p>	<p>1. The proposed trees in the carpark area are to be conditioned to be in accordance with this requirement in addition to a condition for a revised Landscape Plan.</p> <p>2. To be conditioned by Consent.</p> <p>3. As revised landscape plans have been conditioned with updated planting and additional street trees as specified.</p>	<p><b>Complies by condition</b></p>

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	<p>landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p> <p>4. Landscaped areas within Business Development shall generally involve the provision of trees and shrubs in mulched garden beds. In particular the landscaping shall involve the following:</p> <p>The trees shall provide a canopy for the streetscape and soften the appearance of the Enterprise Corridor environment, without unduly concealing approved site signage.</p> <ul style="list-style-type: none"> <li>- Mulched garden beds shall incorporate ground covers that will cover the ground area.</li> <li>- Shrubs shall be used to soften appearance of the area but still allow viewing between the street and the development.</li> <li>- Large shrubs shall be used as screen planting where there is a need to screen certain areas such as outside storage.</li> <li>- Shrubs shall only be planted in mulched garden beds.</li> <li>- Grassed areas may be considered in limited areas in conjunction with mulched garden beds.</li> </ul>	<p>4. Satisfactory. The proposal has been reviewed and supported by Council's Landscape Officer who has provided conditions for consent.</p>	

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Development Control	Provision	Comment	Complies
	<p>- Trees shall only be planted in grass where there is a border around the tree separating it from the grassed area.</p> <p>- Figure 47 illustrates these requirements.</p>		
<p>7.6 Car parking and Access</p>	<p>1. Car parking shall generally be located toward the front of the site.</p> <p>2. Car Parking must meet the requirements of Part 1 of this DCP.</p>	<p>The car parking is located toward the front of the site.</p> <p>Sufficient parking is proposed as follows:</p> <p><u>Recreational facilities</u> 1 space per 20sqm of LFA</p> <p>Proposed GFA = 272.5m<sup>2</sup></p> <p>13.6 spaces required.</p> <p><u>Food &amp; drinks premises</u> 1 space per 20sqm of LFA</p> <p>Proposed GFA = 1,232.9m<sup>2</sup></p> <p>61.6 spaces required.</p> <p><u>Commercial premises</u> 1 space per 20sqm of LFA (LFA &lt; 12,000sqm)</p> <p>Proposed GFA = 1255.5m<sup>2</sup></p> <p>62.8 spaces required.</p> <p><u>Office premises</u> 1 space per 35sqm of LFA</p> <p>Proposed GFA = 334.9m<sup>2</sup></p> <p>9.6 spaces required.</p> <p><u>Specialised retail premises (bulky good)</u> 1 space per 90sqm of LFA (LFA 600 &lt; 3,000sqm)</p>	<p><b>Complies</b></p>



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Development Control	Provision	Comment	Complies
		<p>Proposed GFA = 2,040.3m<sup>2</sup></p> <p>22.7 spaces required.</p> <p><u>Health services facilities (medical centres)</u> 1 space per 25sqm of LFA</p> <p>Proposed GFA = 933.6m<sup>2</sup></p> <p>37.3 spaces required.</p> <p><b>Total:</b> 208 car spaces required for the entire development</p> <p><b>Proposed:</b> A total of 248 car parking spaces are proposed including 169 (90 degree) parking spaces within four (4) separate at-grade off-street parking areas and 79 car spaces within the Building C. The proposal also provides 12 motorcycle spaces and 34 bicycle spaces throughout the site.</p> <p>The proposal has been reviewed and supported by Council's Traffic section who raised no objection subject to conditions of consent.</p>	
7.7 Amenity and Environmental Impact	<p><b>Privacy</b> Development shall be designed to minimise overlooking of adjoining and nearby residential development.</p>	<p>No overlooking of adjoining and nearby residential development envisaged with the 4.2m high acoustic fence along the Birdwood Lane frontage.</p>	<b>Complies</b>
	<p><b>Acoustic privacy</b> 1. Where an allotment adjoins a Classified Road, dwellings must comply with the requirements of the SEPP (Infrastructure).</p>	<p>N/A dwellings are not proposed as part of this application.</p>	<b>Not applicable</b>

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Development Control	Provision	Comment	Complies
	<p><b>Lighting</b>                      External lighting to a development must give consideration to the impact of glare on the amenity of adjoining and nearby residents</p>	<p>The laneway (Birdwood Lane) to the rear of the site will require street lighting which may have impacts on the residential development to the south of the site. Conditions of consent will be imposed ensure minimal light pollution impacting dwelling adjacent the site.</p>	<p><b>Complies by condition</b></p>

**ATTACHMENT 4: DRAFT CONDITIONS OF APPROVAL****CONDITIONS:**

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

**A. THE DEVELOPMENT****STAGED APPROVAL**

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development works	Part Reference	Condition Reference
1	Torrens Title subdivision of the existing allotment (Lot 266 DP 1200043) to create two (2) new lots (Lots 1 – West and Lot 2 – East) and associated road construction and civil works.	All Parts	All conditions
2	Construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated road and landscaping works.	All Parts	All conditions

**Approved Plans**

- Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans/reports, except where modified by the undermentioned conditions.

## (a) Architectural and Engineering Plans

Plan Name	Plan Number	Date	Revision	Prepared By
Site Analysis Plans	A01-A02	18/9/20	C	Algorry Zappia & Associates Pty Ltd
Existing Site Plan	A03	15/10/20	D	Algorry Zappia & Associates Pty Ltd
Proposed Site Plan	A04	15/10/20	F	Algorry Zappia & Associates Pty Ltd
Floor Plans (Building A & Building C Lower Level)	A05	18/9/20	D	Algorry Zappia & Associates Pty Ltd
Floor Plans (Building A-B Ground Level)	A06	18/9/20	E	Algorry Zappia & Associates Pty Ltd
Floor Plan (Building C Ground Level)	A07	18/9/20	D	Algorry Zappia & Associates Pty Ltd
Floor Plan (Building A-B Level 1 & Roof)	A08	18/9/20	D	Algorry Zappia & Associates Pty Ltd
Roof Plan (Building B-C)	A09	18/9/20	D	Algorry Zappia & Associates Pty Ltd
Elevations	A10	18/9/20	E	Algorry Zappia & Associates Pty Ltd
Estate Signage Elevations	A11	18/9/20	D	Algorry Zappia & Associates Pty Ltd

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Sections and Perspectives (8.5m Height Plane)	A12	18/9/20	E	Algory Zappia & Associates Pty Ltd
Mass Model Views	A13	18/9/20	C	Algory Zappia & Associates Pty Ltd
Shadow Diagrams	A14-17	8/1/20	D	Algory Zappia & Associates Pty Ltd
Stormwater Concept Plans	P4343/D01-D05	9/10/20	B	Algory Zappia & Associates Pty Ltd
Details and Charts	P4343/D06	9/10/20	B	Algory Zappia & Associates Pty Ltd
Sediment Control Concept Plans	P4343/D07-D08	9/10/20	B	Algory Zappia & Associates Pty Ltd
Survey and Subdivision Plans	20888 COMDT 1-5	15/7/19	A	R.S. Canceri Pty Ltd

### (b) Reports

Report Name	Date	Reference	Prepared By
Acoustic Report	8/9/20	2914-D06	Sebastian Giglio
Plan of Management (Commercial, Specialised Retail and Office premises, Medical Centres and recreational Facilities with Parking)	August 2019	--	--
Construction & Ongoing Operation Waste Management Plan	21/8/19	--	Algory Zappia & Associates Pty Ltd
Traffic and Transport Impact Statement & Addendum Letter	17/6/19 & 27/7/20	--	TSA
Geotechnical Investigation report	12/7/19	GTE1996-Report	Ground Technologies Pty Ltd
Phase 1 Preliminary Contamination and Salinity Investigation report	October 2013	JC13154A-r1	GeoEnviro Consultancy Pty Ltd
Social Impact Statement	August 2019	4740/R01	Umwelt
Clause 4.6 Variation Statements	13/10/20	--	C. C Weston & Associates

### Works at no Cost to Council

- All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.
- A roundabout is to be constructed on the corner of Peronne Road and private access road to the adjoining development to the west. The roundabout is to facilitate and minimise traffic conflicts at the intersection, due to the expected additional traffic movements through the intersection.

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**Endeavour Energy Requirements**

4. All conditions issued by **Endeavour Energy** shall be complied with, as required in accordance with their correspondence dated 12 November 2019. A copy of the correspondence is attached to this determination notice.

**Sydney Water Requirements**

5. All conditions issued by **Sydney Water** shall be complied with, as required in accordance with their correspondence dated 7 September 2020. A copy of the correspondence is attached to this determination notice.

**APA Group Requirements**

6. All conditions issued by **APA Group** shall be complied with, as required in accordance with their correspondence dated 9 December 2019. A copy of the correspondence is attached to this determination notice.

**Comply with EP & A Act**

7. 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.

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.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions shall be complied with prior to issue of a CC by the PCA:**

**Fee Payments**

8. 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 DA/CC. The following fees are applicable:
  - (a) Damage Inspection Fee;
  - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
  - (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

*Long Service Levy* payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

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**Road Opening**

7. All fees associated with a Road Opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the Principal Certifying Authority. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard Road Opening permit fee and any restoration fees that may be required as a result of the works.

**Site Development Work**

8. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
9. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

**Access for people with a disability**

10. 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**

11. Cladding - Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

**Products banned under the Building Products (Safety) Act 2017**

12. No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

**Notification**

13. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

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**Landscape Plan**

14. A detailed Landscape Plan prepared by a suitably qualified person is to be submitted to Council prior to the issue of any CC. The detailed Landscape Plan is to incorporate the following:
- (a) Matured medium sized trees along the southern boundary of the site to provide additional screening of the walls of the proposed development.
  - (b) *Cupaniopsis Anarcardioides* (*Tukeroo tree*) is to be included as street trees planted along the southern boundary (Birdwood Lane) on the footway to create additional screening.

**Crime Prevention Through Environmental Design**

15. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
- (a) Back to base alarm systems shall be installed;
  - (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 implemented;
  - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (e) Lighting is required to be designed 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; and
  - (f) Access to the parking levels of the building shall be controlled via a security controlled device.

**Security Access to car park**

16. Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the Construction certificate.

**Prescribed Condition**

17. In accordance with Section 4.16 (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).



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**S138 Roads Act – Minor Works in the public road**

18. Prior to the issue of a Construction Certificate a 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 a public road. 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), or
  - Road occupancy or road closures.

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

**S138 Roads Act – Roadworks requiring approval of civil drawings**

19. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road works in Peronne Road, Birdwood lane and Neville Road.

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

Note:

1. Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

**Construction Certificate for Subdivision Works**

20. Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by R.S Canceri Pty Ltd, reference number 2088COMSWD, revision B, dated 10/9/20 and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- (a) Public and private roads

- (b) Stormwater drainage including water quantity and quality treatment measures
- (c) Interallotment drainage
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Overland flowpaths
- (g) Flood control measures
- (h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works
- (l) All works required for conversion of the proposed sediment basin to a bio retention function
- (m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

**Road Design Criteria Table**

21. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council’s Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Birdwood Lane	7m	5.5m	1.0m (RHS) and 0.5m (LHS)	-	2x10 <sup>6</sup>
Birdwood Lane	11.1m (Fronting Lot 1)	7.0m	3.1m (RHS) and 1.0m (LHS)	1.5m on one side	2x10 <sup>6</sup>
Mons Lane	13.0m	6.7m	0.5 m (RHS) and 5.8m (LHS)	1.5m on one side	2x10 <sup>6</sup>
Nivelle Road	15.2m	7.2m	4.0m	1.5m on both sides	2x10 <sup>6</sup>

**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

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practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

**Stormwater Concept Plan**

23. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Algorry Zappia & Associates, reference number P4343, revision B, dated 9/10/20.
- (a) 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.
  - (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
  - (c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

**Basement Car Parks**

24. 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 car parks.

**No loading on easements**

25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

**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:

- (a) Specification & installation details of the stormwater pre-treatment system
- (b) 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

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submitted to Liverpool City Council with notification of the Construction Certificate issue.

27. On-site water quality treatment facilities shall be provided to ensure that stormwater runoff leaving the site complies with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream.

Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC-link. Any failing parameters shall be justified in the comments section of the MUSIC-link report.

**Dilapidation Report**

28. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Peronne Road, Birdwood Lane and Nivelles Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

**Access, Car Parking and Manoeuvring**

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure 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.
30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
  - b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
  - c) All cars can enter and exit the site in a forward direction

Detailed design drawings of the proposed new roads, driveways, circulation roadways, ramps, aisles, loading bays and parking spaces, footpath paving, street lighting, sign and line marking scheme (including a centre line marking to separate ingress and egress traffic on the driveway), demonstrating that the design has been carried out in accordance with RMS Guidelines, DCP and AS: 2890. The drawings are to be supported by swept path diagrams.

The drawings must be certified by a qualified traffic engineer as to their compliance with the requirements of the DCP and Australian Standards.

A total of 248 car parking spaces and one loading dock to accommodate 12.5m long truck must be provided on site.

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.

On street parking along the street frontage is to be restricted following approval of a submitted parking scheme.

Street lighting is to be provided to Council's specifications.

**Recommendations of Acoustic Report**

31. The recommendations provided in the approved acoustic report titled 2000 Camden Valley Way, Edmondson Park, Commercial Development – Development Application Acoustic Report (Ref: 2914-D06) prepared by Sabastian Giglio dated 8 September 2020 are to be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application and mechanical plants and equipment shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report.

The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the PCA prior to the Construction Certificate being issued.

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

**Construction Environmental Management Plan (CEMP)**

32. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
- a) Asbestos Management Plan;
  - b) Project Contact Information;
  - c) Site Security Details;
  - d) Timing and Sequencing Information;
  - e) Site Soil and Water Management Plan;
  - f) Dust Control Plan;
  - g) Air Monitoring;
  - h) Odour Control Plan;
  - i) Health and Safety Plan;
  - j) Waste Management Plan;
  - k) Incident management Contingency; and
  - l) Unexpected Finds Protocol.

Incorporated into the CEMP is to be a Noise and Vibration Assessment and management plan prepared by a suitably qualified acoustic consultant. The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

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

Once the noise and vibration impact on the surrounding community and structures is adequately assessed, all necessary action is to be taken to eliminate such impacts as recommended and suggested by the suitably qualified acoustic consultant.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request

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

### **Construction Noise, Vibration Assessment and Management Plan**

33. A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

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

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

**Provision of Services**

34. 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](http://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.

**Sydney Water – Grease Trap**

35. The Applicant shall liaise with Sydney Water to determine whether a grease-trap and trade waste agreement are required for the licensed premises. If required, a grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

**DIAL BEFORE YOU DIG”**

36. 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](http://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.
37. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
38. 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). The colours and materials used in the construction of any wall of structure are to match those of the approved development.
39. 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 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.

40. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

#### **Fire Safety Measures**

41. A schedule specifying all of the essential fire safety services, which are required for the building, shall be submitted to Liverpool City Council, in compliance with the provisions of the EP & A Regulation.

#### **Construction Requirements**

42. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

#### **Food Premises – Construction**

43. To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval:
- (a) Plans, to scale, demonstrating the proposed floor layout as well as associated works is in compliance with;
    - (i) AS4674-2004 – Design, construction and fit-out of food premises,
    - (ii) Food Standards Code (Australia),
    - (iii) Building Code of Australia,
  - (b) Proposed/altered mechanical ventilation system/s (Building Code of Australia & Australian Standard 1668 Part 1 & 2).

#### **Waste Storage Area – Construction**

44. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:
- (a) Sufficient space for access, storage and easy manoeuvring of bins;

- (b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls covered to the floor;
- (c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
- (d) Adequate ventilation to the external air by natural or mechanical means;
- (e) The door to the room must be tight fitting and self-closing;
- (f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins; and
- (g) Sufficient lighting to permit usage at night.

Any modifications to the construction of the waste storage area require Council's prior written Approval.

### **Construction Certificate (Stage 2)**

- 45. All subdivision works involved in Stage 1 of the development, including the road construction and civil works, as required for the Subdivision Certificate must be completed prior to the issue of a Construction Certificate for Stage 2 of the development (the construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated landscaping works).

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions shall be complied with prior to works commencing on the subject site:**

### **Commencement of Building work**

- 46. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
- 47. 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.

#### **Notification/Principal Certifying Authority**

- 48. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
  - a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.
- 49. In the event the development involves 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 manufacturer's details or by a practising structural engineer.

#### **Site Notice Board**

- 50. 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) 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 certifier
  - (c) a statement stating that 'unauthorised entry to the work site is prohibited

#### **Sediment and Erosion Control Measures**

- 51. 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.

#### **Waste Classification and Disposal of Contaminated Soil and Material**

52. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

#### **Traffic Management Plan**

53. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
54. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can requested from the Council's Customer Services.

#### **Traffic Control Plan**

55. Prior to commencement of works a Traffic Control Plan including details for 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.

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

#### **Site Facilities**

56. 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:
- be a standard flushing toilet connected to a public sewer, or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - be a temporary chemical closet approved under the Local Government Act 1993.

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57. 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.

**Notification of Service Providers**

58. 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 easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

**Environmental Management**

59. 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.

60. 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.

**Matters to be addressed prior to commencement of Subdivision Works**

61. Work on the subdivision shall not commence until:
- (a) a Construction Certificate (if required) has been issued,
  - (b) a Principal Certifying Authority has been appointed for the project, and
  - (c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

**Visible signage identifying key personnel**

62. Clearly visible signage with the Site or Construction Managers name and contact details are to be erected on the sites fencing in a prominent position along the perimeter of the building site so that any community concerns can be adequately addressed.

The signage will contain the following wording or similar: "For enquires, complaints or emergencies relating to this site at any time please contact .....".

The signs are to remain erected for the duration of construction works.

**D. DURING CONSTRUCTION**

**The following conditions shall be complied with during construction:**

**Building Inspections**

63. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 6.5 (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.
64. 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 proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

**Identification Survey Report**

65. 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.

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.

**Excavation and Construction Requirements**

66. 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 building, structure or work from possible damage from

- (b) the excavation, and where necessary, underpin the building, structure or work to prevent any such damage.
  - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
  - (d) 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.
67. 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.
68. 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.
69. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
70. 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.
71. 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. Retaining walls on any boundary are to be of masonry construction.

### **Security Fence**

72. 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.



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**Hours of Construction Work**

73. 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 and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

**Drainage Connection**

74. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

**Major Earthworks**

75. 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.

76. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

**Construction Noise**

77. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.

78. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

**General Site Works**

79. 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.
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.

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 Principal Certifying Authority may direct that such work is not to proceed.

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.

81. 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.

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

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.

84. 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.

85. 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.

86. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

87. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

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

89. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW. The material shall

be transported and disposed of in accordance with NSW Environment protection Authority requirements.

90. All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.
91. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

**Waste Management Plan**

92. The 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.

**Contamination**

93. 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).

**Imported Fill Material**

94. Filling material must be limited to the following:
  - (a) Virgin excavated natural material (VENM)
  - (b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or
  - (c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

95. 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.

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96. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

**Traffic Management**

97. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
98. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

99. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
100. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

**Street Lighting**

101. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

**Ventilation**

102. The premises shall be ventilated in accordance with the requirements of the NCC/BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
103. 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.

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The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

**Compliance with CEMP**

104. The approved site-specific CEMP including the Construction Noise and Vibration Management Plan prepared and approved by the PCA shall be implemented, adhered to and maintained at all times during the construction period.

**Compliance with Acoustic report**

105. The recommendations within the approved acoustic report titled 2000 Camden Valley Way, Edmondson Parl, Commercial Development – Development Application Acoustic Report (Ref: 2914-D06) prepared by Sabastian Giglio dated 8 September 2020 are to be complied with. This includes however is not limited to the noise barrier as illustrated in Figure 7-2 Noise Barrier of the report. All other recommendations provided by the suitably qualified acoustic consultant prior to the construction certificate being issued and as approved by the PCA are to also be implemented.

**External**

106. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
107. The mailboxes are to be consistent with the design and colours and materials for the development.
108. 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.
109. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
110. The metal used for the proposed signs must be non-reflective and must not adversely impact on the safety of pedestrians, cyclists or vehicles on any public road.

**Graffiti**

111. 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.

**Display of Street Numbers**

112. Street/address number 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.

**Hoarding**

113. 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

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any substance from, or in connection with the construction site, falling onto a public area.

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.

**Craning and Hoardings**

114. 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.

**Security and Safety**

115. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
116. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
117. The underground car park is required to be locked with access to be provided to residents only.

**Vegetation and Landscaping**

118. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
119. 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.
120. 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.
121. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
122. 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.

**Aboriginal Cultural Heritage – Unexpected Finds**

123. As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work

may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

## **E. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

### **Road Construction**

124. Prior to issue of an Occupation Certificate, the construction of the following roads is to be completed on the subject site (Lot 266 DP 1200043) to facilitate the development:
- (a) The construction and opening of Birdwood Lane between Zeppelin Road and Peronne Road; and
  - (b) The extension of Nivelles Road and Mons Lane.

The roads are to be completed in full and operating prior to the issue of the Occupation Certificate.

### **Building/Compliance**

125. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
126. 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.
127. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.
128. The applicant shall submit operation and maintenance manuals for the stormwater quality improvement devices.

### **Cladding**

129. 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.



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**Liverpool City Council clearance – Roads Act/ Local Government Act**

130. 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 have been inspected and signed off by Liverpool City Council.

**Traffic Conditions**

131. A revised traffic impact assessment report to investigate the cumulative traffic impact of the two adjacent proposed developments (DA-625/2019 and DA-698/2019) and a local area traffic management scheme, that would minimise traffic impact of the two proposed developments on the existing road network and residents, with justifications.
132. The traffic study is to include SIDRA intersection performance analysis to assess cumulative impact of the proposed developments on the existing deceleration lane and if the storage length needs to be extended, to provide access to the two proposed developments as well the existing ALDI development.
133. Operational Services Management Plan be prepared which incorporates appropriate strategies (e.g. servicing to be undertaken outside of the proposed trading hours of the subject development, etc) to mitigate the impacts of heavy vehicles on Mons road and Neville Road.

**Recommendations of acoustic report**

134. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the PCA. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled 2000 Camden Valley Way, Edmondson Parl, Commercial Development – Development Application Acoustic Report (Ref: 2914-D06) prepared by Sabastian Giglio dated 8 September 2020. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

**Regulated Systems**

135. Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act and Public Health (Microbial Control) Regulation thereunder, including AS3666.1:2011 & AS1668.

The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

**Mechanical Ventilation Certification**

136. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to

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ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

**Fire Safety Certificate**

137. 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*.

**Access Report**

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

**Landscaping**

139. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, 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.

**Works as Executed**

140. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with 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 Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

**Structural Engineer Certificate**

141. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

**Stormwater Compliance**

142. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:
- (a) Stormwater pre-treatment system/s; and  
(b) Basement carpark pump-out system.
1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,

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2. Have met the design intent with regard to any construction variations to the approved design, and
3. Any remedial works required to been undertaken have been satisfactorily completed.

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

**Restriction as to User and Positive Covenant**

143. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater pre-treatment system/s and 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 Council's Design and Construction Guidelines and Construction Specification for Civil Works.

**Roadworks**

144. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services (RMS).

**Footpaths**

145. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

**Linemarking & Signage**

146. Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

**Rectification of Damage**

147. 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 Council.

**Directional Signage**

148. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

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**Service Providers**

149. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
150. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
151. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
  - (a) The requirements of the Telecommunications Act 1997;
  - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - (c) 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.

**Waste**

152. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate.

**Medical Waste**

153. All used swabs, syringes, bandages, and other medical wastes must be stored without nuisance and disposed of by a registered pathological waste removalist.
154. Suitable waste disposal containers with securely fitting lids shall be provided for any clinical, contaminated or related waste. The waste material is to be disposed of at an appropriately licensed waste facility.

**Dilapidation Report**

155. The construction of concrete footpath paving and associated works along the frontage of the site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall in accordance with Council's specifications.

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

**Display of Street Numbers**

156. 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. The number should be a minimum height of 120mm and be visible at night.

**Bonds**

157. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

**F. Prior to Issue of Subdivision Certificate**

**Completion of Subdivision Works**

158. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

**Section 7.11 Payment (Liverpool Contributions Plan 2008)**

159. 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 Liverpool Contributions Plan 2018 Established Areas as amended.

The total contribution is \$793,055.00 and will be adjusted at the time of payment in accordance with the contributions plan. The total amount of \$793,055.00 is to be paid prior to the release of any Subdivision Certificate (amount to be adjusted at the time of payment in accordance with the contribution plan).

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) Payment must be accompanied by the attached form.

**Stormwater Compliance**

160. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the stormwater pre-treatment system/s and 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.

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**Restriction as to User and Positive Covenant**

161. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the stormwater pre-treatment system/s and 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**

162. Prior to the issue of a Subdivision 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 Peronne Road, Birdwood Lane and Nivelles Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

**Linemarking & Signage**

163. Prior to the issue of a Subdivision Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

**Subdivision Compliance**

164. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,
  - (b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council,
  - (d) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,
  - (e) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification,
  - (f) Structural Engineer's construction certification of all structures, and

- (g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
  - (i) Compaction reports for road pavement construction,
  - (ii) Compaction reports for bulk earthworks and lot regrading,
  - (iii) Soil classification for all residential lots, and
  - (iv) Statement of Compliance.

#### **Linen Plans and 88B Instruments**

- 165. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).
- 166. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
- 167. The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
- 168. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

#### **Service Providers**

- 169. The following documentation is to be provided prior to the release of the subdivision certificate:
  - (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

- (b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
  - i) The requirements of the Telecommunications Act 1997;



- ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- iii) 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 connections of optic fibre technology telecommunications.

#### **Footpaths**

170. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

#### **Dilapidation Report**

171. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

#### **Bonds**

172. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a subdivision certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works.

### **G. Conditions Relating to Use**

**The following general conditions shall be complied with at all times:**

#### **Car Parking / Loading**

173. All parking areas shown on the approved plans must be used solely for this purpose.
174. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any 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.
175. 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.
176. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
177. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

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178. No retail sale of goods shall be conducted from the outside the approved premises.

**Landscaping**

179. Landscaping shall be maintained in accordance with the approved plan, 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**

180. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

**Waste Management**

181. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

182. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

183. Waste bins must be stored in designated garbage 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.

184. Bins must be moved from the waste room to the loading / unloading areas in the basement for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected from the loading / unloading area and returned as soon as possible after collection by the same persons.

185. The development is required to be serviced by a waste collection contractor, once in any one week.

**Noise General**

186. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- a) The use of the premises including truck movements, the use of the loading dock and the cumulative operation of any mechanical plant shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- b) The operation of the premises, any mechanical plant, equipment and/or use of the loading dock on the premises shall not cause:
  - i) The emission of noise as measured over a 15 minute period ( $L_{Aeq (15 \text{ minute})}$ ) that exceeds the  $L_{A90 (15 \text{ minute})}$  background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in

accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);

- ii) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- iii) 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
- iv) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by a suitably qualified acoustic consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented.

#### **Noise - Silent Alarm System**

187. Any alarm installed on the site is to be "silent back to base" type.

#### **Carpark Notices**

188. Prominent notices shall be installed at the entry and exit to the car park informing people to enter and leave the car park quietly.

#### **Lighting**

189. Illumination of the site is to be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

#### **Forklifts and Delivery Vehicles**

190. To minimise potential noise impacts, all forklifts and delivery vehicles associated with the use shall be equipped with smart (self-adjusting) reverse alarms, broadband reverse alarms, combination alarms or other suitable noise reduction technologies instead of tonal reversing alarms.

#### **Environment**

191. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

#### **Complaints Handling Register**

192. A Complaints Handling Register shall be prepared and maintained for the operation of the development. The Complaints Register must be kept by the occupier, person carrying on the activity or other suitable staff members and include the following:
- (a) the date and time, where relevant, of the complaint;
  - (b) the means by which the complaint was made (telephone, mail or email);

- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
- (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
- (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council'.

Any public address system and/or amplified sound equipment shall be installed and operated so as not to cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

#### **Waste Collection and deliveries**

193. Waste collection services and deliveries to the site are restricted to between the hours of 7 am and 10 pm Monday to Saturday.

#### **Use of the Site Not Approved**

194. No approval is expressed or implied for the use, hours of operation and building works/fit-out of the approved commercial buildings on the site. A separate Development Application for any change of use, hours of operation and building works/fit-out of each premises, including recreational facility and medical centres shall be approved by Council.

#### **Maximum Gross Floor Area of Retail Premises**

195. Future application/s for the approved retail premises on the site shall comply with the requirements of Clause 7.22 Development in B6 Zone and ensure that:
- (a) The total gross floor area of all retail premises (other than timber and building supplies, landscape and garden supplies or vehicle sales or hire premises) in a single building is no more than 8,000 square metres.

**Reason** – to ensure compliance with Clause 7.22 of the Liverpool Local Environmental Plan 2008.

#### **Maximum Extent of Retail Premises (Tenancies)**

196. No approval is expressed or implied for the use, hours of operation and building works/fit-out of the approved specialised retail and retail premises. The approved specialised retail and retail premises shall not be altered or amalgamated to form a larger tenancy as part of future applications that contravenes the requirements of Clause 7.23 Specialised retail premises and retail premises in Zone B6 as follows:
- (a) The gross floor area of any specialised retail premises is no more than 2,500 square metres.
  - (b) The gross floor area of the retail premises is no more than 1,600 square metres.
  - (c) The tenancies approved by this consent are not to be amalgamated in any way if the

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effect of that amalgamation would be to create a tenancy which did not comply with the requirements set out in (a) and (b) above.

**Reason** – to ensure compliance with Clause 7.23 of the Liverpool Local Environmental Plan 2008 and size of future tenancies.

**Advertising**

197. Advertising not approved in conjunction with the decision notice, must not be erected, painted or displayed without the prior approval of Council. Any temporary signage is to be displayed in accordance with Liverpool Local Environmental Plan 2008.

**G. ADVISORY**

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow 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 Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 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 twelve (12) 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 Environmental Planning and Assessment Act 1979. 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 Sections 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.

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i) "DIAL BEFORE YOU DIG"

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](http://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.

j) 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.

k) 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 effect 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.

l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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.

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ATTACHMENT A: ENDEAVOUR ENERGY REQUIREMENTS



The General Manager  
Liverpool City Council

12 November 2019

ATTENTION: Adam Flynn

Dear Sir or Madam

I refer to the below email of 30 October 2019 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-2372 for Liverpool City Council's development application DA-625/2019 at CAMDEN VALLEY WAY EDMONDSON PARK 2174 (LOT 266 DP 1200043) for 'Proposed two lot Torrens title subdivision, road construction, two storey commercial premises, health services facilities, recreation facilities, basement carparking'. Submissions need to be made to Council by 20 November 2019.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and extract from Google Maps Street View) there is:

- An easement over the site benefitting Endeavour Energy (indicated by red hatching) for 11,000 volt / 11 kilovolt (kV) (constructed at 22,000 volts / 22 kV) high voltage overhead power lines.
- Low voltage, 11 kV high voltage 11 kV (constructed at 22 kV) high voltage overhead power lines and low voltage and 11 kV high voltage underground cables to the Camden Valley Way road verge / roadway.
- Low voltage overhead service conductor to the corner of Camden Valley Way and Perrone Road road verge / roadway.
- Low voltage and 11 kV high voltage underground cables to the Nivelle Road.
- Endeavour Energy's Prestons Zone Substation is located opposite at 2077 Camden Valley Way Prestons (Lot 3 DP 1009168).

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the Electricity Supply Act 1995 (NSW).



51 Huntingwood Drive, Huntingwood, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 133 718

endeavourenergy.com.au

ABN 11 247 365 823

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As an adjoining or nearby owners and occupiers, Endeavour Energy's Prestons Zone Substation being a non-habitable building / site is comparatively less impacted. Whilst Endeavour Energy is not necessarily opposed to the Development Application, it will leave the determination in regard to the environmental impact and the appropriate development controls to Council. which should have regard to all the relevant matters including providing reasonable consideration to the concerns of all nearby owners and occupiers.

In regard to Endeavour Energy's role as an electricity supply authority, subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application:

- Network Capacity / Connection

Endeavour Energy has noted the Statement of Environmental Effects and Architectural Plans includes the following advice about the suitability of the site for the development in regard to whether the available electricity services are adequate for the development.

**4.6.2 Part 2.11 Land Subdivision and Development in Edmondson Park.**

Development Control	Proposed Development	Compliance
<p><u>4.9 Site Services</u></p> <p><b>Electricity Sub Station</b></p> <p>1. In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public street to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.</p>	<p>Substation has been located on the Architectural Plan (Floor Plan Block A) at the frontage to Mons Lane (proposed).</p>	<p>Complies</p>

**6. ENVIRONMENTAL ASSESSMENT**

**6.1 Section 4.15 (1) – Matters for Consideration**

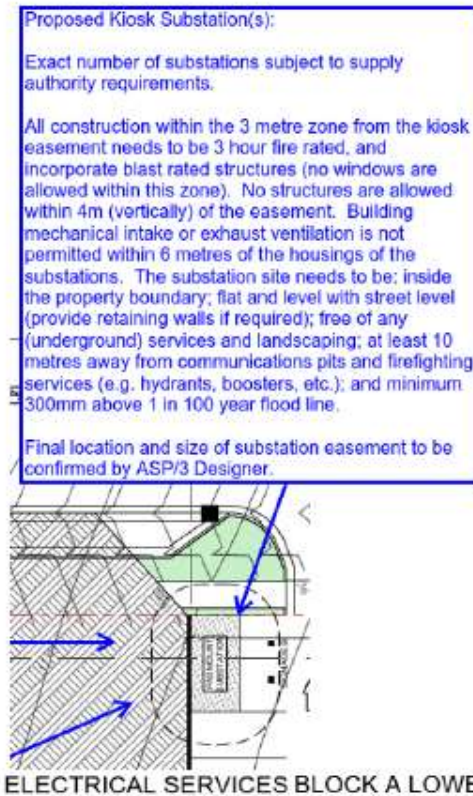
**Utilities**

The site is serviced by all appropriate utilities- water, electricity, sewer and telecommunications. The responsible authorities will condition the applicant to augment and upgrade such facilities



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From Endeavour Energy's perspective the fact that provision is being made for the substation is a positive. Endeavour Energy's general requirements is for a padmount substation easement to have a minimum size of 2.75 x 5.5 m and also have the additional restrictions for fire rating (and possibly swimming pools and spas which in this instance does not appear to be applicable) which should not affect any adjoining property, be at ground level and have direct access from a public street. Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

The following site plan from Endeavour Energy's G/Net master facility model shows the site is part of a 'Work Polygon' (shown by the coloured highlighting and/or hatching of the lot) indicating enquiries and applications for proposed contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply to the development for urban residential subdivision (Endeavour Energy's reference URS numbers). As such, Endeavour Energy's Network Connections Branch have been managing the conditions of supply with the proponent and their ASP. However the applicant will need to contact Endeavour Energy's Network Connections Branch (via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) if this Development Application:

- Includes any contestable works projects that are outside of the existing approved / certified works.

- Results in an electricity load that is outside of the existing Supply / Connection Offer for the subdivision requiring the incorporation of the additional load for consideration. This is due to load being based on a desktop assessment using an After Diversity Maximum Demand (ADMD) where demand is aggregated over a large number of customers providing an ADMD for the site / per lot. Depending on the actual development proposed for the site, the ADMD provided may not be sufficient.



- Urban Network Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

**5.11 Reticulation policy**

**5.11.1 Distribution reticulation**

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed<sup>2</sup> areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

<sup>2</sup> A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown



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**5.11.1.1 Urban areas**

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

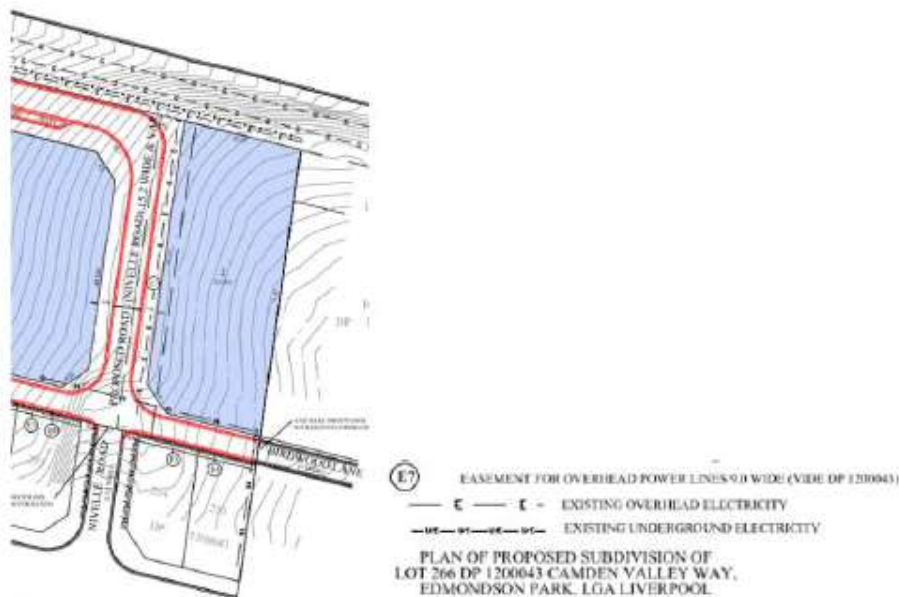
Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

Endeavour Energy has noted the following in the Statement of Environmental Effects:

**2.5 Topography and Drainage**

Proposed Lot 2 is burdened by an existing overhead electricity easement (9m wide) which is located along the western boundary of the subject lot. Proposed Lot 2 will be subject to a separate Development Application at a later stage.

As shown in the following extract of the Plan of Proposed Subdivision, the easement for 11 kV (constructed at 22 kV) high voltage overhead power lines is within the proposed extension of Neville Road. Accordingly the existing electricity infrastructure will need to be undergrounded into the new public road as part of the subdivision works. This will allow for the release / extinguishment of the easement. Endeavour Energy's Network Connections Branch will as part of the application for connection of load make the applicant and their ASP aware of these requirements.



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- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- Easement Management / Network Access

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the landowner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Philip Wilson, on direct telephone 9853 7110 or alternately by email [Philip.Wilson@endeavourenergy.com.au](mailto:Philip.Wilson@endeavourenergy.com.au) or [Easements@endeavourenergy.com.au](mailto:Easements@endeavourenergy.com.au) .

Please find attached for the applicant's reference copies of Endeavour Energy's:

- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.

It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the [Electricity Supply Act 1995](#) (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

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- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise (both overhead power lines and transformers can produce an audible sound or buzz as a side effect of carrying electricity) which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with councils permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Even with less sensitive non-residential development, Endeavour Energy believes that likewise applicants (and) Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. those parts of the site regularly occupied by people such as office components of a building, away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:



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<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.

I appreciate that not all the foregoing issues may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

T: 9853 7896

E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au) 51

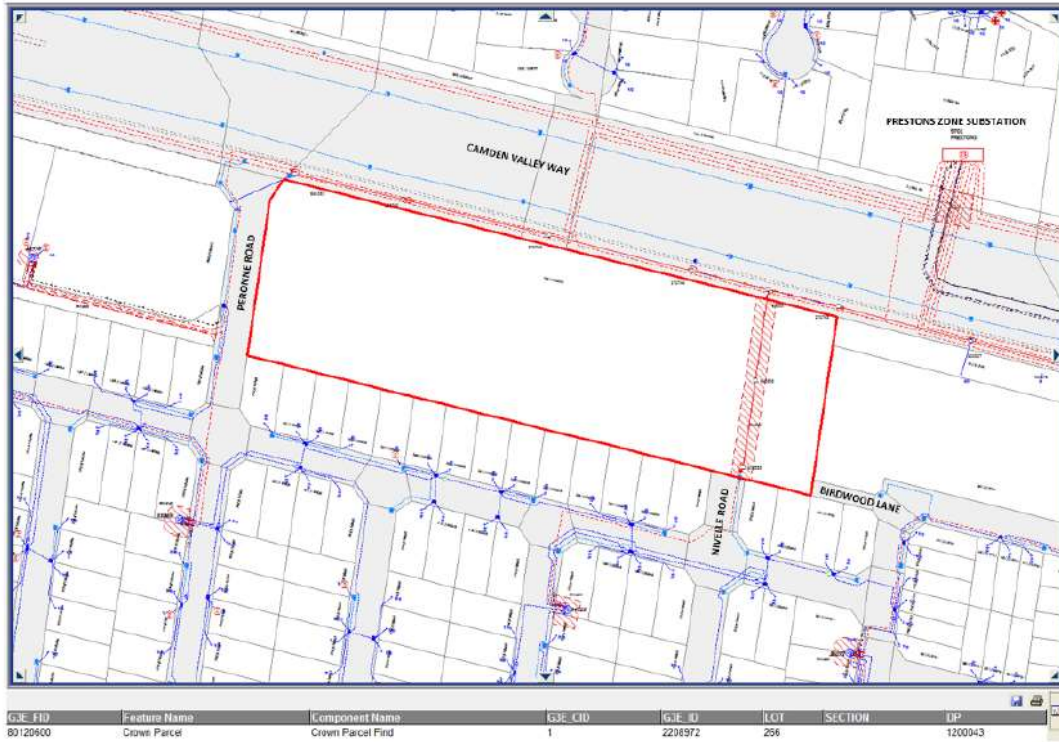
Huntingwood Drive, Huntingwood NSW 2148

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



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From: NSW Planning <planning.apps@planning.nsw.gov.au>  
Sent: Wednesday, 30 October 2019 12:13 PM  
To: Property Development <Property.Development@endeavourenergy.com.au>  
Subject: NSW Government concurrence and referral request CNR-2372(LIVERPOOL CITY COUNCIL)

**Concurrence and referral request**



A request for NSW Government agency consideration of an application DA-625/2019 at CAMDEN VALLEY WAY EDMONDSON PARK 2174 was submitted to your agency on 30 October 2019 .

Pre-assessment of this application is required.

Please log into the [NSW Planning Portal](#) to progress your assessment of the request, reference number CNR-2372.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message. If you have received this email in error, please contact us at [planning@planning.nsw.gov.au](mailto:planning@planning.nsw.gov.au).



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ATTACHMENT B: SYDNEY WATER REQUIREMENTS



7 September 2020

**Greg Mottram**  
Council Assessing Officer  
Liverpool City Council  
mottramg@liverpool.nsw.gov.au

**RE: Development Application DA-625/2019 - Lot 266 Camden Valley Way, Edmondson Park**

Thank you for notifying Sydney Water of DA-625/2019 on Lot 266 Camden Valley Way, Edmondson Park which proposes a two lot Torrens title subdivision, road construction, two storey premises containing commercial, recreation and health services facilities as well as basement carparking.

Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

**Water Servicing**

- Potable water servicing should be available via a 150mm DICL watermain (laid in 1979) on Camden Valley Way. Amplifications may be required.

**Wastewater Servicing**

- Wastewater servicing should be available via a 225mm PVC wastewater main (laid in 2016) located within the property boundary. Amplifications may be required.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Faith Tid-ang".

**Faith Tid-ang**  
Growth Intelligence Specialist  
City Growth and Development, Business Development Group  
Sydney Water, 1 Smith Street, Parramatta NSW 2150



#### Attachment 1

##### Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

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

##### Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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ATTACHMENT C: APA REQUIREMENTS

Gorodok Pty Limited ABN 30 057 156 751  
Level 1, 121 Wharf Street  
Spring Hill, QLD 4000  
GPO Box 1390, QLD 4001  
APA Group | [apa.com.au](http://apa.com.au)



Council Ref: DA-625/2019  
APA Ref: 444590

9 December 2019

Greg Mottram  
Liverpool City Council  
33 Moore Street  
Liverpool NSW 2170

EMAIL OUT: [MottramG@liverpool.nsw.gov.au](mailto:MottramG@liverpool.nsw.gov.au)

Dear Greg,

**RE:** Proposed two lot Torrens title subdivision, road construction, two storey commercial premises, health services facilities, recreation facilities, basement carparking  
Camden Valley Way, Edmondson Park  
Lot 266 on DP1200043

Thank you for your referral of the Development Application (DA) at the above-mentioned site.

APA Group (APA) is Australia's largest natural gas infrastructure business and has direct management and operational control over its assets and investments. APA's gas transmission pipelines span across Australia, delivering approximately half of the nation's gas usage. APA owns and operates over 15,000 km's of high pressure gas transmission pipelines across Australia.

Gorodok Pty Limited (APA) has one pipeline located within easement adjacent to the subject site (Camden Valley Way) being for the Moomba to Sydney Ethane Pipeline (see Table 1 for details):

Table 1: Transmission gas pipelines in the area of consideration

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Moomba to Sydney Ethane	15	1&Var.	200	600

**Note:** measurement length is applied to either side of the pipeline.

**APA's Role**

As a licensee under the *Pipelines Act 1967*, APA is required to operate pipelines in a manner that minimises adverse environmental impacts and protects the public from health and safety risks resulting from operation of our high pressure gas transmission pipelines (HPGTP). Once a HPGTP is in place, APA is required to constantly monitor both the pipeline corridor and also a broader area within which we are required to consider land use changes and development and to assess what such changes means to the risk profile of the HPGTP.

APA has a number of responsibilities and duties to perform under a complex framework of legislation, standards and controls across Federal, State and Local Government landscapes. In particular, the *Pipelines Act 1967*, cites Australian Standard 2885 (AS2885) as a mandatory safety standard for the design, construction, operation and maintenance of transmission pipelines. In discharging our regulative responsibilities, APA needs to continuously review what is happening around its assets, what land use changes are occurring and what development is taking place to ensure it remains in a position to comply with applicable operational and safety standards and legislation whilst meeting its commercial obligations and imperatives.

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 091 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 091 344 704) is the responsible entity of those trusts. The registered office is HSBC building, Level 19, 580 George Street, Sydney NSW 2000.

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**Pipeline Risk Profile and the Measurement Length**

In managing HPGTP's and considering land use changes, APA must focus on that area geographically defined by AS2885 as the Measurement Length (ML). The ML area is the heat radiation zone associated with a full-bore pipeline rupture. APA is mandated to consider community safety in the ML due to the high consequences of pipeline rupture to life, property and the economy.

The ML is determined by size of the pipe and the Maximum Allowable Operating Pressure (MAOP) of the pipe. APA must consider any changes of land use within the ML area to determine the effect of a new use on the risk profile of the pipeline.

For reference, the ML of the Moomba – Sydney Ethane Pipeline is 600m. Note that the ML is a radial dimension, and therefore applies to both sides of the pipe.

**Sensitive Uses**

APA seeks to limit sensitive uses from establishing within the ML so as to retain a high level of compliance with applicable safety standards. AS2885 defines a sensitive use as one which may increase the consequences of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure.

To this end, APA's preferred position is that all land uses listed below be located outside of the ML:

- Child care centres
- Detention facility
- Educational facility
- Function facility
- Health care services
- Hospital
- Hotel
- Place of worship
- Residential care facility
- Retirement facility
- Service station
- Shop
- Shopping centre
- Theatre

**Safety Management Study**

AS2885 requires a Safety Management Study (SMS) to be undertaken whenever the land use classification of land within the ML changes. The purpose of an SMS is to assess the risk associated with a change in land use, including both construction risks and ongoing land use risks. The SMS will also develop appropriate controls to reduce risks to 'as low as reasonably practicable' (ALARP).

The cost of undertaking an SMS including any mitigation measures required are to be borne by the proponent as the 'agent of change'. APA has developed a list of preferred SMS facilitators, which can be provided upon request.

The pipeline in this location is designed to a T1 (Residential) location class. The proposed development will change the current location class. As such, a Safety Management Study is required in this instance.

**Proposed development**

APA's referral response has been prepared following review of the DA material submitted by the Applicant for the proposed development.

Key documents included the following:

- Statement of Environmental Effects, prepared by C.C Weston & Associates, dated August 2019.
- Proposed Site Plan, prepared by Algorry Zappia & Associates, Project No. P4343, Issue No. C, dated April 2017.
- Plan of Proposed Subdivision, Reference No. 20888 COM SUB, dated 15 July 2019.



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The proposed development involves subdivision of Lot 266 on DP1200043 to create two (2) lots. Proposed Lot 1 is to accommodate the proposed mixed-use development, and Proposed Lot 2 is to remain vacant.

Proposed Lot 1 is to accommodate a part two (2) storey mixed use development across to two (2) buildings as follows:

- Building A: Future mixed uses including Recreation Facilities (Indoor), Food and Drink Premises, Retail Premises, Specialised Retail Premises, and Office.
- Building B: Commercial Premises, Health Services Facilities, and Basement Car Parking.

Safety Management Study Requirement

As noted above, the proposed development will result in a change in the location class currently designed for Residential (T1). This is due to the proposed "Health Care Facilities" use which will introduce a AS2885 sensitive use within the pipeline Measurement Length. Please refer to 'Sensitive Uses' section above for further details. Accordingly, a SMS is required to be undertaken to ensure appropriate mitigation measures are in place. All costs borne by the proponent.

Proposed Roadworks

APA's pipeline is located within easement adjacent to the subject site (Camden Valley Way). It is noted on the Plan of Subdivision, that changes to the Camden Valley Way off ramp are proposed for site access. These changes involve removal of the existing kerb and channelling, reforming, and a proposed raised median island. These proposed works are to occur over or in proximity to APA's pipeline. Any works within 3 metres of APA's pipeline will require prior authorisation from APA.

Pipeline Notation on Plan

With respect to all plans that include APA's Moomba to Sydney Ethane Pipeline, this must be clearly notated as '*high pressure gas transmission pipeline – no works to occur without the prior authorisation of the pipeline operator*' to ensure the appropriate level of risk is communicated.

APA will have a continued interest in the development proposal as it progresses to detailed design, in particular any proposed earthworks in the vicinity of APA's pipeline.

**Comments**

On the basis of the information provided, APA does not object to the proposed development subject to the following conditions being included with any approval issued for the proposal:

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**Conditions of Approval**

**1. Safety Management Study required**

Prior to development commencing, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the applicant and its recommendations/actions must be implemented to the satisfaction of APA. All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant. All subsequent applications and work must comply with the recommendations of the SMS.

**2. No Improvements within Easement**

Buildings, structures, roadway, pavement, pipeline, cable, fence, on-site wastewater treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from APA. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

**3. Third Party Works Authorisation**

Prior to the commencement of any works within the gas transmission pipeline easement the proponent must enter a Third Party Works Authorisation with APA Group. Works within the easement must comply with any conditions attached to a Third Party Works Authorisation.

**4. Construction Management Plan**

Prior to the commencement of any works, including demolition, on land within 50 metres of the pipeline, a construction management plan must be submitted to and approved by APA. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within the road reserve.

The construction management plan must be implemented to the satisfaction of APA. The construction management plan may be amended to the satisfaction of APA.

**5. Easement Delineation On Site**

During construction, the boundary of the easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.

**6. Easement Delineation On Plans**

All plans which include the area of the gas pipeline easement must have the easement clearly identified with hatching on the full width of the easement. The easement must also be clearly labelled as *'high pressure gas pipeline easement – no works to occur without the prior authorisation of the pipeline operator'*.

**7. Services**

The design of any infrastructure services shall minimise encroachment on the gas pipeline easement. Any application for an APA permit for an easement crossing will be required to demonstrate that an alternative route, avoiding the easement, is not feasible.

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Note

If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100 or <https://www.1100.com.au/>, or APA directly on [APAprotection@apa.com.au](mailto:APAprotection@apa.com.au).

Note

An early works agreement from APA is required for any assessments/approvals that require greater than 3 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at [APAprotection@apa.com.au](mailto:APAprotection@apa.com.au) or 1800 103 452.

Note

Any improvements within the transmission ethane pipeline easement undertaken by third parties is at the risk of the proponent who will remain liable. APA will not be liable for any costs associated with the reinstatement of any vegetation and/or infrastructure constructed on the easement.

APA does not seek to unnecessarily inhibit future development proximate to our assets and is happy to work with Council and development proponents to achieve mutually acceptable and compliant outcomes. Any interested parties are strongly encouraged to contact APA early to discuss the process of integrating APA assets into future developments.

Should you wish to discuss the contents of this correspondence, or have any further queries, please contact me on 07 3223 3385 or the Infrastructure Planning & Protection team at [planningnsw@apa.com.au](mailto:planningnsw@apa.com.au).

Yours faithfully,



**Ben Setchfield**  
Senior Urban Planner  
Infrastructure Planning and Protection

**ATTACHMENT 5: SECTION 7.11 CONTRIBUTIONS****CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan 2008 (Edmondson Park)**

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 2019 First Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

**APPLICATION NO: DA-625/2019**

**APPLICANT: CVW Investments Pty Ltd**

**LAND: 2000 Camden Valley Way Edmondson Park NSW 2174 (Lot 266 DP 1200043)**

**PROPOSED DEVELOPMENT: Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages**

<b>Facilities</b>	<b>Amount (\$)</b>	<b>Job No.</b>
Community Facilities - Land	\$22,323	GL.10000001870.10174
Community Facilities - Works	\$30,543	GL.10000001870.10175
Open Space and Recreation - Land	\$269,768	GL.10000001869.10176
Open Space and Recreation - Works	\$75,365	GL.10000001869.10177
Transport and Access - Land	\$173,645	GL.10000001865.10178
Transport and Access - Works	\$78,000	GL.10000001865.10179
Drainage - Land	\$32,123	GL.10000001866.10180
Drainage - Works	\$105,047	GL.10000001866.10181
Technical Study Fees Recoverable	\$1,464	GL.10000001872.10182
Professional Fees	\$4,778	GL.10000001872.10183
<b>TOTAL</b>	<b>\$793,055</b>	

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

**RECORD OF PAYMENT**

Total Amount paid: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Cashier: \_\_\_\_\_

<b>Item no:</b>	2
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<b>Application Number:</b>	DA-313/2018
<b>Proposed Development:</b>	Demolition of existing structures and tree removal, subdivision into 11 Torrents title lots, construction of a Residential Flat Building above a basement carpark on proposed Lot 1, integrated housing on proposed Lot 2 to 7 (all inclusive) and associated external works.
<b>Property Address:</b>	185 Fifth Avenue, Austral
<b>Legal Description:</b>	Lot 2 DP 1199136
<b>Applicant:</b>	SWA Group
<b>Land Owner:</b>	Austing Group Pty Ltd
<b>Cost of Works:</b>	\$8,537,382
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Boris Santana

## 1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No. 313/2018) seeking consent for the following stages of development at 185 Fifth Avenue, Austral:

- **Stage 1** to subdivide the site into 11 lots including ancillary works such as half-road construction of Andalusian Street and Fifth Avenue, provision of drainage, landscaping, and utilities. The existing house on lot 1 will be retained during this stage albeit in a modified form to facilitate the subdivision of the site. Three sets of abutting dwellings will also be built on proposed lots 2-3, 4-5 and 6-7. A temporary On-Site Detention Basin will be accommodated on proposed Lot 11.
- **Stage 2** proposes to demolish retained structures on proposed lot 1 and construct an RFB development.
- **Stage 3** proposes to decommission the on-site detention basin on proposed Lot 11 once the downstream regional basin has been completed. A separate approval will be required to develop this lot.

The site is zoned R3 Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the proposed development is permissible with consent.

The subject DA was lodged with Council on 17 April 2018. The application was lodged originally for subdivision of the site into 6 lots, construction of a 4-storey residential flat building containing 30 apartments above one level of basement parking, retention of an existing dwelling house and construction of four dwelling houses. However, assessment of the submitted plans indicated that the proposal unsatisfactory in relation to dwelling density, residential flat building design, design of dwelling houses, waste management, development engineering and contamination. Accordingly, the application was amended in response to the concerns raised by Council and the Design Excellence Panel.

The proposal was notified for a period of 14 days from 7 May 2018 to 22 May 2018 in accordance with LDCP 2008. No submissions were received in response to the public consultation process.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of sensitive development as the application is for a development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be approved, subject to the imposition of conditions.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 2 DP 1199136 and is known as 185 Fifth Avenue, Austral. It is regular in shape with a frontage of 40.24 metres to Fifth Avenue and a frontage of 150.875 metres to Andalusian Street, with a total area of 6071m<sup>2</sup>. The subject site has a slope of approximately 3 metres from the north to the south of the site.

An aerial photograph of the site is provided below.



**Figure 1:** Aerial view of the site (Source: Geocortex)

Currently, the subject site contains a brick house ancillary structures as well as sparse



vegetation. The adjoining properties to the development site are detailed in the following table.

East (side)	Directly opposite of the site on Andalusian Street is a recently completed residential development comprising of detached and abutting dwelling houses.
West (side)	Adjoining the site is an existing single storey brick dwelling with ancillary residential structures.
South (rear)	Directly opposite of the site on Fifth Avenue is a single storey brick dwelling with some agricultural activities.
North (front)	Adjoining the site is an existing vacant lot of land that has is currently undertaking works associated with an approved DA for an integrated housing development creating a thirty-seven lot Torrens title subdivision and associated works.

**2.2 The locality**

The site is located in the South West Growth Centre Precinct of Austral on the intersection of Fifth Avenue and Andalusian Street. The site is located approximately 14km south west of the Liverpool CBD and approximately 1.1km north of Leppington train station, as indicated in figure 2. This area is under transition from existing rural-residential land holdings to low and medium density residential development.



**Figure 2:** Locality view (Source: Geocortex)

The site is located within the future Leppington Town Centre. Leppington Town Centre is



approximately 409 hectares in area and is bounded by Ingleburn Road to the south, Kemps Creek to the west, Camden Valley Way and Bonds Creek to the east, and by Bringelly Road and Fourth Avenue to the northwest.

Leppington Town Centre is planned to be the major town centre in the South West Growth Centre, providing employment, retail, entertainment, community services and facilities to meet the needs of a population estimated to ultimately reach 300,000.

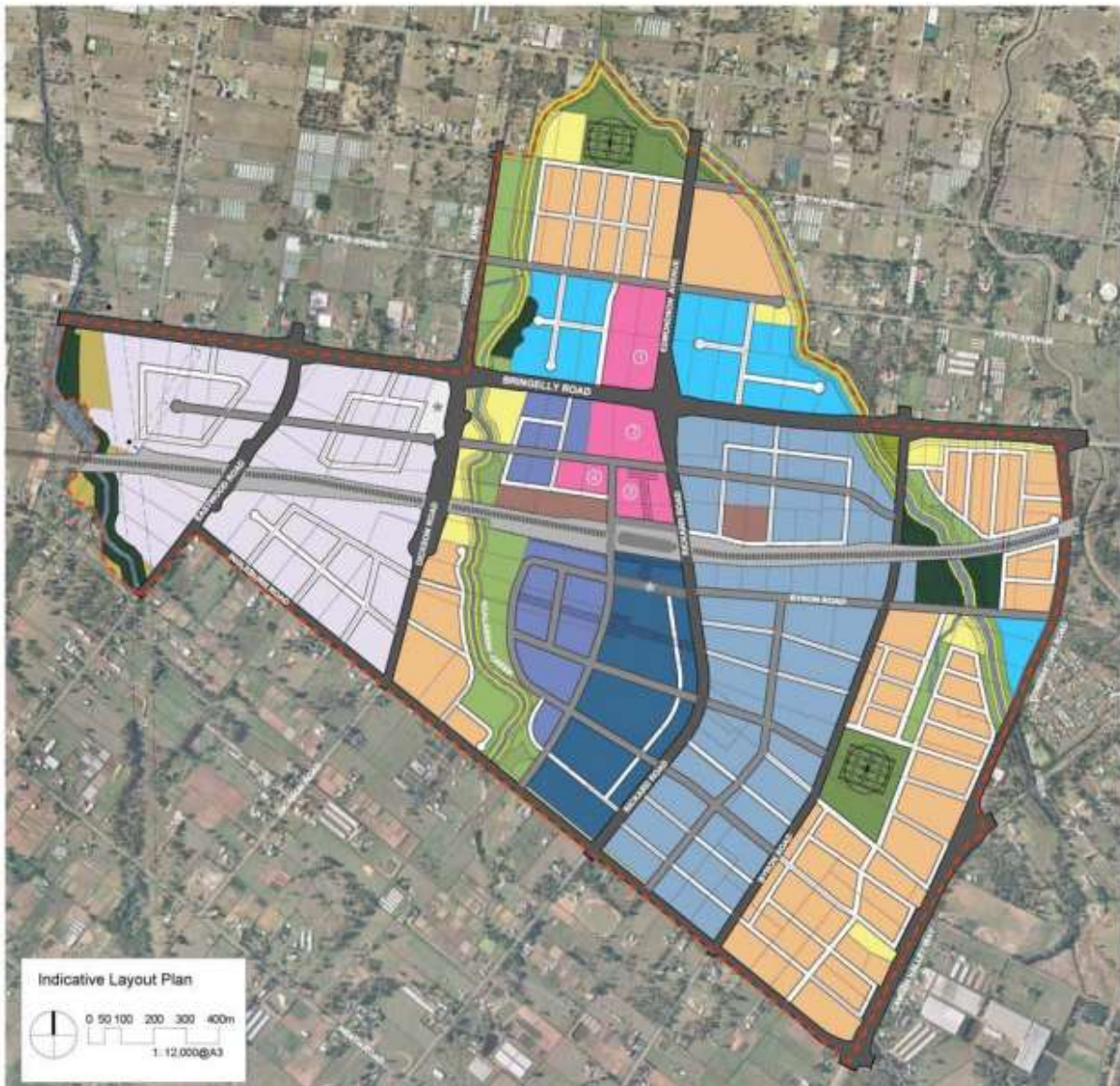


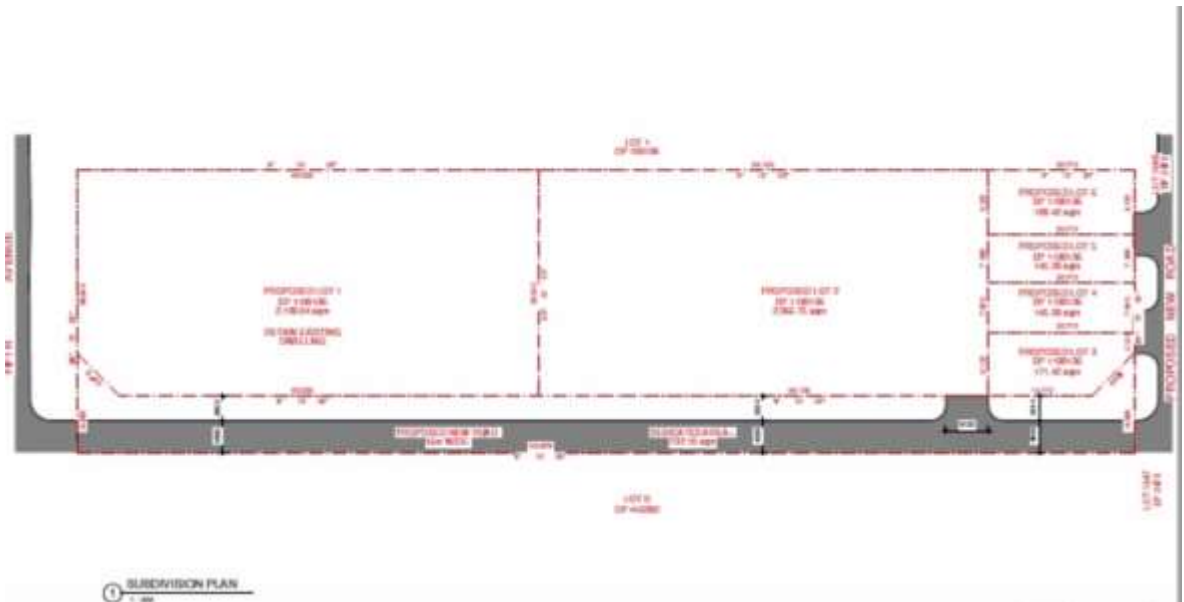
Figure 3: Leppington Major Centre (Source: Geocortex)

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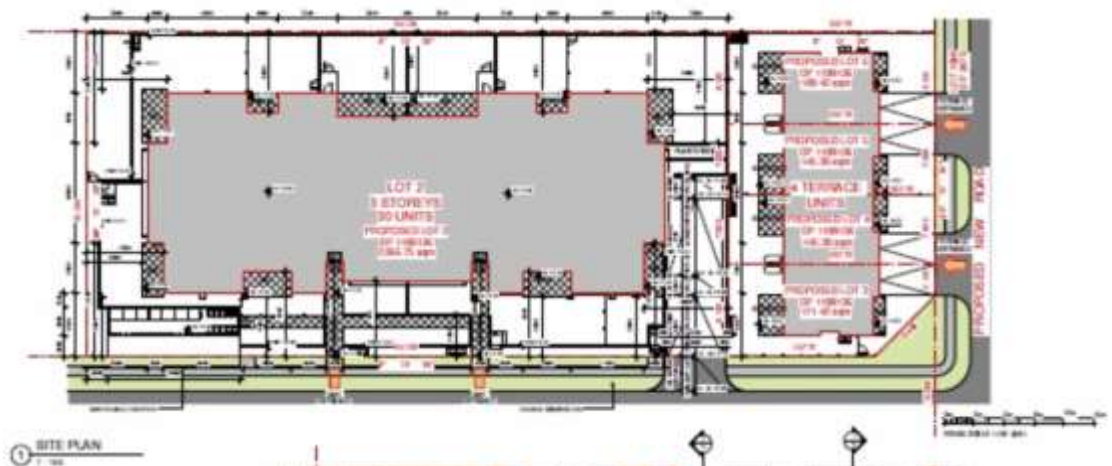
**22 February 2021**

**3. BACKGROUND/HISTORY**

- DA-908/2013 was approved on 27 June 2014 for subdivision of the site into two allotments.
- A pre-lodgement meeting held with Council on 19 July 2017.
- The subject DA was lodged with Council on 17 April 2018. The application was lodged for subdivision of the site into 6 lots, construction of a 4-storey residential flat building containing 30 apartments above one level of basement parking, retention of an existing lot and construction of four dwelling houses. See figures below.



**Figure 4:** Subdivision plan showing subdivision of the site into 6 residential lots (Source: Applicant)



**Figure 5:** Subdivision plan showing the construction of an RFB development on the large midblock lot as well as construction of 4 dwelling houses on the four residential lots to the north (Source: Applicant)



**Figure 6:** Perspective drawings showing the construction of an RFB development on the large midblock lot as well as construction of 4 dwelling houses on the four residential lots to the north (Source: Applicant)

- The proposal was notified for a period of 14 days from 7 May 2018 to 22 May 2018 in accordance with LDCP 2008. No submissions were received during notification period.
- Council requested additional information and amendments to the proposed development from the Applicant on 3 October 2018. Although a number of issues were raised, the greatest concern related to the dwelling density as the development results in a dwelling density of approximately 100dw/ha (four times the minimum of 25 dw/ha).
- The applicant submitted a formal response to Council request on 13 June 2019. The response was reviewed, and Council again requested additional information and amendments to the proposed development on 11 October 2019, as the matters raised in Council's previous correspondence on 3 October remained unresolved.
- The subject application was considered by the Design Excellence Panel (DEP) on 14 November 2019 who did not support the proposed development.
- Following the DEP, the proposed development went through a series of design changes that were considered again by the DEP on 20 August 2020, 13 October 2020 and 10 December 2020. At the last DEP meeting on 10 December 2020, the DEP endorsed the proposed RFB development subject to the following recommendations made by the panel to be incorporated by the applicant and reviewed by Council:



- *The Panel notes that the applicant has considered and incorporated the recommendations made by previous Panels and appreciates the overall response of the applicant striving to achieve design excellence of the project.*
  - *The Panel notes that the overall built outcome for the project has improved significantly and acknowledges the efforts made by the design team.*
  - *The Panel raises concern regarding the quality of perforated balustrades and recommends the applicant ensure the durability/high performance for the perforated panels with an application of a rust proof treatment for the perforated panels before they are powder coated to the desired colour.*
  - *The Panel notes and commends the down pipes from the roof level that lead to the water tank near the Communal Open Space (COS). The Panel recommends the applicant consider increasing the capacity of the tanks, which might mean they be incorporated within the basement, freeing up the current space for more COS.*
  - *The panel notes that the roof slab requires insulation even underneath the proposed PV panels and recommends the applicant conduct thermal modelling to ensure that there are no heat loss/gain during the two main seasons.*
  - *The Panel recommends the design be improved with the addition of window hoods for better sun shading, weather protection and to provide greater depth, shade and articulation to the façade design.*
  - *The Panel acknowledges the comprehensive landscape planting strategy that has been developed as part of the design proposal and congratulates the efforts of the applicant to improve the overall landscape design outcome.*
  - *The Panel notes that the landscape design proposes a set of pergolas to the COS area and recommends the applicant to consider increasing their extent to provide shade to a larger area within the COS.*
  - *The Panel notes the revised layout for the paving within the linear COS along the western boundary of the site. The Panel recommends the applicant consider reducing the width of the paving to maximise the Deep Soil Zone (DSZ) and include additional planting within the COS. The panel also notes the opportunity for intersecting canopy trees to the western boundary to provide the appropriate amenity for the hot summer season.*
  - *The Panel supports the improved outcome for the COS being proposed as part of the development.*
  - *The Panel is very supportive of the aesthetics of the developed design approach, including the brick façade being proposed for the development.*
  - *The Panel notes the use of translucent glazing on the western façade of the building and recommends the applicant incorporate a more solid balustrades to achieve privacy for the residents. The Panel recommends the applicant to explore the use of solid balustrade up to a height of 760mm with clear glazing on top for handrail compliance.*
- Amended plans and documentation were received on 22 December 2018 in response to the request for additional information and amendments made by Council on 3 October 2018 as well as the recommendations made by the DEP at their meeting on 10 December 2020. In relation to dwelling density, it should be noted that the dwelling density of the development has been reduced to 65 dw/ha. This is considered to be acceptable in this instance given the location of the site is within the Leppington Major Centre.

#### **4. DETAILS OF THE PROPOSAL**

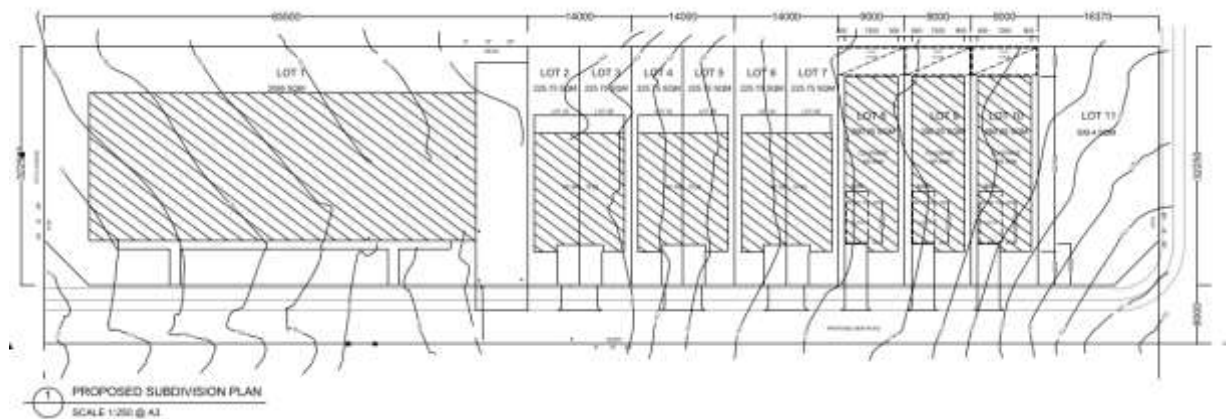
The proposed development consists of the following:

##### Demolition

- Demolition of existing buildings and removal of existing vegetation on site;

##### Torrens Title Subdivision

- Subdivision of the site into 11 Torrens Title lots;
- Half road construction of Andalusian Street and Fifth Avenue as well as associated kerb and gutter;
- Construction/installation of essential services and stormwater network and drainage facilities;
- Proposed Lot 1 shall be initially developed as a temporary On-site detention basin. It will eventually be developed as a residential dwelling allotment once the downstream regional basin has been completed.
- The applicant proposes the discharge of stormwater into 240 Sixth Avenue, Austral. Owners consent from the landowner of this property has been submitted for the proposed stormwater discharge and associated works.



**Figure 7:** Subdivision plan (Source: Applicant)

##### Residential Flat Building

- Construction of a 4-storey residential flat building containing 29 residential units on Proposed Lot 1 comprising of:
  - 2 x 1 bedroom unit;
  - 23 x 2 bedroom unit;
  - 4 x 3 bedroom unit.
- There is one basement level that comprises car parking spaces, bin rooms, apartment storage and lift and stair access for apartments.



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- The proposed new development will provide 40 parking spaces at basement level, including 1 accessible space.
  - A garbage storage room is proposed in the basement level of the proposed RFB. Collection of bins will be undertaken on-site within the loading bay at the Andalusian Street frontage.
  - The proposed development provides a large communal open space courtyard, located to the north and west of the site.

Images of the proposed RFB development are provided below:



**Figure 8:** Streetscape view of the proposed RFB from Andalusian Street (Source: Applicant)



**Figure 9:** Streetscape view of the proposed RFB from Andalusian Street showing corner with Fifth Avenue (Source: Applicant)



**Figure 10:** Streetscape view of the proposed RFB from the corner of Fifth Avenue and Andalusian Street (Source: Applicant)





**Figure 11:** View of the proposed RFB from the north (Source: Applicant)

Dwelling houses

- 3 sets of 2 x abutting dwelling houses are proposed on lots 2-3, 4-5 and 6-7. The abutting dwellings are two storeys in height, and each have 4 bedrooms.

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**Figure 12:** View of the proposed abutting dwellings on Lots 2 and 3 from Andalusian Street (Source: Applicant)

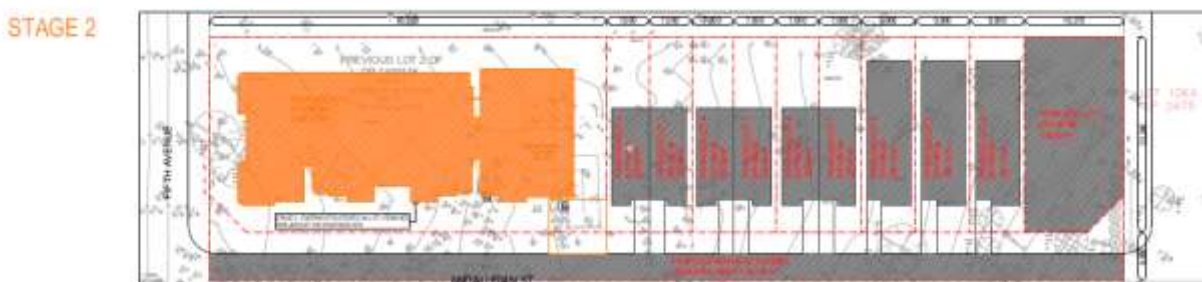
**Staging**

The proposed development is to be delivered in three following stages:

- **Stage 1** to subdivide the site into 11 lots including ancillary works such as half-road construction of Andalusian Street and Fifth Avenue, provision of drainage, landscaping, and utilities. The existing house on lot 1 will be retained during this stage albeit in a modified form to facilitate the subdivision of the site. Three sets of abutting dwellings will also be built on proposed lots 2-3, 4-5 and 6-7. A temporary On-Site Detention Basin will be accommodated on proposed Lot 11.



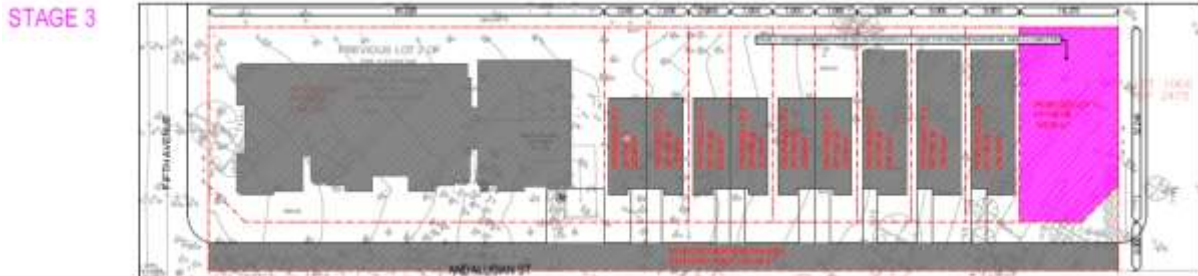
- **Stage 2** proposes to demolish retained structures on proposed lot 1 and construct an RFB development.



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- **Stage 3** proposes to decommission the on-site detention basin on proposed Lot 11 once the downstream regional basin has been completed. A separate approval will be required to develop this lot.



## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No 2—1997);
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- Liverpool Growth Centre Precincts DCP 2013.

#### Other Plans and Policies

- Apartment Design Guide.

#### Contributions Plans

- Liverpool Contributions Plan 2014 – Austral and Leppington North 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 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

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

- (a) **State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.**

State Environmental Planning Policy No. 65 applies to the proposal, as the application involves residential flat buildings greater than 3-storeys in height and containing more than 4 units. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.

Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and compliance with such.

DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
<p><b>PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER</b>                      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.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Yes.</p>	<p>It is noted that the area is in transition from rural residential housing to medium density housing. The building type proposed conforms to Council's building envelope controls for RFBs.</p> <p>The proposal incorporates an attractive landscape area that surrounds the built form on ground level. This includes provisions for large tree planting in deep soil zones within front and side setbacks; these plantings will enhance the character of the development. Generous private open spaces are provided to ground floor units, allowing for an activated and dynamic street character.</p> <p>It is considered that the proposal is appropriate for the context considering it is located within the medium density residential zone that permits residential flat buildings. It is considered the subject development is consistent with the desired future character of the area.</p>
<p><b>PRINCIPLE 2: BUILT FORM AND SCALE</b>                      Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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</p>	<p>Yes.</p>	<p>The design proposals scale in terms of bulk and height has been carefully considered to respond to the areas transition into a future growth area. The proposed scheme breaks up the massing on site as a result of material selection, massing techniques and landscaping.</p> <p>The building form aims to reduce the perceived mass of a development of this scale by breaking up the masses in to vertical elements and fine grain detail to the bulk of the building.</p> <p>The scale and height of the proposed development is appropriate to its R3 zoning.</p>

<p>the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>		
<p><b>PRINCIPLE 3: DENSITY</b>                  Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>Yes.</p>	<p>The proposal will contribute to a high-quality streetscape for the area. The unit sizes are according to the SEPP 65 standards and each unit is provided with a private open space. The density is appropriate for the site given its accessibility to public transport, access to common and communal open space, the built form context, and the high amenity achieved for every unit in the development.</p>
<p><b>PRINCIPLE 4: SUSTAINABILITY</b>                  Good design combines positive environmental, social and economic outcomes.</p> <p>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>	<p>Yes.</p>	<p>The proposed development is consistent with the BASIX requirements applicable and with the BASIX certificates provided.</p> <p>The proposed development has maximised solar access and natural ventilation, based on the design.</p> <p>The development incorporates extensive deep soil zones with a variety of tree species. The applicant proposes rainwater collection and re-use for landscaping on the site.</p> <p>Furthermore, the applicant has incorporated the following sustainability measures at the rooftop level, including:</p> <ul style="list-style-type: none"> <li>○ Raised roof pavers are provided on balconies on the rooftop. The raised roof pavers protect the slab below from conductive heat radiation;</li> <li>○ The roof level incorporates 123 square metres of planting area.</li> <li>○ At least 150 square metres on the rooftop is identified for photovoltaic cells. These cells are located to the north of the rooftop to maximise sun exposure,</li> <li>○ Areas not used for photovoltaic cells or for landscaping have been insulated and surfaced with white pebble to direct heat away.</li> </ul>
<p><b>PRINCIPLE 5: LANDSCAPE</b>                  Good design recognises that together landscape and buildings operate as an integrated and sustainable</p>	<p>Yes</p>	<p>Landscaping of private and communal open spaces wrap around the building at ground level and enable the growth of a variety of groundcover, shrubs and mature tree species.</p>



<p>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.</p> <p>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.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>		
<p><b>PRINCIPLE 6: AMENITY</b> Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	Yes.	<p>The proposed development has a maximum of 5 units off a single core, which helps to ensure good amenity for residents. Proposed lobbies and corridors have a generous width, not only allowing access by persons with a disability but avoiding a dark or tight space. Further to this the applicant provides generous amount of glazing for the central lobby to enable solar access of communal spaces.</p> <p>The proposed apartment layout allows adequate circulation and privacy for each room. The solar access for the development is sound with minimal single aspect apartments facing south. The communal open space area receives adequate solar access. Sufficient private open spaces ensure enhanced amenity to each unit.</p> <p>The proposed development is considered satisfactory in terms of amenity.</p>
<p><b>PRINCIPLE 7: SAFETY</b> 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</p>	Yes.	<p>The proposal has been designed to take into account the safety and security both externally and internally of the development. The design is considered to appropriately incorporate the CPTED principles namely surveillance, access/egress control, territorial reinforcement and space management.</p>

<p>and communal areas promote safety.</p> <p>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>		
<p><b>PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	Yes.	<p>The proposal includes a variety of different housing typologies that will be offered in different sizes and layouts. The mix in housing typologies will help diversify the residents in the development.</p> <p>The proposed development is designed to maximise accessibility for access impaired. Sufficient disabled car parking facilities have been provided in the basement level. Passenger lifts provide easy access to all levels of the building. 10% of the proposed units are also adaptable.</p> <p>The proximity of the site to transport alternative to the private car, along with the proximity of local services will assist in reducing the emission of greenhouse gases and cost of living. Bicycle parking is provided to further promote alternative means of transport.</p>
<p><b>PRINCIPLE 9: AESTHETICS</b></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 a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	Yes.	<p>The proposed development is considered to be aesthetically pleasing. The proposed development has incorporated an appropriate diversity of building elements, textures, materials and colours to enable a suitable design outcome. The proposed development has effectively responded to its surrounding context in terms of streetscape appearance and the desired future character of the area.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's

publication entitled the Apartment Design Guide (ADG). The following table outlines compliance with the ADG, where numerical requirements ('controls') are specified.

Development Standard	Proposed	Comment
<b>2E Building Depth</b>		
Max 10m – 18m	All levels provide 19m – 22m building depths.	Despite the building depths exceeding the maximum 18m, the proposed development still achieves the required solar access, cross ventilation and amenity as required by the ADG. The proposal also provides the appropriate building separation and does not diminish the amenity of adjoining lots. Having regard to the above the non-compliant building depth is acceptable on Merit.
<b>2F Building Separation</b>		
Minimum separation distances for buildings are:  Up to four storeys (approximately 12m): <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul> <p><b>Note:</b> <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</i></p>	These separation distances apply to the ground floor, Level 1, Level 2 and Level 3.  All building elements comply.	Complies
<b>3A Site analysis</b>		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	A detailed site analysis plan has been provided	Complies
<b>3B Orientation</b>		
Building types and layouts respond to the streetscape and site while optimising solar access within the development  Overshadowing of neighbouring properties is minimised during mid-winter	The proposed RFB has been designed to address the corner of Andalusian Street and Fifth Avenue. All ground floor units are provided with private access.  The proposal is within the maximum building height control	Complies

Development Standard	Proposed	Comment												
	and overshadowing impact is considered to be reasonable on adjoining development.													
<b>3D Communal and public open space</b>														
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>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)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>The proposal provides a communal open space (COS) area of 22%. The communal open space is orientated to the north and west of the site and achieves adequate solar access.</p> <p>Communal open space is consolidated into a well-defined space within the development site, providing equal access and common circulation.</p>	<p>Considered acceptable in this instance as the Growth Centres DCP requires only 15% of COS for the development.</p>												
<b>3E Deep soil zones</b>														
7% of the site are to be for Deep Soil zone and minimum dimension of 6 metres.	18% of site area provided as deep soil zone with minimum dimension of 6 metres.	Complies												
<b>3F Visual Privacy</b>														
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="204 1469 628 1906"> <thead> <tr> <th data-bbox="204 1469 336 1592">Building Height</th> <th data-bbox="336 1469 496 1592">Habitable Rooms and Balconies</th> <th data-bbox="496 1469 628 1592">Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td data-bbox="204 1592 336 1686">Up to 12m (4 storeys)</td> <td data-bbox="336 1592 496 1686">6m</td> <td data-bbox="496 1592 628 1686">3m</td> </tr> <tr> <td data-bbox="204 1686 336 1809">12m to 25m (5-8 storeys)</td> <td data-bbox="336 1686 496 1809">9m</td> <td data-bbox="496 1686 628 1809">4.5m</td> </tr> <tr> <td data-bbox="204 1809 336 1906">Over 25m (9+ storeys)</td> <td data-bbox="336 1809 496 1906">12m</td> <td data-bbox="496 1809 628 1906">6m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Noted.	Refer to 2F Building Separation.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms												
Up to 12m (4 storeys)	6m	3m												
12m to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<b>3G Pedestrian Access and Entries</b>														
Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are	Primary pedestrian access to the building will be via Andalusian Street. The pedestrian and vehicle access points have been clearly	Complies												

Development Standard	Proposed	Comment
<p>accessible and easy to identify</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>separated to minimise conflicts.</p>	
<b>3H Vehicle Access</b>		
<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>Vehicle access points are located to achieve safety and minimize conflict.</p>	<p>Complies</p>
<b>3J Bicycle and Car Parking</b>		
<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	<p>Car parking has been provided in accordance with the requirements of the Growth Centres DCP.</p>	<p>Complies</p>
<p>Parking and facilities are provided for other modes of transport</p>		
<p>Car park design and access is safe and secure</p>		
<p>Visual and environmental impacts of underground car parking are minimised</p>		
<p>Visual and environmental impacts of on-grade car parking are minimised</p>		
<p>Visual and environmental impacts of above ground enclosed car parking are minimised</p>		
<b>4A Solar and Daylight Access</b>		
<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the</p>	<p>The proposed development provides a minimum of 70% solar compliance.</p>	<p>Complies</p>

Development Standard	Proposed	Comment								
Newcastle and Wollongong local government areas										
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter										
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All apartments will receive sunlight between 9 am and 3pm at mid-winter	Complies								
<b>4B Natural Ventilation</b>										
All habitable rooms are naturally ventilated	The proposed development provides 60% of units with natural cross ventilation.	Complies								
The layout and design of single aspect apartments maximises natural ventilation										
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed										
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line										
<b>4C Ceiling Heights</b>										
Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.	The development only proposes single storey apartment units, each with a minimum ceiling height of 2.7 metres for habitable rooms.	Complies								
<b>4D Apartment Size and Layout</b>										
Apartments are required to have the following minimum internal areas:	The apartments comply with the minimum size areas.	Complies								
<table border="1" data-bbox="204 1630 576 1823"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table>			Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>
Apartment Type	Minimum Internal Area									
Studio	35m <sup>2</sup>									
1 bedroom	50m <sup>2</sup>									
2 bedroom	70m <sup>2</sup>									
3 bedroom	90m <sup>2</sup>									
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each										



Development Standard	Proposed	Comment															
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	Habitable rooms are provided with windows of sufficient glass areas.	Complies															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable rooms are generally limited to 2.5m x the ceiling height.	Complies															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Kitchens are generally 8m from a window.	Complies															
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	Bedrooms are of sufficient size.	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3m.	Complies															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>- 3.6m for studio and 1 bedroom apartments</li> <li>- 4m for 2 and 3 bedroom apartments</li> </ul>	Sufficient widths are provided to living rooms/dining rooms.	Complies															
<b>4E Private Open Space and Balconies</b>																	
<p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="204 1317 616 1753"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m<sup>2</sup></td> <td>2.4</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3 bedroom	12m <sup>2</sup>	2.4	The development provides for sufficient balcony size and depths.	Complies
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m <sup>2</sup>	-															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3 bedroom	12m <sup>2</sup>	2.4															
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 15m <sup>2</sup> and a minimum depth of 3m	More than 15m <sup>2</sup> of private open space is provided to ground floor units.	Complies															

Development Standard	Proposed	Comment															
<b>4F Common Circulation and Spaces</b>																	
The maximum number of apartments off a circulation core on a single level is eight	There is no more than 5 units off a single service core.	Complies															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Noted	Not Applicable															
<b>4G Storage</b>																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:  <table border="1" data-bbox="204 701 576 987"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Volume</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>6m<sup>3</sup></td> <td></td> </tr> <tr> <td>2 bedroom</td> <td>8m<sup>3</sup></td> <td></td> </tr> <tr> <td>3 bedroom</td> <td>10m<sup>3</sup></td> <td></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage Volume	Size	Studio	4m <sup>3</sup>		1 bedroom	6m <sup>3</sup>		2 bedroom	8m <sup>3</sup>		3 bedroom	10m <sup>3</sup>		Sufficient storage space is provided within each unit.	Complies
Dwelling Type	Storage Volume	Size															
Studio	4m <sup>3</sup>																
1 bedroom	6m <sup>3</sup>																
2 bedroom	8m <sup>3</sup>																
3 bedroom	10m <sup>3</sup>																
<b>4H Acoustic Privacy</b>																	
Noise transfer is minimised through the siting of buildings and building layout	Appropriate noise mitigation measures will be implemented.	Complies															
Noise impacts are mitigated within apartments through layout and acoustic treatments																	
<b>4K Apartment Mix</b>																	
A range of apartment types and sizes is provided to cater for different household types now and into the future	The development provides the following apartment breakdown: <ul style="list-style-type: none"> <li>• 7% 1 bedrooms</li> <li>• 79% 2 bedrooms</li> <li>• 14% 3 bedrooms</li> </ul>	Complies															
The apartment mix is distributed to suitable locations within the building																	
<b>4L Ground Floor Apartments</b>																	
Street frontage activity is maximised where ground floor apartments are located	The proposal includes landscaping at ground level to provide for visual interest. The proposed fences and pathways clearly delineate areas of public and private open space.  Private entries are also proposed to all ground floor units.	Complies															
Design of ground floor apartments delivers amenity and safety for residents																	
<b>4M Facades</b>																	
Building facades provide visual interest along the street while respecting the character of the local area	The overall design including building façade has been endorsed by the Design Excellence Panel.	Complies															
Building functions are expressed																	

<b>Development Standard</b>	<b>Proposed</b>	<b>Comment</b>
by the facade		
<b>4N Roof Design</b>		
Roof treatments are integrated into the building design and positively respond to the street	The development is in accordance with these objectives.	Complies
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
<b>4O Landscape Design</b>		
Landscape design is viable and sustainable	The development is in accordance with these objectives.	Complies
Landscape design contributes to the streetscape and amenity		
<b>4P Planting on Structures</b>		
Appropriate soil profiles are provided	The development is in accordance with these objectives.	Complies
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
<b>4Q Universal Design</b>		
Universal design features are included in apartment design to promote flexible housing for all community members	10% of units comply with universal design requirements. These are a combination of adaptable apartments and Silver Level LGA (Liveable Housing Australia) compliant apartments.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
<b>4R Adaptive Reuse</b>		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for the development of a new building and not the adaptive reuse of an existing building.	Complies
Adapted buildings provide residential amenity while not precluding future adaptive reuse		
<b>4S Mixed Use</b>		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed use development.	Not Applicable
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
<b>4T Awnings and Signage</b>		
Awnings are well located and	Noted	Not Applicable

Development Standard	Proposed	Comment
complement and integrate with the building design		
Signage responds to the context and desired streetscape character		
<b>4U Energy Efficiency</b>		
Development incorporates passive environmental design	The development is in accordance with these objectives.	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
<b>4V Water Management and Conservation</b>		
Potable water use is minimised	Potable water use is minimised and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.	Complies
Urban stormwater is treated on site before being discharged to receiving waters	This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.	Complies
Flood management systems are integrated into site design	Noted	Not Applicable
<b>4W Waste Management</b>		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and will be maintained by the caretaker.	Complies
Domestic waste is minimized by providing safe and convenient source separation and recycling		
<b>4X Building Maintenance</b>		
Building design detail provides protection from weathering	The development is in accordance with these objectives	Complies
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

**(b) 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.

The objectives of SEPP 55 are:

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

Pursuant to Clause 7 of SEPP 55, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Detailed Site Investigation prepared by EBG Environmental Geoscience, indicates that the site is suitable for development for residential use and that no remediation is required. This report was reviewed by Council's Environmental Health Officer who concurred with the findings of the report.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site is suitable for the proposed development.

**(c) 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.

A BASIX Certificate has been submitted for the proposed development.

The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

**(d) Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)**

The subject land is located within the Hawkesbury Catchment and as such the Sydney

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Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) applies to the application.

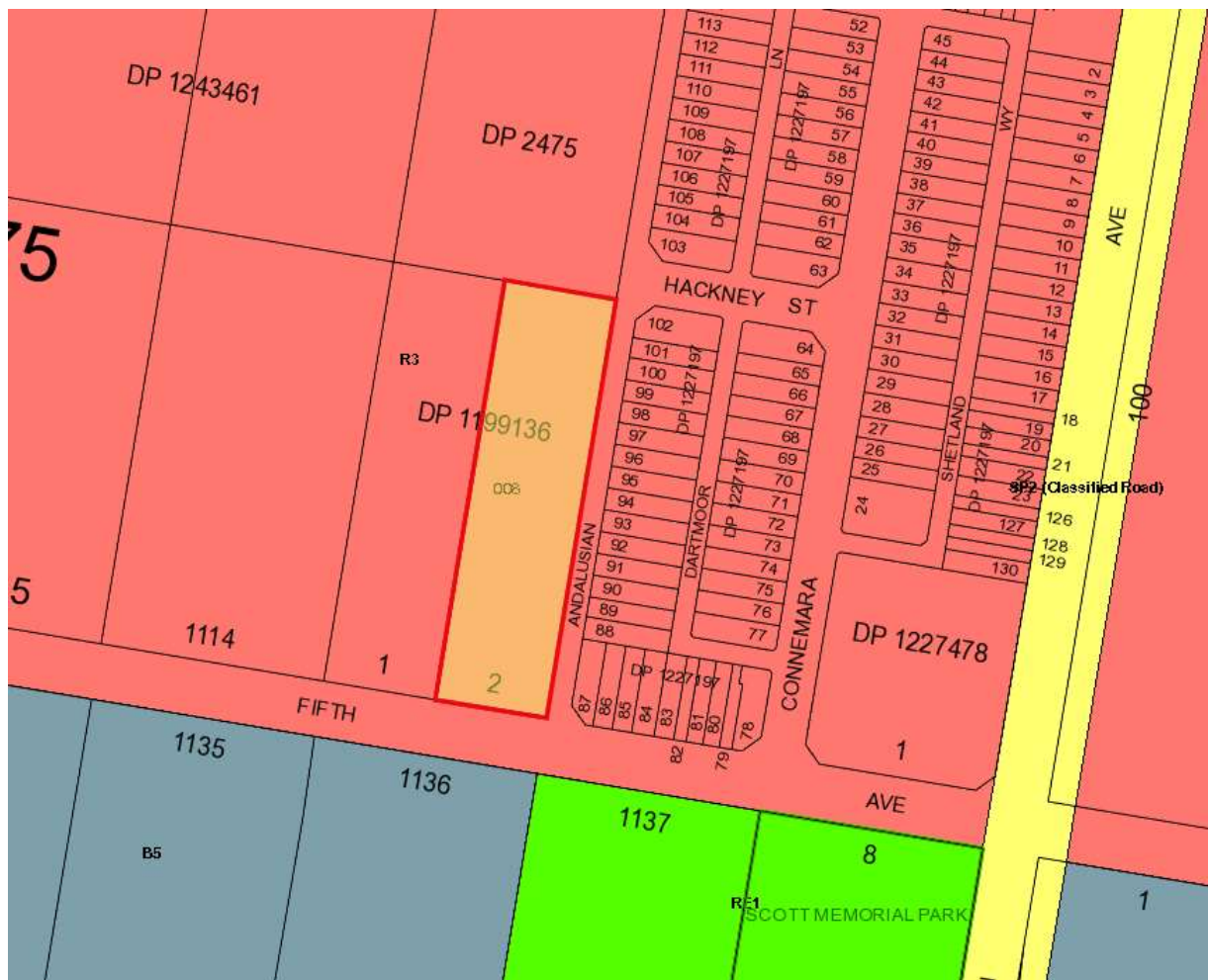
The Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It is considered that the proposal satisfies the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), subject to appropriate sedimentation and erosion controls being implemented during construction.

**(e) Liverpool Local Environmental Plan 2008**

**(i) Zoning**

The development site is zoned R3 – Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Regional Growth Centre) 2006. An extract of the zoning map is provided in Figure 9 below.



**Figure 13: Zoning Map (source: Geocortex)**

**(ii) Permissibility**

Development for the purpose of 'dwelling houses' and 'residential flat buildings' is permitted with development consent in R3 zone. Subdivision is permitted pursuant to Clause 2.6 of the Growth Centres SEPP.

### (iii) Objectives of the zone

Objectives of the R3 Medium Density Residential Zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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 concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposed subdivision will achieve the objectives of the R3 zone in that it will contribute to the provision of housing.

### (iv) Principal Development Standards

The SEPP (Sydney Region Growth Centre) 2006 contains a number of provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below. The proposal generally demonstrates compliance with these provisions.

Clause	Provision	Proposed	Comment
4.1AA Subdivision resulting in lots between 225-300sqm	The site is subject to a minimum lot size between 225sqm and 300sqm as the site is in 25 dw/ha and proposed lots contain Building Envelope Plans (BEPs).	Proposed lots 8, 9 and 10 are less than 300sqm but greater than 225sqm. These lots are provided with BEPs.	Complies
4.1AB Minimum Lot sizes for dwelling houses in zone R2	The site is subject to a minimum lot size of 300sqm as the site is in 25 dwelling/hectare areas  The minimum lot size for a residential flat building is 2,000sqm if the dwelling density is 25 dw/ha.	The proposed lots range in size from 255.75sqm and 509.4sqm. These lots sizes are permitted by virtue of 4.1AA and 4.1AD.  The proposed residential flat building is located on a lot of 2095sqm.	Complies
4.1AD Exceptions to minimum lot sizes for dwelling houses	This clause applies to lots in Zone R3 Medium Density Residential that has an area less than 300m <sup>2</sup> (but not less than 225m <sup>2</sup> ).  Consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is	Proposed Lots 2 to 7 are all lots less than 300sqm but greater than 225sqm. Designs for dwelling construction have been submitted with the DA.	Complies



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	<p>a single development application that consists of both of the following;</p> <p>a) The subdivision of land into 2 or more lots,  b) The erection of the dwelling house on one of the lots resulting from the subdivision</p>		
4.1B Residential Density	The site is subject to a dwelling density of 25dw/ha	The site has an area approximately 0.6071 ha. Therefore, at least 15 dwellings required to be provided. The proposed results in 29 apartments and 10 residential lots. Therefore, the proposal results in 39 dwellings (dwelling density of 65 dw/ha).	Complies
5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	There are significant trees on-site. However, the subject site is identified as 'certified' pursuant to the Sydney Region Growth Centres 2006 Biodiversity Certification Order. As such in accordance with Part 5 of the order a Flora and Fauna assessment is not required.	Complies
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	Comments have been received from Endeavour Energy and Sydney Water, which confirm that public utility infrastructure is available.	Complies
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	The proposal includes the removal of vegetation within a biodiversity certified area as indicated on the SEPP Maps. The removal of vegetation is required in order to facilitate the proposed roads and bulk earthworks.	Complies

Having regard to the above assessment, the proposal is permitted in the zone and is considered consistent with the objectives of the zone and relevant development standards in the SEPP.

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

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

**6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**

**(a) Liverpool Development Control Plan (LDCP) 2008**

The application has been considered against the controls contained in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in particular:

- Part 2: Precinct Planning Outcomes;
- Part 3: Neighbourhood and Subdivision Design; and
- Part 4: Residential Development.
- Schedule 1: Austral and Leppington North Precincts

The development is found to achieve full compliance with the provisions of the DCP, as detailed within the tables in Attachment 3 of the report.

**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 Environment**

Impacts on the natural environment have been assessed as part of the development application. It was found that the proposal is unlikely to create a detrimental impact on the natural environment surrounding the subject site, or to any endangered and non-endangered species of flora and fauna.

**Built Environment**

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 unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development consistent with the desired future built character of the locality. Consideration has been given to site-specific and broader issues such as, but not limited to the potential odour impact and Aboriginal and European Heritage as provided below:

Aboriginal and European Heritage

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The application was accompanied by an Aboriginal Due Diligence Report, which concluded that no Aboriginal archaeological sites or objects were identified in the due diligence work. Council's Heritage Officer has reviewed the documentation and accepts the findings of the report and recommends the proposal may proceed with caution without the requirement for an Aboriginal Heritage Impact Permit (AHIP) to be sought from OEH, subject to conditions of consent.

**Social Impacts and Economic Impacts**

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 proposed development is generally considered to be suitable for the site. The development complies with the relevant provisions of applicable Environmental Planning Instruments such as the SEPP (Sydney Region Growth Centre) 2006 and SEPP 65 as well as the Liverpool Growth Centre Precincts DCP 2013, and will facilitate the future residential development of the land consistent with the desired future built character of the locality.

**6.8 Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations**

**(a) Internal Referrals**

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

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Building Officer	Approval, subject to conditions of consent
Development Engineer	Approval subject to conditions of consent
Landscape Officer	No objections
Waste	Approval, subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Environmental Health	Approval subject to conditions of consent
Heritage	Approval, subject to conditions of consent

**(b) Internal Referrals**

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

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Endeavour Energy	Approval subject to conditions of consent
Sydney Water	Approval subject to conditions of consent

**(c) Community Consultation**

The proposal was notified for a period of 14 days from 7 May 2018 to 22 May 2018 in accordance with LDCP 2008. No submissions were received during notification period.

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

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The proposed development is considered to be 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 **\$300,000** for Stage 1 and **\$550,105** for Stage 2.

**8. CONCLUSION**

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979.

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

**9. RECOMMENDATION**

That Development Application DA No 313/2018 be approved subject to conditions of consent.

**10. ATTACHMENTS**

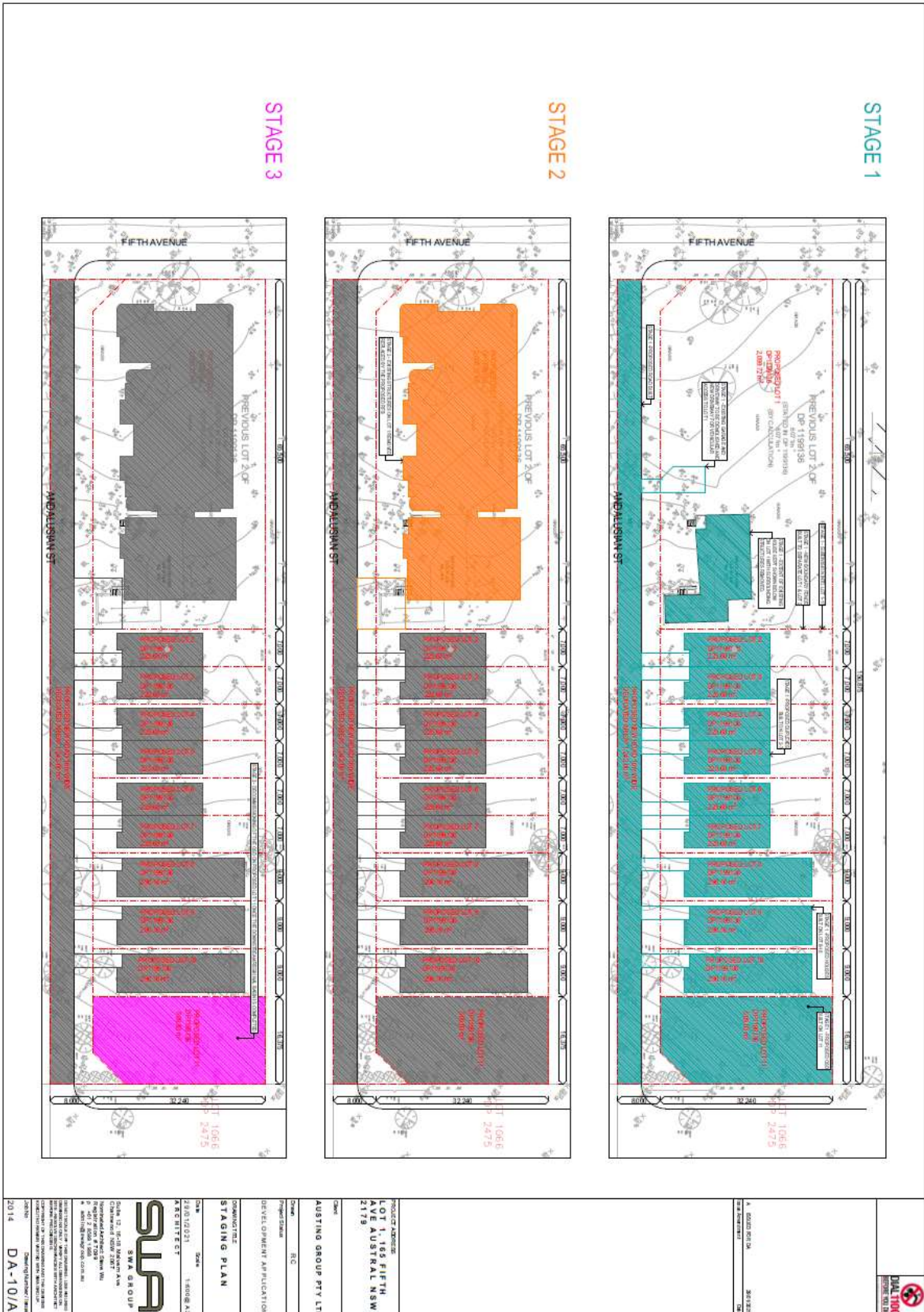
- 1. PLANS OF THE PROPOSAL**
- 2. SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY-NEPEAN RIVER (NO 2 – 1997)**
- 3. DCP COMPLIANCE TABLE**
- 4. DRAFT CONDITIONS OF CONSENT**



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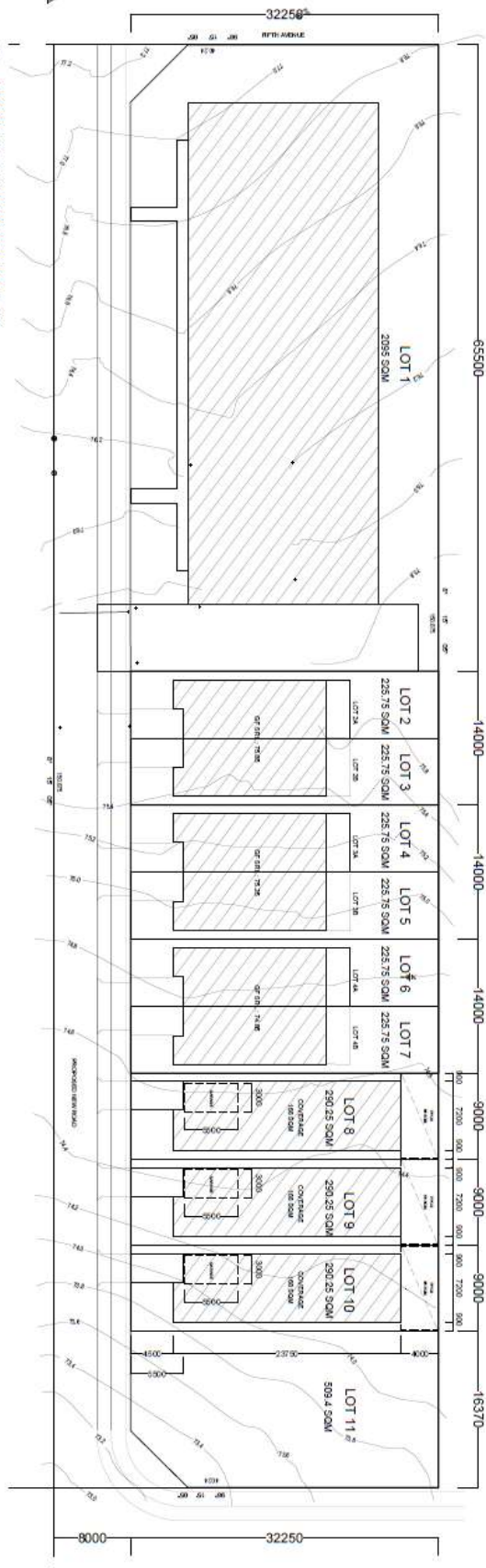




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**1**  
PROPOSED SUBDIVISION PLAN  
SCALE 1:250 @ A3

**COMPLYING TABLE**

ROOM AREA INCLUDES THE ENTIRE AREA OF ALL UNFINISHED ROOMS AND INCLUDES THE AREA OF ALL UNFINISHED ROOFS AND INCLUDES THE AREA OF ANY OPEN TERRACES OR BALCONY AREAS

LOT 2 & LOT 3 SITE AREA	225.75 m <sup>2</sup>	LOT 4 & LOT 5 SITE AREA	225.75 m <sup>2</sup>	LOT 6 & LOT 7 SITE AREA	225.75 m <sup>2</sup>
TOTAL FLOOR AREA	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>
GROUND FLOOR (INC. GARAGE)	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>	94.5 m <sup>2</sup>
1 <sup>st</sup> FLOOR	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>
2 <sup>nd</sup> FLOOR	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>
ROOF	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>	4.5 m <sup>2</sup>
TOTAL	108 m <sup>2</sup>	108 m <sup>2</sup>	108 m <sup>2</sup>	108 m <sup>2</sup>	108 m <sup>2</sup>
PERCENTAGE REQUIRED	100%	100%	100%	100%	100%
PERCENTAGE COMPALED	100%	100%	100%	100%	100%
BUILDING HEIGHT	3.0 m	3.0 m	3.0 m	3.0 m	3.0 m
FRONT SETBACK	4.5 m (15.0 ft)	4.5 m (15.0 ft)	4.5 m (15.0 ft)	4.5 m (15.0 ft)	4.5 m (15.0 ft)
SIDE SETBACK	0.9 m	0.9 m	0.9 m	0.9 m	0.9 m
REAR SETBACK	0.9 m	0.9 m	0.9 m	0.9 m	0.9 m
0 FLOOR COVERAGE	100%	100%	100%	100%	100%
1 FLOOR COVERAGE	100%	100%	100%	100%	100%
LANDSCAPE AREA	100%	100%	100%	100%	100%
PROV. AREA 2000	100%	100%	100%	100%	100%
SOILS 3000	100%	100%	100%	100%	100%

**FOR DEVELOPMENT APPLICATION**

FUNCTIONTURE DESIGN STUDIO  
70/11, Waterloo Ave  
Marrickville NSW 1500  
PH: 02 9550 2222  
WWW.FUNCTIONTURE.COM

155 FIFTH AVENUE  
AUSTRAL

PROPOSED SUBDIVISION  
SITE PLAN

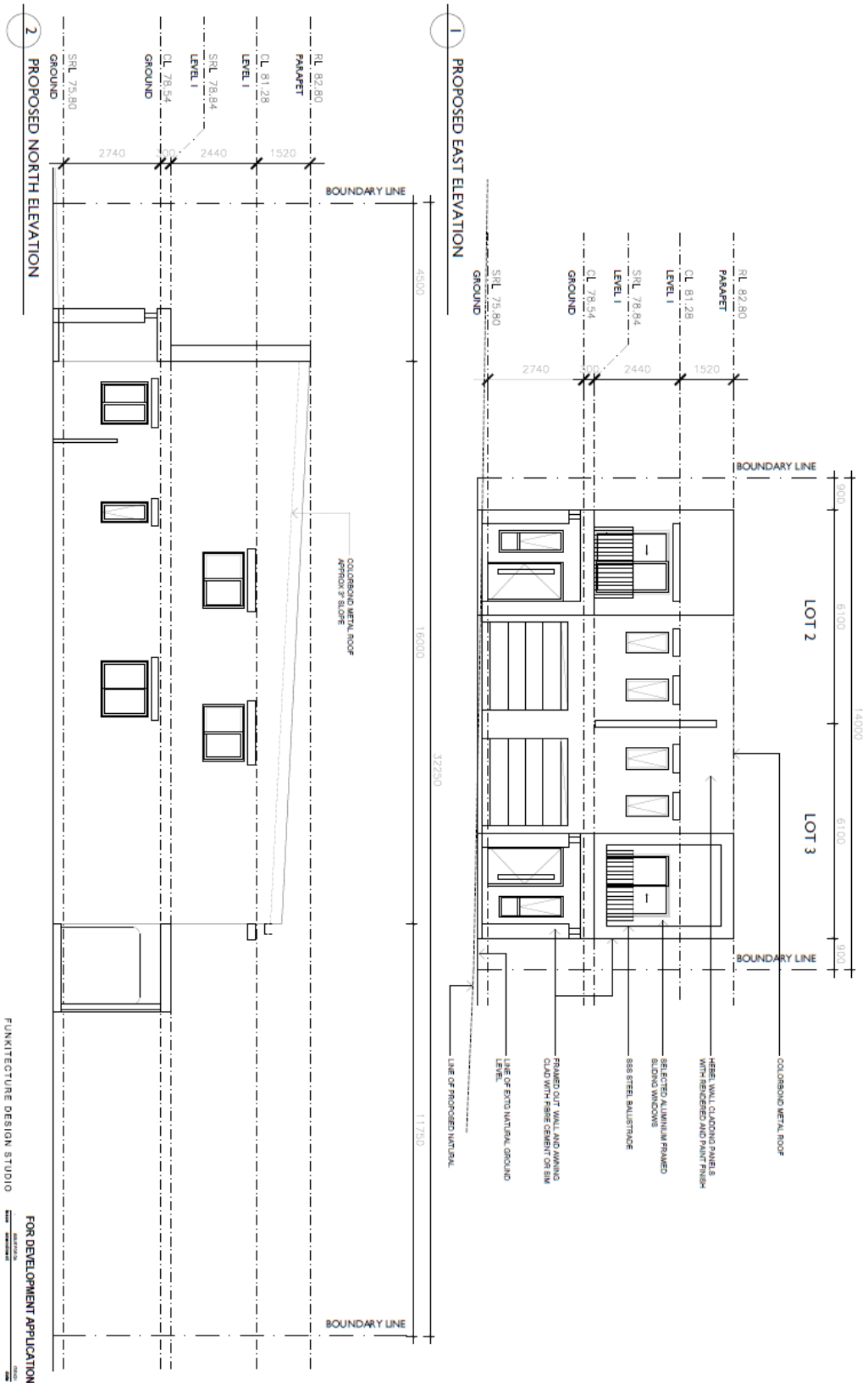
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**2 PROPOSED NORTH ELEVATION**

**FUNKITECHTURE DESIGN STUDIO**  
 201-11 LONDON AVE  
 NEWTON LEA  
 LEICESTERSHIRE  
 LE19 1LW  
 TEL: 01530 815555  
 WWW.FUNKITECHTURE.COM

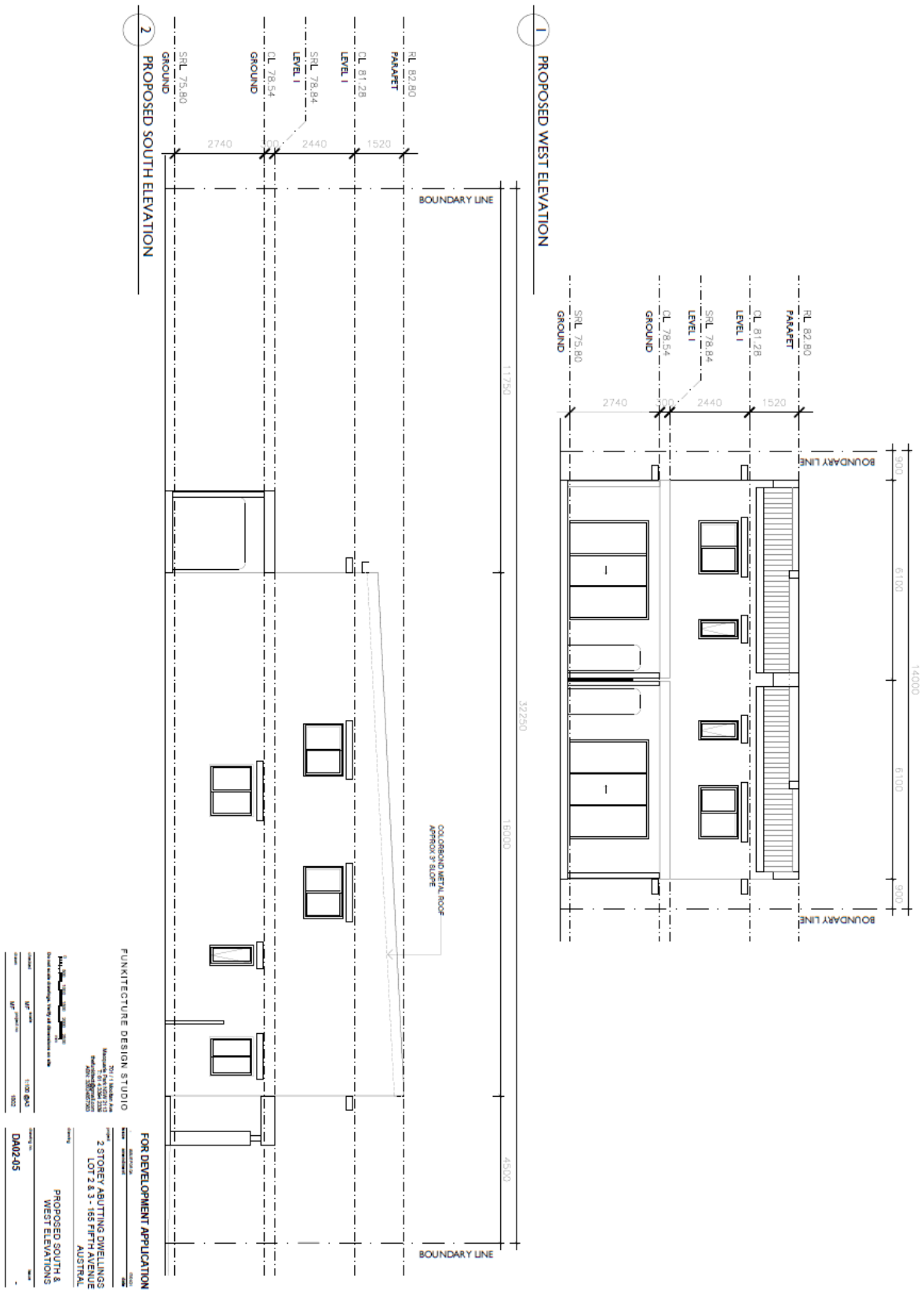
**FOR DEVELOPMENT APPLICATION**  
 PROJECT NO: DA02/24  
 DATE: 18/02/21

**2 STOREY ADJUTING DWELLINGS**  
 LOT 2 & 3 - 185 FIFTH AVENUE  
 ASTON

**PROPOSED NORTH & EAST ELEVATIONS**

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 LOCAL PLANNING PANEL REPORT

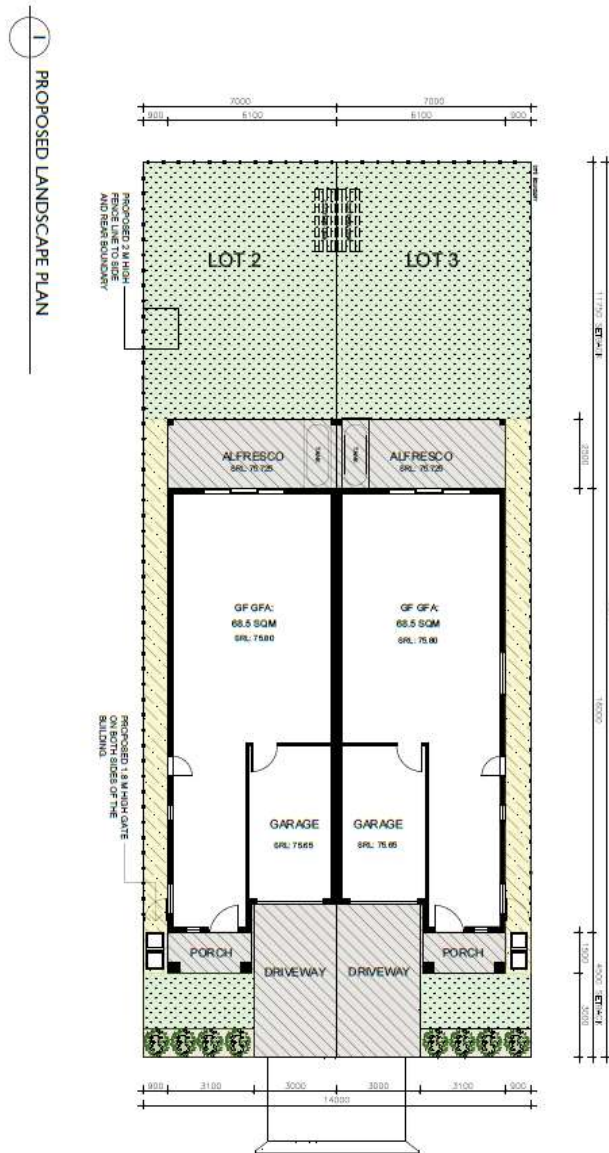
22 February 2021





LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021



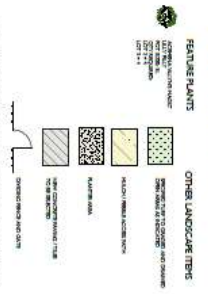
**LANDSCAPE AREA - LOT 2**

SITE AREA	225.75 m <sup>2</sup>
TOTAL HARDSCAPE AREAS	131 m <sup>2</sup>
REMAINING LANDSCAPE AREA	94.75 m <sup>2</sup>
LANDSCAPE AREA	42 %
MINIMUM REQUIRED BY COUNCIL	15 %

**LANDSCAPE AREA - LOT 3**

SITE AREA	225.75 m <sup>2</sup>
TOTAL HARDSCAPE AREAS	131 m <sup>2</sup>
REMAINING LANDSCAPE AREA	94.75 m <sup>2</sup>
LANDSCAPE AREA	42 %
MINIMUM REQUIRED BY COUNCIL	15 %

**LEGEND & PLANTING SCHEDULE**



NOTE: LANDSCAPE CONTRACTORS SHALL UNDERSTAND AND ADOPT THE PLANTING SCHEDULE AND MATERIALS LISTED HEREIN AS A GUIDE TO THE PLANTING AND MATERIALS TO BE USED IN THE LANDSCAPE DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND SHALL BE RESPONSIBLE FOR THE Ongoing Maintenance of the Landscaping.

**FOR DEVELOPMENT APPLICATION**

**FUNKTECHTURE DESIGN STUDIO**

101/11 LINDBERG AVENUE  
 NORTHWOOD NSW 1585  
 PHONE: 02 9372 2222  
 EMAIL: INFO@FUNKTECHTURE.COM.AU

**PROJECT:** 2 STOREY ADJUTING DWELLINGS  
 LOT 2 & 3 - 185 FIFTH AVENUE  
 AUSTIN

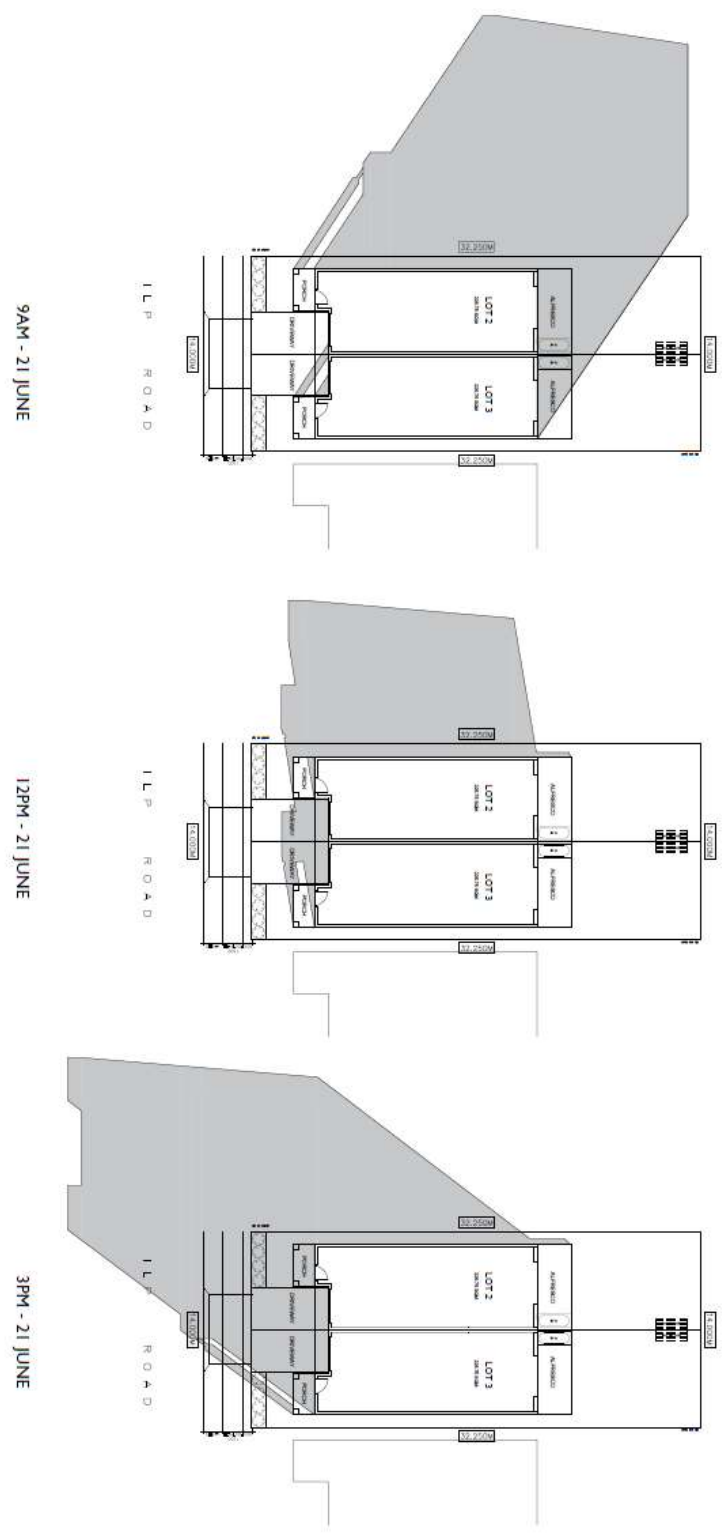
**DATE:** 11/02/21

**DRAWING NO.:** DM02-07

LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021

1 PROPOSED SHADOW DIAGRAM



**FOR DEVELOPMENT APPLICATION**

**FUNKITECTURE DESIGN STUDIO**  
 20/11/18, Market Lane  
 Macquarie Park NSW 1513  
 Ph: 02 9638 2822  
 Email: info@funkitect.com.au

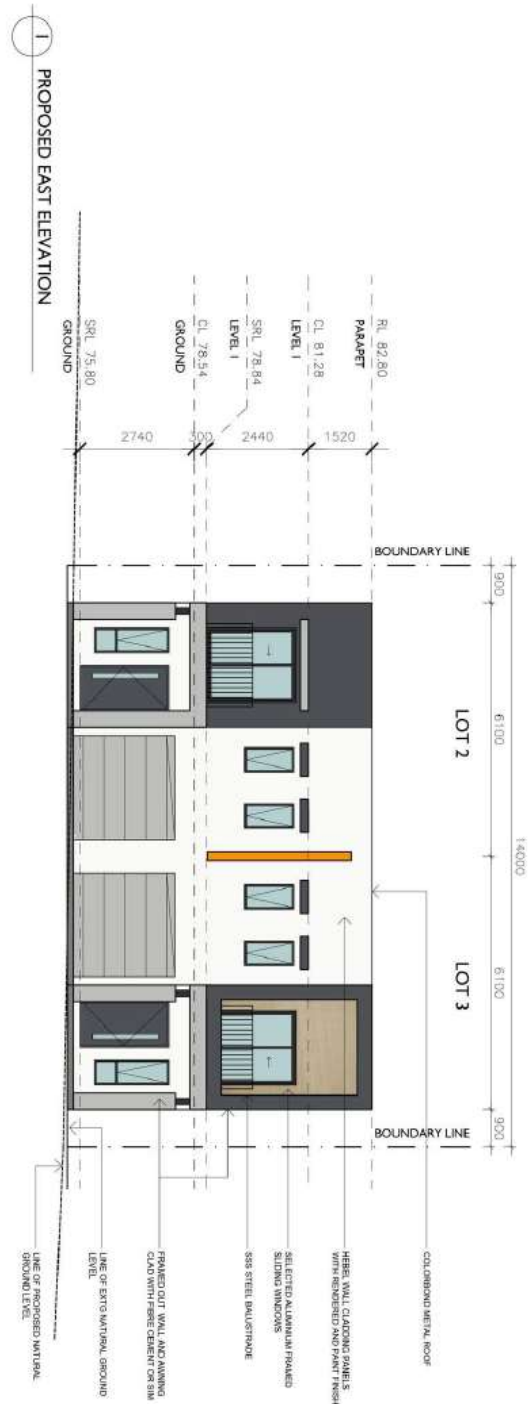
Project: 2 STOREY ABUTTING DWELLINGS  
 LOT 2 & 3 - 185 FIFTH AVENUE  
 AUSTRALIA

Proposed Shadow Diagram

Scale: 1:500 G.A.S.  
 Date: 20/01/2021  
 Drawn: DA02-08

# LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

22 February 2021



**2 MATERIAL SELECTION**  
NTS

- COLORBOND ROOF**  
LIGHT GREY COLOUR
- WINDOW FRAMES**  
ALUMINIUM POWDERCOATED  
DARK GREY COLOUR
- CEMENT RENDER**  
OFF-WHITE COLOUR
- GUTTERS, FASCIA & DOWNPIPES**  
LIGHT GREY COLOUR

**FOR DEVELOPMENT APPLICATION**

**FUNKITECHTURE DESIGN STUDIO**  
170/172 ROBINSON AVENUE  
SYDNEY NSW 1510  
TEL: 02 9550 2222  
WWW.FUNKITECHTURE.COM.AU

**2 STOREY ABUTTING DWELLINGS**  
LOT 2 & 3 - 168 FIFTH AVENUE  
MUSGRAVE

**MATERIAL SCHEDULE**

DATE: 11/02/2021  
SCALE: 1:1000 (ELEV)  
DRAWN BY: MPT  
CHECKED BY: MPT

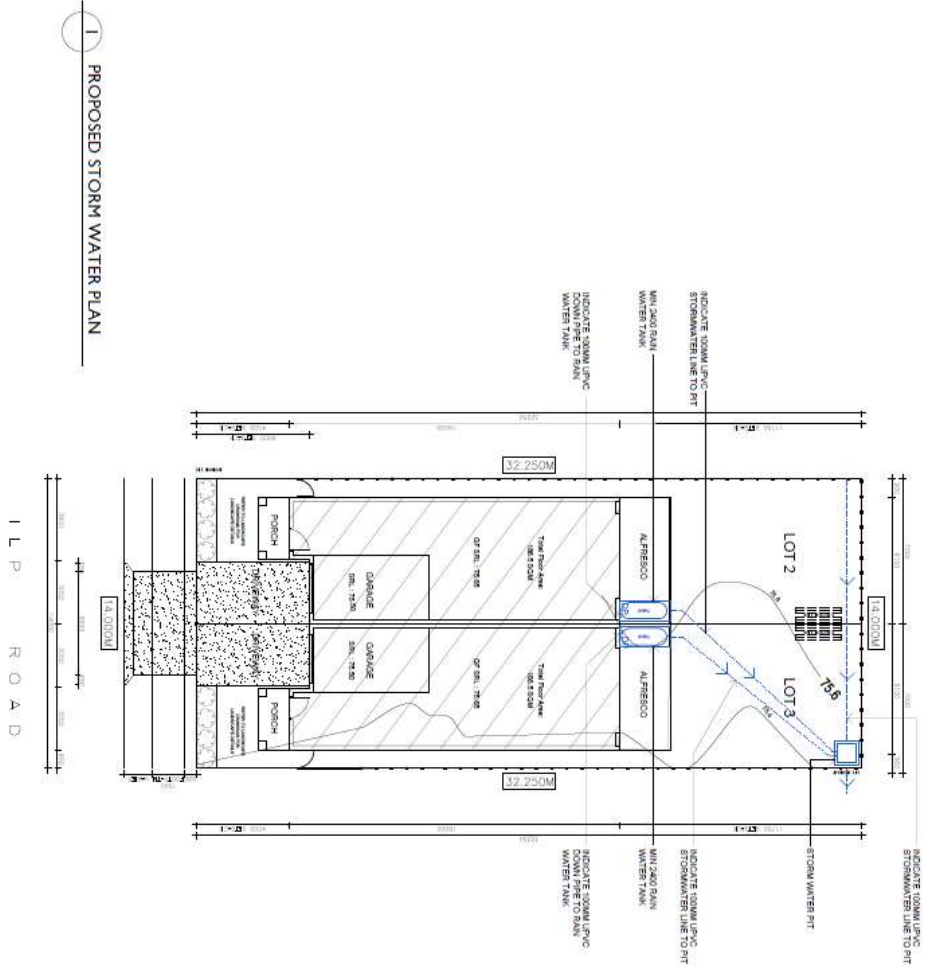
PROJECT: DA02-09



# LIVERPOOL CITY COUNCIL

## LOCAL PLANNING PANEL REPORT

22 February 2021



**FOR DEVELOPMENT APPLICATION**

**FUNKITECTURE DESIGN STUDIO**  
 1/100 ROYAL AVENUE  
 SYDNEY NSW 2008  
 PH: 02 9550 1111  
 WWW.FUNKITECTURE.COM.AU

**2 STOREY ABUTTING DWELLINGS**  
 LOT 2 & 3 - 168 FIFTH AVENUE  
 AUSTRAL

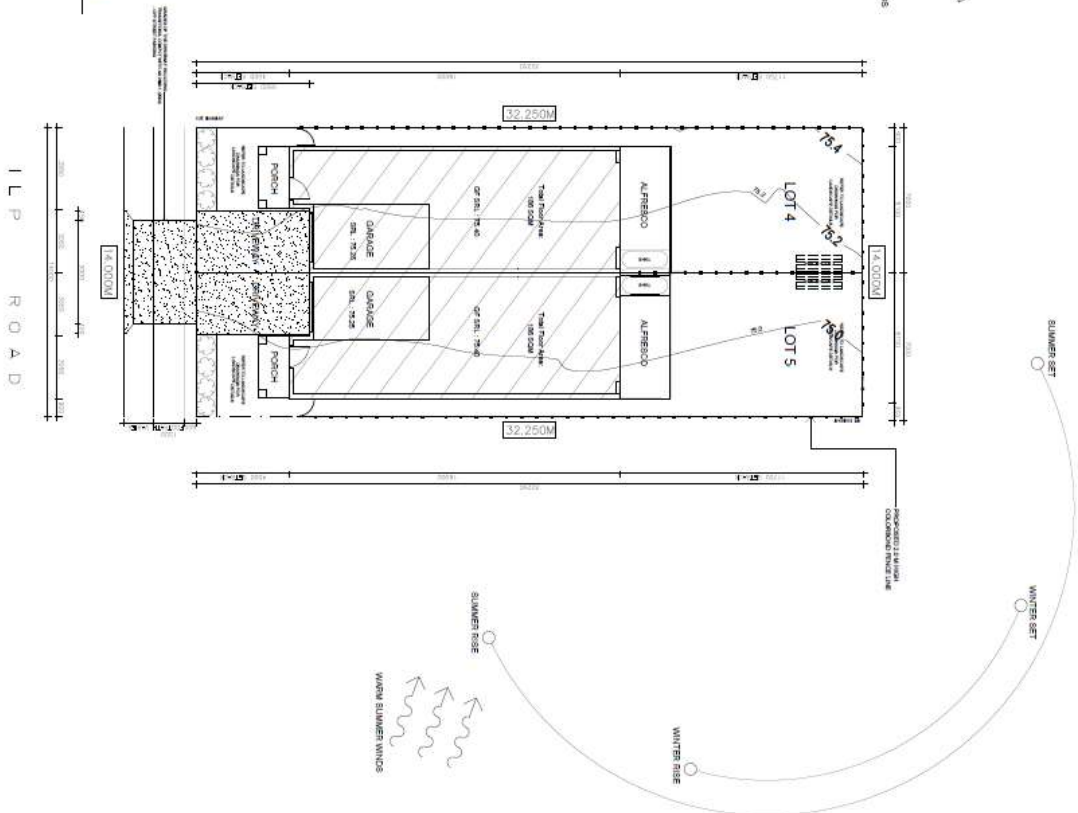
**PROPOSED STORM WATER PLAN**

DA02-10

# LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

22 February 2021

## PROPOSED SITE & ANALYSIS PLAN



### COMPLYING TABLE

FLOOR AREA INCLUDES THE INTERNAL AREA OF ALL HABITABLE ROOMS AND GARAGE WITHIN EVERY LEVEL OF A BUILDING, BUT DOES NOT INCLUDE THE AREA OF ANY OPEN TERRACES OR BALCONIES. YES/NO

LOT 4 SITE AREA: 225.75 m <sup>2</sup>	
TOTAL FLOOR AREA	34.5 m <sup>2</sup>
PRODUCT FLOOR (INCL. GARAGE)	3.0 m <sup>2</sup>
ALFRESCO	14.5 m <sup>2</sup>
POURCH	4.5 m <sup>2</sup>
TOTAL	206.7 m <sup>2</sup>

LOT 4		REQUIRED		PROPOSED COMPLIANCE	
TOTAL FLOOR AREA	N/A	386 m <sup>2</sup>	N/A	386 m <sup>2</sup>	N/A
BUILDING HEIGHT	MAX 12 m	7.3 m	YES	7.3 m	YES
FRONT SETBACK	4.5 m / 5.0m	4.5 m / 5.0m	YES	4.5 m / 5.0m	YES
REAR SETBACK	4m/0.75m/1.75m	11.75m	YES	11.75m	YES
SIDE SETBACK	0.9 m	0.9 m	YES	0.9 m	YES
G.FLOOR COVERAGE	N/A	56 m <sup>2</sup> (42%)	N/A	56 m <sup>2</sup> (42%)	N/A
F.FLOOR COVERAGE	UPPER < 50%	56 m <sup>2</sup> (42%)	YES	56 m <sup>2</sup> (42%)	YES
LANDSCAPE AREA	MIN 5%	24.75 m <sup>2</sup> (42%)	YES	24.75 m <sup>2</sup> (42%)	YES
PUBLIC OPEN SPACE	16 m <sup>2</sup> / Lot	16 m <sup>2</sup> / Lot	YES	16 m <sup>2</sup> / Lot	YES

LOT 5 SITE AREA: 225.75 m <sup>2</sup>	
TOTAL FLOOR AREA	54.5 m <sup>2</sup>
GROUND FLOOR (INCL. GARAGE)	91.5 m <sup>2</sup>
ALFRESCO	14.5 m <sup>2</sup>
POURCH	4.5 m <sup>2</sup>
TOTAL	206.7 m <sup>2</sup>

LOT 5		REQUIRED		PROPOSED COMPLIANCE	
TOTAL FLOOR AREA	N/A	386 m <sup>2</sup>	N/A	386 m <sup>2</sup>	N/A
BUILDING HEIGHT	MAX 12 m	7.3 m	YES	7.3 m	YES
FRONT SETBACK	4.5 m / 5.0m	4.5 m / 5.0m	YES	4.5 m / 5.0m	YES
REAR SETBACK	4m/0.75m/1.75m	11.75m	YES	11.75m	YES
SIDE SETBACK	0.9 m	0.9 m	YES	0.9 m	YES
G.FLOOR COVERAGE	N/A	56 m <sup>2</sup> (42%)	N/A	56 m <sup>2</sup> (42%)	N/A
F.FLOOR COVERAGE	UPPER < 50%	56 m <sup>2</sup> (42%)	YES	56 m <sup>2</sup> (42%)	YES
LANDSCAPE AREA	MIN 5%	24.75 m <sup>2</sup> (42%)	YES	24.75 m <sup>2</sup> (42%)	YES
PUBLIC OPEN SPACE	16 m <sup>2</sup> / Lot	16 m <sup>2</sup> / Lot	YES	16 m <sup>2</sup> / Lot	YES

**FOR DEVELOPMENT APPLICATION**

**FUNCTIONTECHTURE DESIGN STUDIO**

2 STOREY/ABUTTING DWELLINGS  
LOT 4 & 5 - 183 PTH  
AUSTRAL

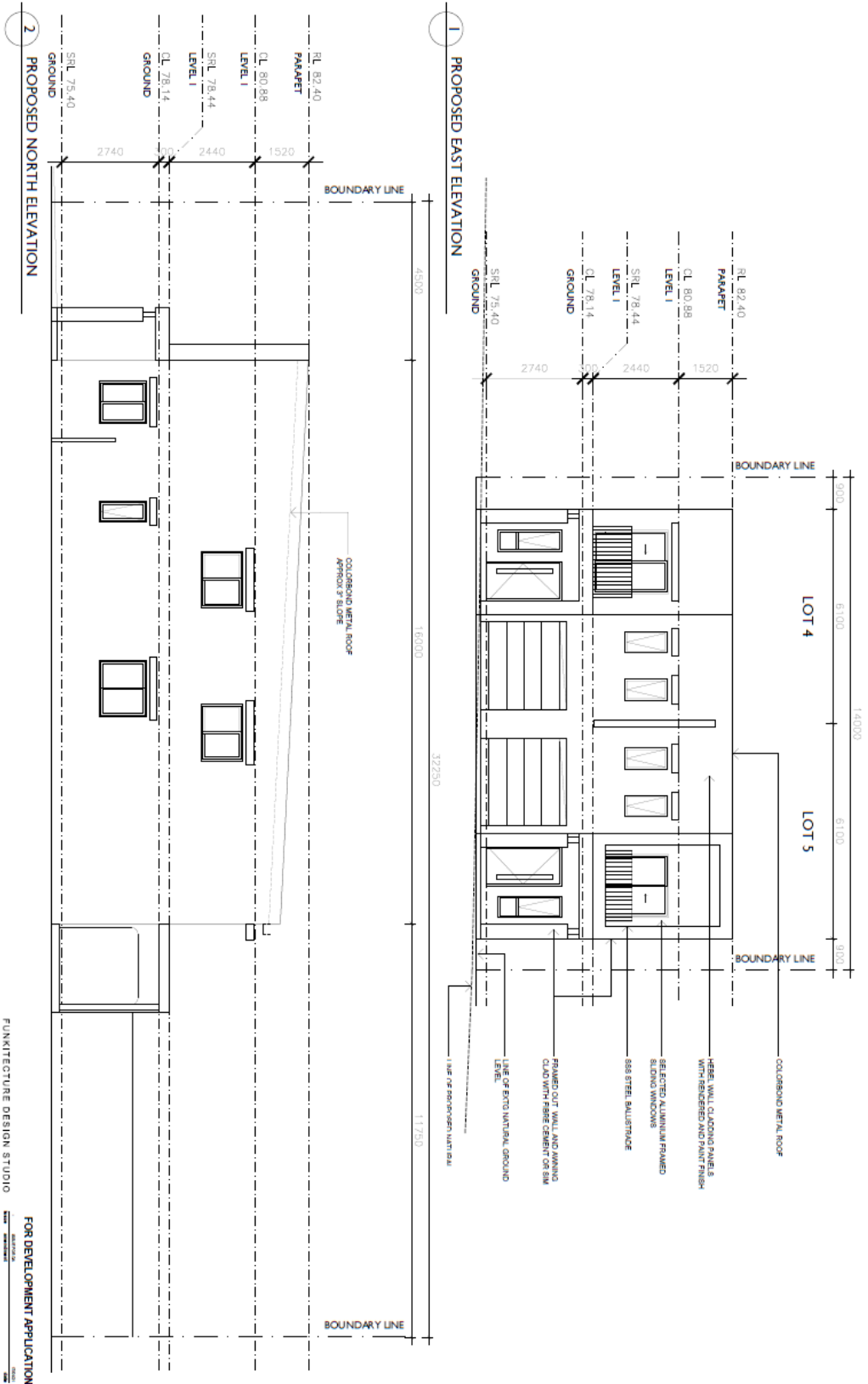
PROPOSED SITE & ANALYSIS PLAN

DATE: 15/02/2021

DM03-01

LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021



**FUNKITECHTURE DESIGN STUDIO**  
 201/11 BARKING AVE  
 MARRICKVILLE NSW 2204  
 PH: 02 9550 2533  
 WWW.FUNKITECHTURE.COM.AU

**FOR DEVELOPMENT APPLICATION**

Project: 2 STOREY APARTING DWELLINGS  
 LOT 4 & 5 - 183 FITZROY AVE  
 AUSTRALIA

Drawn by: [Name]  
 Date: 11/02/2021

Do not scale drawings. Verify all dimensions on file.

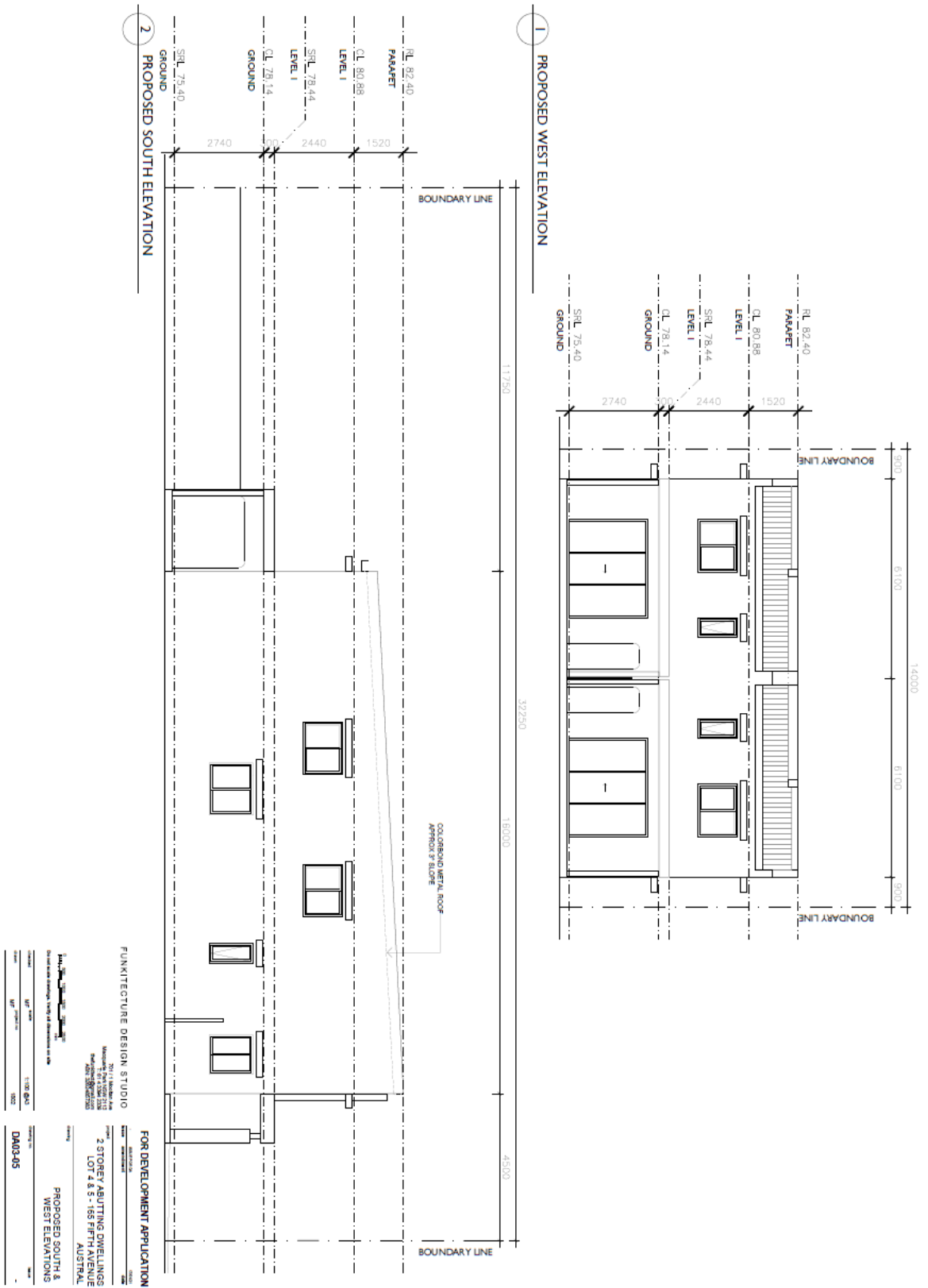
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 Date: 11/02/2021

Project No: DA00304

# LIVERPOOL CITY COUNCIL

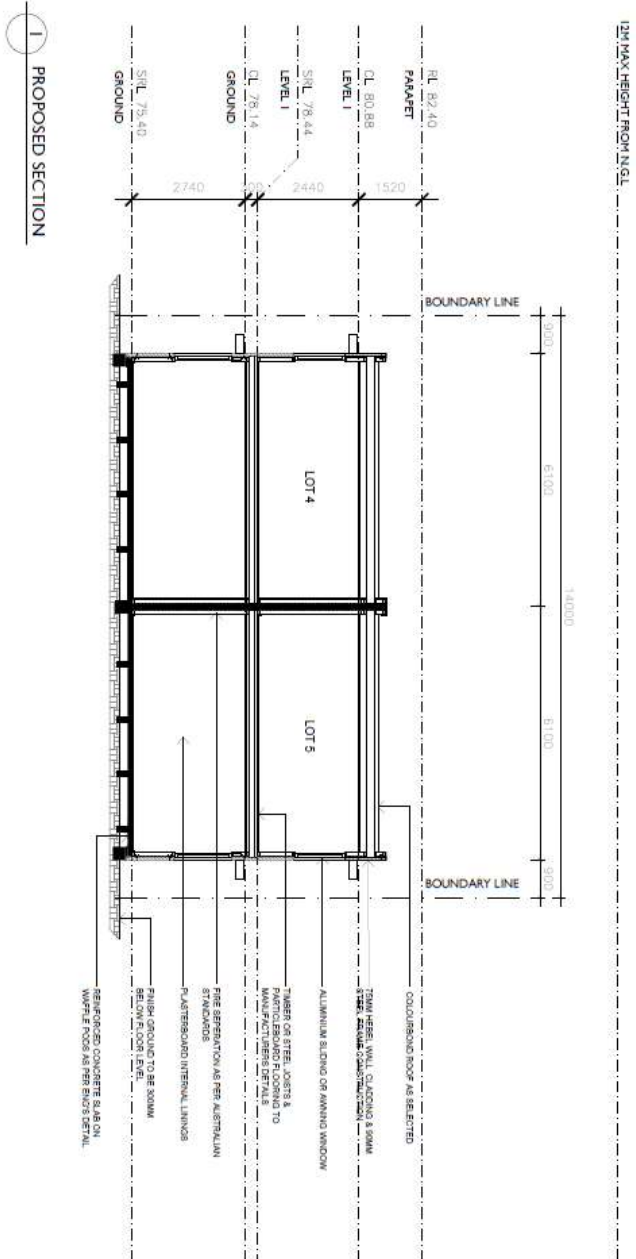
## LOCAL PLANNING PANEL REPORT

22 February 2021



LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021



**FOR DEVELOPMENT APPLICATION**

**FUNNKTECHTURE DESIGN STUDIO**  
 201/11-13 Redfern Ave  
 Redfern NSW 1545  
 Phone: (02) 9550 5333  
 Email: info@funnktechture.com.au

**2 STOREY ADJUTING DWELLINGS**  
 LOT 4 & 5 - 185 FIFTH AVENUE  
 AUSTIN

**PROPOSED SECTION**

DATE: 11/02/2021  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

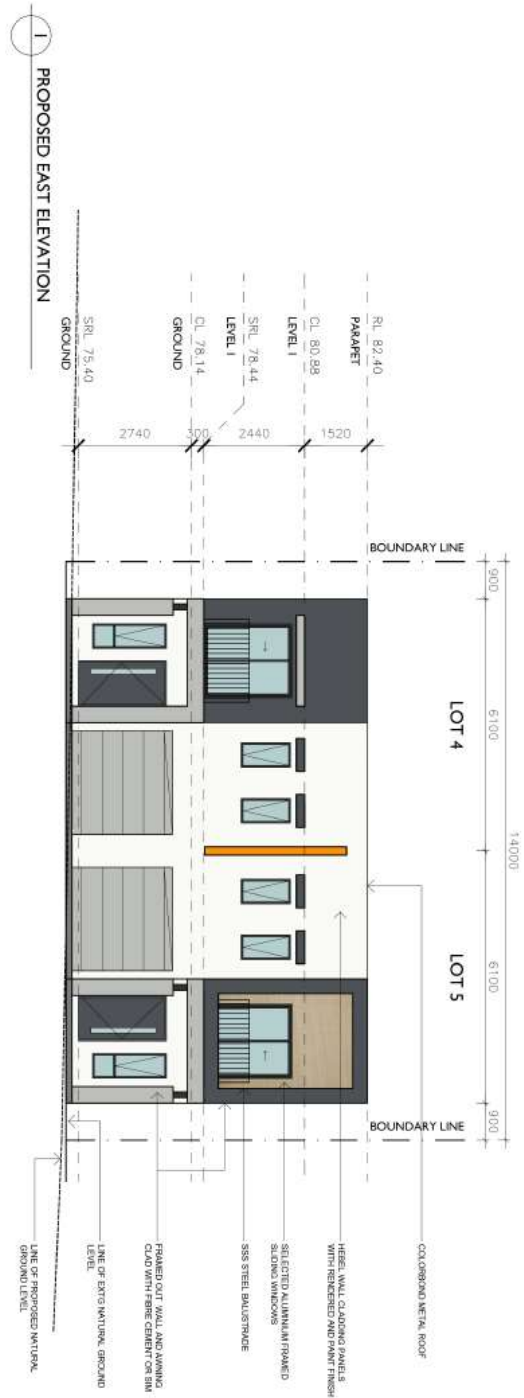






LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021



**2** MATERIAL SELECTION  
 NTS

**FOR DEVELOPMENT APPLICATION**

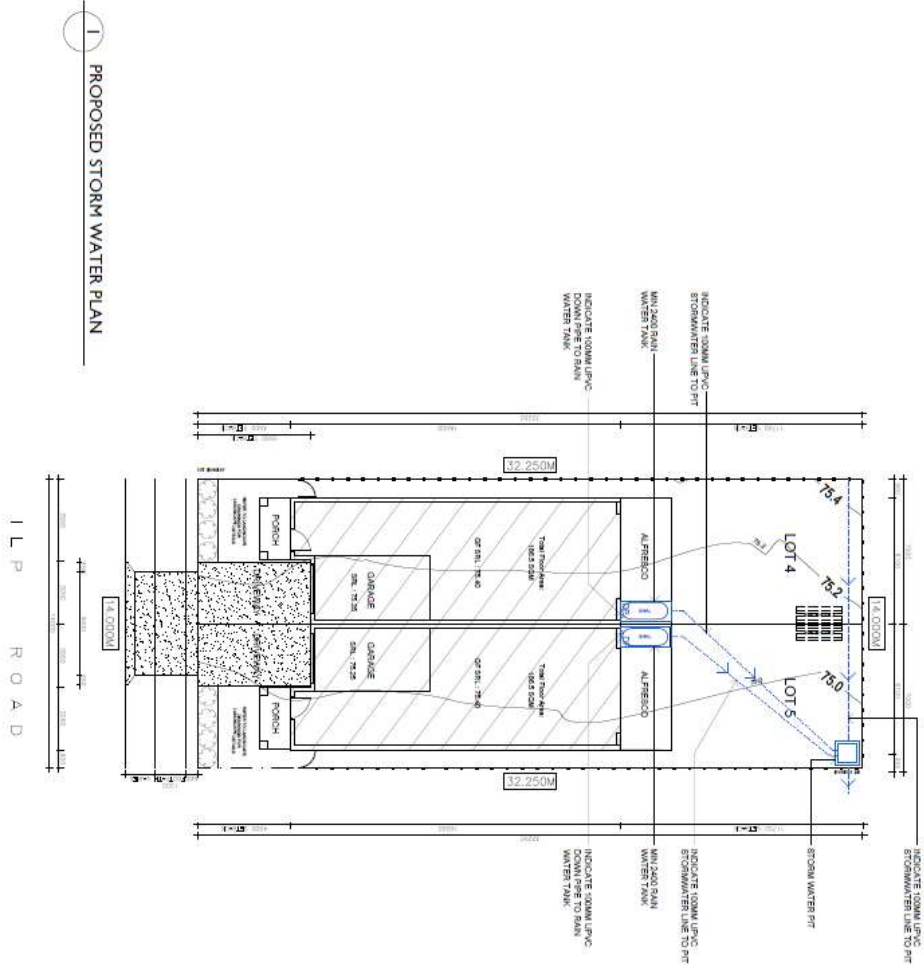
DATE: 18/02/2021  
 DRAWN: DA03-09  
 CHECKED: DA03-09  
 PROJECT: 2 STOREY ABUTTING DWELLINGS  
 LOT 4 & 5 - 165 FIFTH AVENUE  
 AUSTRAL

**FUNKTECHTURE DESIGN STUDIO**  
 20/11/18  
 1/100 DA03-09  
 DA03-09

**MATERIAL SCHEDULE**

LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021



**FOR DEVELOPMENT APPLICATION**

**FUNKITECTURE DESIGN STUDIO**  
 2/100 FIFTH AVENUE  
 SYDNEY NSW 2000  
 PH: 02 9550 1234  
 WWW.FUNKITECTURE.COM.AU

**PROPOSED STORM WATER PLAN**

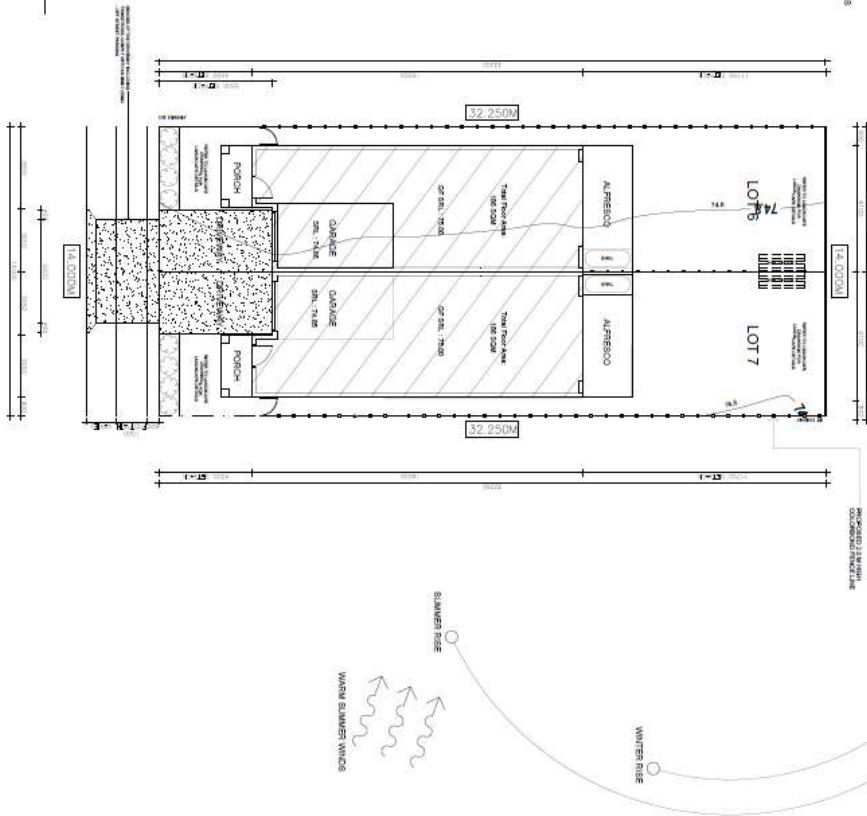
DA10-10

# LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

22 February 2021

## PROPOSED SITE & ANALYSIS PLAN

I L P R O A D



**COMPLYING TABLE**  
FLOOR AREA INCLUDES THE INTERNAL AREA OF ALL HABITABLE FLOOR AREAS AND INCLUDES THE INTERNAL AREA OF ALL HABITABLE FLOOR AREAS. IT DOES NOT INCLUDE THE AREA OF ANY OPEN TERRACE OR BALCONY, VOID OR

LOT 8 SITE AREA	225.75 m <sup>2</sup>
TOTAL FLOOR AREA	94.5 m <sup>2</sup>
GROUND FLOOR (INCL GARAGE)	91.5 m <sup>2</sup>
FIRST FLOOR	14.5 m <sup>2</sup>
ALFRESCO	4.5 m <sup>2</sup>
PORCH	4.5 m <sup>2</sup>
TOTAL	205 m <sup>2</sup>

LOT 7 SITE AREA	225.75 m <sup>2</sup>
TOTAL FLOOR AREA	188 m <sup>2</sup>
GROUND FLOOR (INCL GARAGE)	184 m <sup>2</sup>
FIRST FLOOR	14.5 m <sup>2</sup>
ALFRESCO	14.5 m <sup>2</sup>
PORCH	4.5 m <sup>2</sup>
TOTAL	205 m <sup>2</sup>

LOT 7	225.75 m <sup>2</sup>	REQUIRED	PROPOSED	COMPLIANCE
TOTAL FLOOR AREA	N/A	188 m <sup>2</sup>	N/A	YES
BUILDING HEIGHT	MAX 2.1m	7.3m	7.3m	YES
FRONT SETBACK	4.5m / 1.5m	4.5m / 1.5m	4.5m / 1.5m	YES
REAR SETBACK	4m / 0.7m / 0.7m	11.75m	11.75m	YES
SIDE SETBACK	0.9m	0.9m	0.9m	YES
G FLOOR COVERAGE	N/A	95 m <sup>2</sup> (42%)	N/A	YES
F FLOOR COVERAGE	UPPER < 50%	95 m <sup>2</sup> (42%)	95 m <sup>2</sup> (42%)	YES
LANDSCAPE AREA	MIN 15%	34.75 m <sup>2</sup> (15%)	34.75 m <sup>2</sup> (15%)	YES
PUBLIC OPEN SPACE	MIN 1%	69 m <sup>2</sup> (30%)	69 m <sup>2</sup> (30%)	YES

**FUNKITECTURE DESIGN STUDIO**  
 1/111 WYLLIE ST  
 MELBOURNE VIC 3006  
 PH: 03 9439 2222  
 WWW.FUNKITECTURE.COM.AU

**FOR DEVELOPMENT APPLICATION**  
 2 STOREY APARTMENT BUILDINGS  
 LOT 8 & 7 - 155 FIFTH AVENUE  
 AUSTRAL

**PROPOSED SITE & ANALYSIS PLAN**  
 Drawing No: **DMA-01**

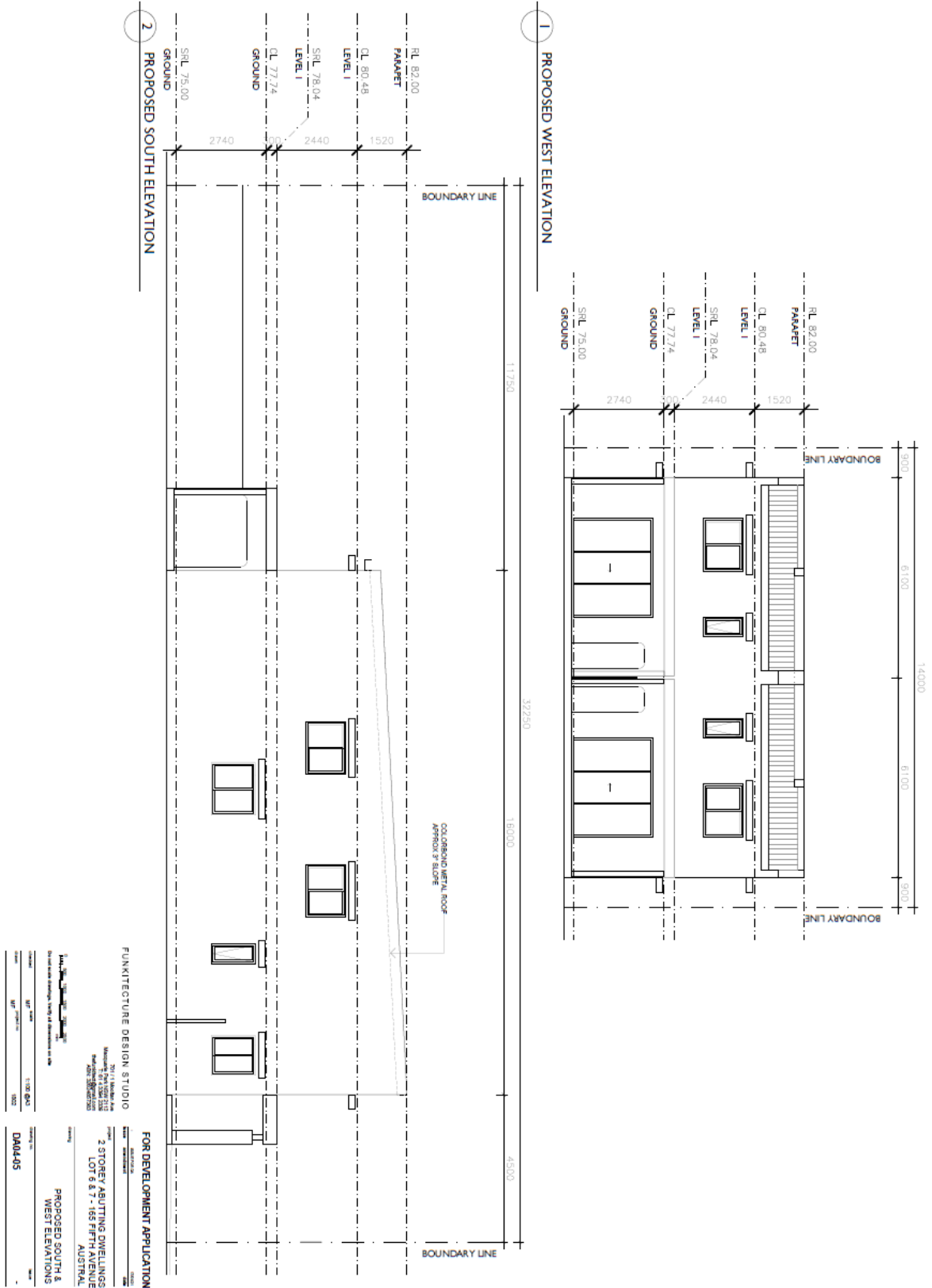
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 Date: 18/02/2021



# LIVERPOOL CITY COUNCIL

## LOCAL PLANNING PANEL REPORT

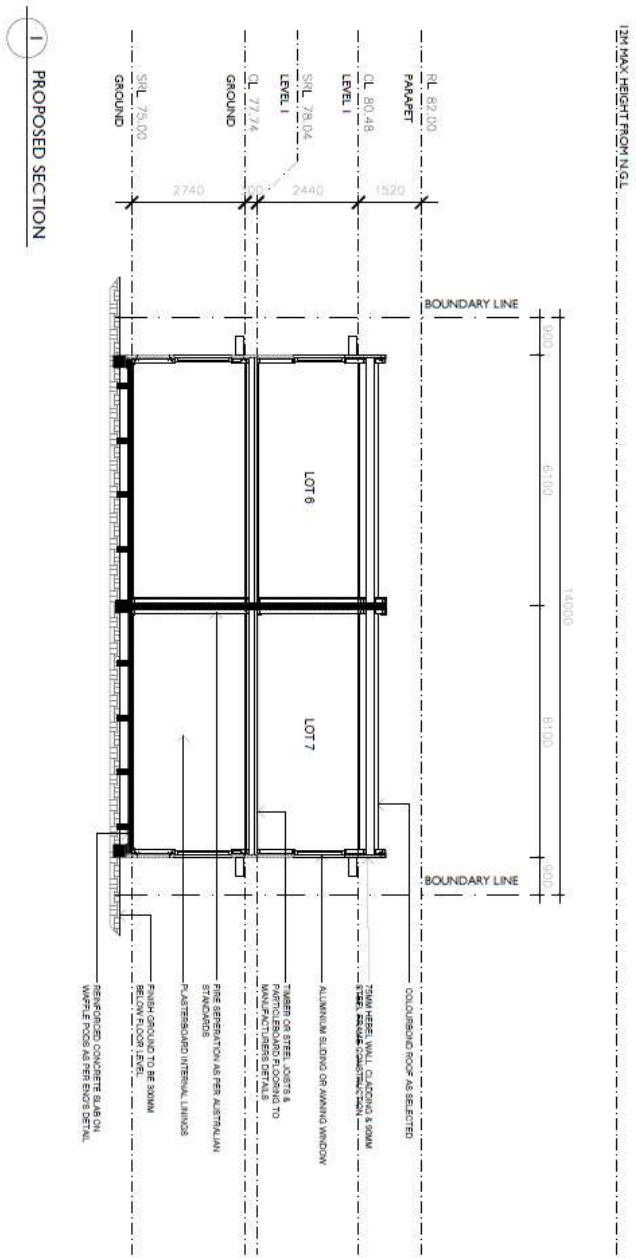
22 February 2021



# LIVERPOOL CITY COUNCIL

## LOCAL PLANNING PANEL REPORT

22 February 2021



1 PROPOSED SECTION

**FOR DEVELOPMENT APPLICATION**

**FUNNTECHTURE DESIGN STUDIO**  
 2011 Funn Avenue  
 Macquarie Park NSW 1588  
 Phone: 02 9350 1330  
 Fax: 02 9350 2750  
 Email: info@funntechture.com.au

**2 STOREY / ADJUTING DWELLINGS**  
 LOTS 8 & 7 - 185 FTTH AUSTRALIA

Project No: **DA04/06**

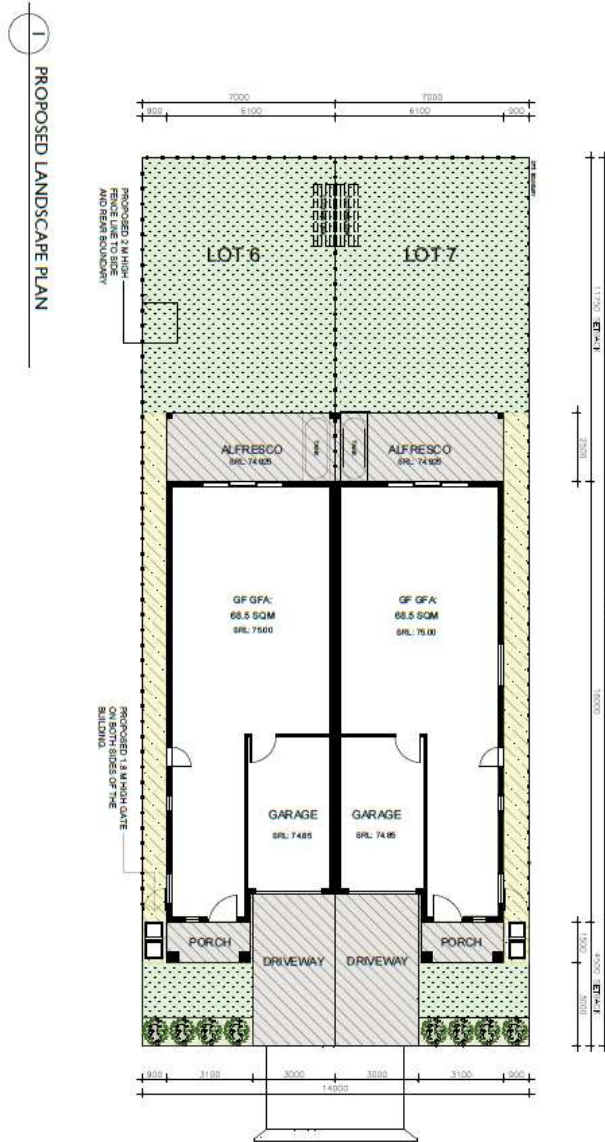
Drawing No: **PROPOSED SECTION**

Date: **15/02/2021**

Scale: **1:100**

LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021

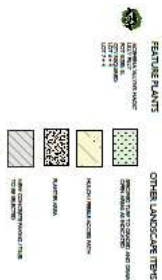


PROPOSED LANDSCAPE PLAN

LANDSCAPE AREA - LOT 6	
SITE AREA:	226.75m <sup>2</sup>
TOTAL HARDCORE AREAS:	131m <sup>2</sup>
REMAINING LANDSCAPE AREA:	94.75m <sup>2</sup>
LANDSCAPE AREA:	42%
MINIMUM REQUIRED BY COUNCIL:	15%

LANDSCAPE AREA - LOT 7	
SITE AREA:	226.75m <sup>2</sup>
TOTAL HARDCORE AREAS:	131m <sup>2</sup>
REMAINING LANDSCAPE AREA:	94.75m <sup>2</sup>
LANDSCAPE AREA:	42%
MINIMUM REQUIRED BY COUNCIL:	15%

LEGEND & PLANTING SCHEDULE



NOTE: LANDSCAPE CONTRACTORS SHALL LANDSCAPE WITH PLANTING MATERIALS AND PLANTS AS SPECIFIED IN THE PLANTING SCHEDULE. PLANTING MATERIALS AND PLANTS SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND RELEVANT AGENCIES.

FOR DEVELOPMENT APPLICATION

**FUNKITECHTURE DESIGN STUDIO**  
 2 STOREY APARTING DWELLING  
 LOT 6 & 7 - 155 FIFTH AVENUE  
 AUSTRALIA

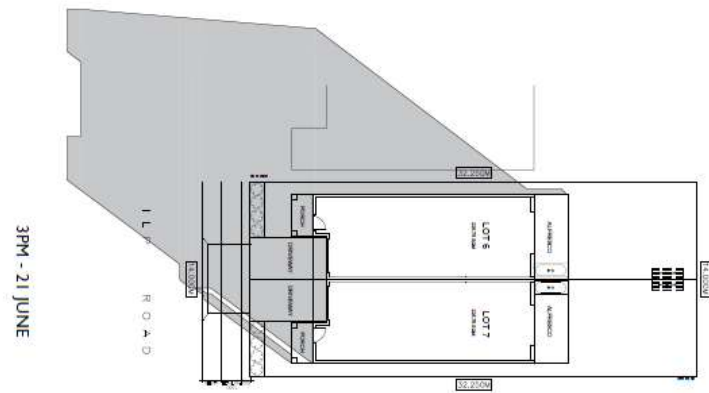
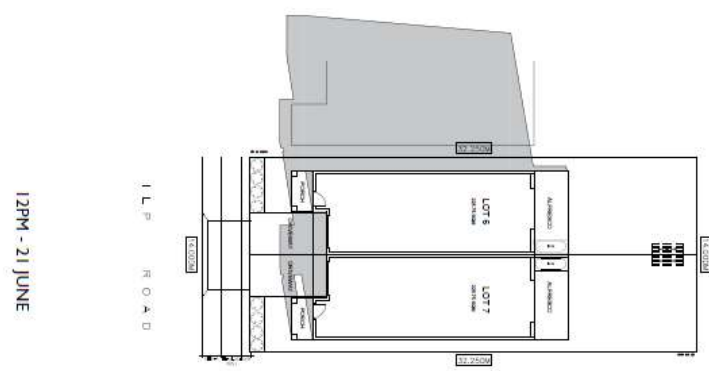
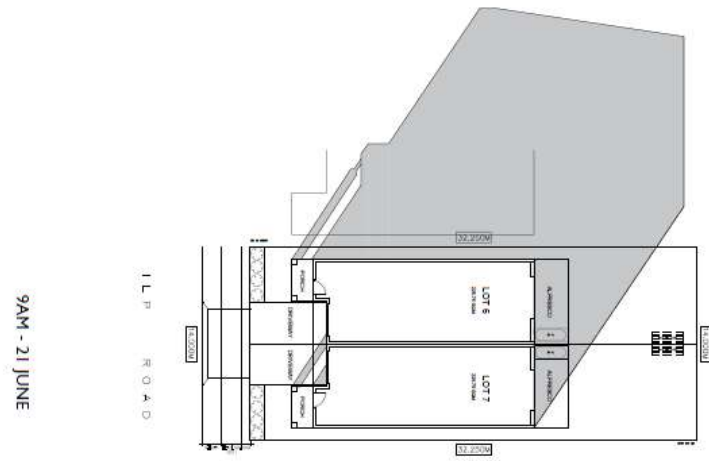
DATE: 04/04/21



LIVERPOOL CITY COUNCIL  
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1 PROPOSED SHADOW DIAGRAM



**FOR DEVELOPMENT APPLICATION**

**FUNKITECHTURE DESIGN STUDIO**  
 70/71 Eskdale Ave  
 Adelaide SA 5000  
 Phone: 08 8333 3333  
 Email: info@funkitechture.com.au

**2 STOREY ADJUTING DWELLINGS**  
 LOT 6 & 7 - 185 FIFTH AVENUE  
 AUSTRLIA

**PROPOSED SHADOW DIAGRAM**

DATE: 15/02/2021  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

Scale: 1:1000  
 Date: 15/02/2021









LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

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ENTRY DETAIL INTO BUILDING A FROM ANDALUSIAN STREET SHOWING CORNER WITH FIFTH AVENUE

LOT 1, 165 FIFTH AVENUE AUSTRAL

	
<p>2. 2014/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>	
<p>PROJECT ADDRESS:                  LOT 1, 165 FIFTH AVENUE AUSTRAL NSW 2178</p>	
<p>CLIENT:                  AUSTING GROUP PTY LTD</p>	
<p>DESIGNER:                  R.C.</p>	
<p>PROJECT STATUS:                  DEVELOPMENT APPLICATION</p>	
<p>COORDINATE:                  30 VIEWS-2</p>	
<p>DATE:                  1-11-2020</p>	
<p>SCALE:                  1:150 @ A3</p>	
<p>ARCHITECT:                  SUPA</p>	
<p>SWA GROUP                  SUITE 12, 16-18 MADISON AVE                  CHERRYBROOK NSW 2177                  PH: (02) 9439 1111                  WWW.SUPA.COM.AU</p>	
<p>CONTRACT NO.: DA-05/E                  2014</p>	



LIVERPOOL CITY COUNCIL  
 LOCAL PLANNING PANEL REPORT

22 February 2021

**QUALITY**  
 DESIGN & CONSTRUCTION

PROJECT ADDRESS:  
 LOT 1, 165 FIFTH AVENUE AUSTRAL NSW 2119

CLIENT:  
 AUSTING GROUP PTY LTD

DATE:  
 11/12/2020

PROJECT STATUS:  
 PRELIMINARY

DRAWING TITLE:  
 3D VIEWS-3

DATE:  
 11/12/2020

SCALE:  
 NTS

**SUSA**  
 SUSA GROUP  
 SUITE 101, 40-42A MARKET STREET  
 CHERRYBROOK NSW 2207  
 PH: 02 9550 1800  
 P: 02 9550 1800  
 E: info@susagroup.com.au

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DA-071A  
 2014

CORNER FIFTH AVENUE & ANDALUSIAN STREET

LOT 1, 165 FIFTH AVENUE AUSTRAL





LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT

22 February 2021

Development Statistics - 165 Fifth Ave, Austral																																																																																																																																																																				
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PROJECT ADDRESS  
 165 FIFTH AVE  
 AUSTRAL NSW  
 2179

CLIENT  
 AUSTING GROUP PTY LTD

OWNER  
 R.C.

PROJECT STATUS  
 DEVELOPMENT APPLICATION

DRAWING TITLE  
 PLANS ACCESS

SCALE  
 1:2000 A3

DATE  
 20/01/2021

REGISTERED  
 SWA GROUP  
 16-18 PARRAMATTA AVE  
 CHERRYBROOK NSW 2126  
 PH: (02) 9639 9999  
 WWW.SWA.COM.AU  
 \* 2014/01/20/2021/01/20/2021

DATE  
 20/01/2021

DA-42/E








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ENTRY DETAIL INTO BUILDING A FROM ANDALUSIAN STREET SHOWING CORNER WITH FIFTH AVENUE

LOT 1, 165 FIFTH AVENUE AUSTRAL

	
2. 165 FIFTH AVENUE, AUSTRAL NSW 2178 3. 165 FIFTH AVENUE, AUSTRAL NSW 2178 4. 165 FIFTH AVENUE, AUSTRAL NSW 2178 5. 165 FIFTH AVENUE, AUSTRAL NSW 2178 6. 165 FIFTH AVENUE, AUSTRAL NSW 2178 7. 165 FIFTH AVENUE, AUSTRAL NSW 2178 8. 165 FIFTH AVENUE, AUSTRAL NSW 2178 9. 165 FIFTH AVENUE, AUSTRAL NSW 2178 10. 165 FIFTH AVENUE, AUSTRAL NSW 2178	
PROJECT ADDRESS: LOT 1, 165 FIFTH AVENUE, AUSTRAL NSW 2178	
CLIENT: AUSTING GROUP PTY LTD	
PROJECT STATUS: R.C.	
DEVELOPMENT APPLICATION: DEVELOPMENT APPLICATION	
DOWNSCALE: 30 VIEWS-2	
DATE: 1/12/2020	SCALE: 1:150 @ A3
ARCHITECT: SUPA ARCHITECT	
SUPA ARCHITECT SUWA GROUP SUWA GROUP 165 FIFTH AVENUE, AUSTRAL NSW 2178 PH: 02 9554 4000 WWW.SUPAARCHITECT.COM.AU	
DRAWING NO.: DA-05/E DATE: 20/14	



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**ATTACHMENT 2 – SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY-NEPEAN RIVER (NO 2 – 1997) (DEEMED SEPP)**

<b>Clause 5 General Principles</b>	<b>Comment</b>
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed subdivision, construction of dwelling houses and RFB, road construction, stormwater works and demolition is typical of the development anticipated in the area and no alternative needs to be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	Conditions can be imposed on any consent granted that aim to improve the quality of expected stormwater discharge from the site.
<b>Clause 6 Specific Planning Policies and Recommended Strategies</b>	<b>Comment</b>
(1) Total catchment management	Environmental Planning consideration through SEPP (Sydney Region Growth Centre) 2006 has considered the impact of the residentially zoned land within the catchment
(2) Environmentally sensitive areas	The site is not part of an Environmentally Sensitive area as defined in this plan.
(3) Water quality	Conditions can be imposed on any consent granted to improve the quality of expected stormwater discharge from the site.
(4) Water quantity	Conditions can be imposed on any consent granted to reduce the impact from the expected storm-water runoff and flow characteristics through the site, on downstream aquatic ecosystems.
(5) Cultural heritage	No investigation has been conducted to discern any aboriginal objects of archaeological value.
(6) Flora and fauna	The site is identified as Biocertified and otherwise not containing threatened species of flora and fauna
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.



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(10) Urban development	The site has been rezoned to residential and the subdivision proposal provides variable lot sizes. Conditions can be imposed for any consent, to manage erosion and sediment erosion and loss, and to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy by contributing to greenfield development in the South West Growth Centre.

## ATTACHMENT 3 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.2 The Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan.	<b>Complies</b> The proposed development is in accordance with the Indicative Layout Plan (ILP).
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
2.3.1 Flooding	This section controls relating to development on flood prone land	<b>Not Applicable</b>  The site is not identified as being flood prone.
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	<b>Complies</b> The application was accompanied by Stormwater Engineering Concept Plans. Council's Land Development Engineers have reviewed the proposed development and raised no issues subject to conditions.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	<b>Complies</b> Council's Land Development Engineers have reviewed the proposed development and raised no issues subject to conditions.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	<b>Complies</b> The subject site is not identified as being of heritage significance. However, Council's Heritage Officer has reviewed the proposal in relation to Aboriginal heritage and raises no objection subject to conditions of consent.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<b>Complies</b> The proposal includes the removal of vegetation within a biodiversity certified area, as indicated on the SEPP Maps. The removal of vegetation is required in order to facilitate the proposed roads and bulk earthworks.
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	<b>Complies</b> The subject site is not bushfire prone.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	<b>N/A</b> A Detailed Site Investigation prepared by EBG Environmental Geoscience, indicates that the site is suitable for development for residential use and that no remediation is required. This report was reviewed by

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		Council's Environmental Health Officer who concurred with the findings of the report.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	<b>N/A</b> The proposal is not affected by an electricity and gas easements.
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	<b>Complies</b> The site is not located in an acoustic sensitive area. No further comments are required in this regard.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<b>N/A</b> The proposal is not affected by any odours (i.e. poultry farms)
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<b>Not Applicable</b> The DA does not propose industrial or employment development.
2.4 Demolition	This section contains controls relating to demolition of buildings	<b>Complies</b> Demolition is proposed with the DA. Conditions are to be imposed on any consent granted.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<b>Complies</b> The proposed development is unlikely to contravene the principles of CPTED.
2.6 Earthworks	This section contains controls relating to earthworks	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the bulk earthworks, subject to conditions.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	<b>Complies</b> The DA complies with the dwelling density.
	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.	<b>Complies</b> The subdivision will facilitate development for a mix of residential dwelling including residential flat buildings, abutting dwellings and detached dwellings, which is typical development within the 25 dwelling/ha area.
3.1.2 Block and Lot Layout	Street blocks are to be generally a maximum of 250m long and 70m deep. Block lengths in excess of 250m may be considered by Council where pedestrian connectivity, stormwater management and traffic safety objectives are achieved. In areas around neighbourhood and town centres, the block perimeters should generally be a maximum of 520m (typically 190m x 70m) to increase permeability and promote walking.	<b>Complies</b> Street block is a maximum of 250m and 70m
	Minimum lot size of 300sqm for dwelling house, 225sqm for lots with a BEP and 125sqm for lots as Integrated DA.	<b>Complies</b> The applicant proposes a total of two lots greater than 300sqm and nine lots less than 300sqm but greater than 225sqm.
	Minimum frontage width of 7m	<b>Complies</b> The proposed subdivision provides lots with a minimum frontage of 7 metres.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	<b>Complies</b> A range of residential lot sizes and widths are provided.
	In density bands $\leq 25dw/ha$ , total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.	<b>Complies</b> No more than 20% of the street block have a frontage of less than 9m wide.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	<b>Complies</b> The lots are generally rectangular in shape.
	Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.	<b>Noted</b>
	The maximum number of attached or abutted dwellings permissible in a set is six.	<b>Complies</b> The maximum number of abutting dwelling in a set is two.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	<b>Complies</b> The corner lots are large enough to facilitate a dwelling design that would address both street frontages.
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	<b>Complies</b> The location of infrastructure has been shown on the Engineering plans.
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with the requirements of Table 3-4.	<b>Complies</b> The DA complies with Pathway B1.
	Subdivision applications that create lots smaller than 300sqm and larger than or equal to 225sqm must be accompanied by a Building Envelope Plan (BEP). An example of a BEP is included at <b>Figure 3-8</b> .	<b>Complies</b> Lots less than 300sqm have been accompanied by Building Envelope Plans (i.e. proposed lot 8, 9 and 10) as well as dwelling designs for construction (Lot 2 and 3, Lot 4 and 5, and Lot 6 and 7).
	Applications for subdivision using approval pathways A2, B1 and B2 require a Public Domain Plan (PDP) to be submitted as part of the application. The purpose of the PDP is to demonstrate how the public domain will be developed as a result of future development on the proposed lots. An example of a PDP is included at <b>Figure 3-9</b> .	<b>Complies</b> A Public Domain Plan has been submitted and is considered to be acceptable.
3.3.1 Street Network	This section contains controls relating to street network layout	<b>Complies</b> The proposed development is consistent

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Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
Layout and Design	and design.	with the ILP. Conditions of consent will be imposed to ensure that correct carriage way widths, verge widths and footpath widths are provided, this has been assessed by Councils Traffic and Land Development Engineers, who raised no objection.
3.3.5 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	<b>Complies</b> The ILP does not indicate the Council road is to be a major pedestrian/cycle route.
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	<b>Complies</b> Conditions of consent will be imposed ensuring the implementation of a construction environmental management plan, prior to issue of a CC.



Part 4 Residential Development		
Development Control	Provision	Comment
4.1.2 Cut and Fill	Contaminated fill, either imported or found on site, is not permitted.	<b>TBC</b>
4.1.3 Sustainable building design	<p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p> <p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Design and construction of dwellings is to make use of locally sourced materials where possible.</p> <p>Residential building design is to use, where possible, recycled and renewable materials.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air-conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation</p>	<p><b>Complies</b></p> <p>It is considered that residential dwellings and RFB development has been designed to maximise sustainability.</p>
4.1.4 Salinity, sodicity and aggressivity	All development must comply with the Salinity Management Plan developed at the subdivision	<b>TBC</b>

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<b>Part 4 Residential Development</b>		
<b>Development Control</b>	<b>Provision</b>	<b>Comment</b>
	<p>phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process.</p>	
4.2.1 Summary of Key Controls	<p>Table 4-3 applies to lots with a width greater than 7 and less than 9 metres. See Table below.</p> <p>Table 4-4 applies to lots with a width equal to or greater than 9 metres and less than or equal to 15m. See Table below.</p>	<p><b>Complies</b></p> <p>All dwellings on proposed lots meet the controls in Table 4-3 and Table 4-4.</p>

**Table 4-3: Summary of key controls for lots with frontage width ≥ 7m and < 9m for front accessed dwellings**

Element	Control
Front setback (min)	4.5m to building facade line; 3.5m to building facade fronting open space 3.0m to articulation zone; 2.0m to articulation zone fronting open space 5.5m to garage line and minimum 1m behind the building line
Side setback (min)	Zero (0) m: Attached or Adjoining Boundary Ground floor: 0m Upper floor: 0m  Detached boundary 0.8m If lot bordered by zero lot boundary, side setback must be within easement: 0.8m (single storey zero lot wall) 1.2m (double storey zero lot wall)
Maximum length of zero lot line on boundary	15m
Rear setback (min)	4m (ground level) and 6m (upper levels)
Corner lots secondary street setback (min)	1.0m
Building height, massing and siting	In density areas ≤25dw/ha: 2 storeys maximum (3rd storey subject to clause 4.2.5 (f))  In density areas >25dw/ha: 3 storeys maximum
Site Coverage	Upper level no more than 50% of lot area
Soft landscaped area	Minimum 15% lot area. The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.
Principal Private Open Space (PPOS)	In density areas ≤25dw/ha: Min 16m <sup>2</sup> with minimum dimension of 3m.  In density areas >25dw/ha: Min 16m <sup>2</sup> with minimum dimension of 3m, 10m <sup>2</sup> per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.
Solar access	In density areas ≤ 25dw/ha: At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to 50% of the required PPOS of both the proposed development and the neighbouring properties.  In density areas > 25dw/ha: At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of: 12. all affected neighbouring properties and 13. at least 70% of the proposed dwellings.  For alterations and additions to existing dwellings in all density areas, no reduction in the existing solar access to PPOS of the existing neighbouring properties.
Garages and car parking	Single width garage or car space only. Carport and garage minimum internal dimensions: 3m x 5.5m. 1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces. The garage must be less than 45% of the total area of the front facade.
Layout	Driveway locations must be sited to preserve on-street parking spaces in front of lots. In density bands > 25 dw/ha, total lot frontage of this lot type not to exceed 20% of the block length due to garage dominance and on-street parking impacts.

**Table 4-4: Summary of key controls for lots with frontage width ≥ 9m and ≤15m for front accessed dwellings**

Element	Control
Front setback (min)	4.5m to building facade line; 3.5m to building facade fronting open space or drainage land 3.0m to articulation zone; 2.0m to articulation zone fronting open space or drainage land 5.5m to garage line and 1m behind the building line
Side setback (min)	Detached boundary: Ground Floor: 0.8m Upper Floor: 0.9m  Lots with a zero lot boundary (side A): Ground Floor: 0m (Side A), 0.8m (Side B) Upper Floor: 1.0m (Side A), 0.9m (Side B)
Length of zero lot line on boundary	11m
Rear setback (min)	6m (ground level) and 6m (upper levels)
Corner lots secondary street setback (min)	2.0m
Building height, massing and siting	2 storeys maximum (3rd storey subject to clause 4.2.5 (f))
Site coverage	Single storey dwellings: 60%  Lot <375sqm, upper level no more than 40% of lot area. Lot >375sqm, upper level no more than 35% of lot area.
Landscaped area	Minimum 20% of allotment area
Principal Private Open space (PPOS)	Minimum 20m <sup>2</sup> with minimum dimension of 4.0m. 50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).
Garages and car parking	Lots ≥9m and <12.5m: Where front accessed, single width garages only. Rear lane or side street accessed double garages permitted. Max. report and garage door width not to exceed 3m (single) or 6m (double).  Lots ≥12.5m and ≤15m: Front or rear accessed single tandem or double garages permitted. Triple garages are not permitted.  1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces

4.2.2 Streetscape and architectural design	<p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p>	<p><b>Complies</b></p> <p>The primary street façade of dwellings proposed incorporate a porch and features over windows.</p>
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	<ul style="list-style-type: none"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah;</li> <li>• bay windows or similar features; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> </ul>	
	<p>Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback</p>	<p><b>N/A</b></p> <p>No Corner Lot proposed as part of the DA.</p>
	<p>Modulation of the façade should be integral to the design of the building, rather than an unrelated attached element.</p>	<p><b>Complies</b></p> <p>The façade of dwellings is sufficiently modulated.</p>
	<p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest. Except for walls built to the boundary, eaves should have a minimum of 450mm overhang (measured to the fascia board). Council will consider alternative solutions to eaves so long as appropriate sun shading is provided to windows and display a high level of architectural merit.</p>	<p><b>N/A</b></p>
	<p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees. Skillion roofs, roofs hidden from view by parapet walls, roofs on detached garages, studios and ancillary buildings on the allotment are excluded from this control.</p>	<p><b>N/A</b></p>
	<p>Front facades are to feature at least one habitable room with a window onto the street.</p>	<p><b>Complies</b></p> <p>Habitable rooms with windows to the street are provided.</p>
	<p>Carports and garages are to be</p>	<p><b>Complies</b></p>

	constructed of materials that complement the colour and finishes of the main dwelling.	Colour of the garage is adequate.
	Streets should be fronted with similar housing types to create a consistent street character. For example, a 'garden suburban' street character will be created where most dwellings are detached on lot widths $\geq 15\text{m}$ , perhaps with deeper lots allowing for larger front setbacks and generous landscaping around dwellings. A suburban street character will be created where most dwellings are front loaded, detached or zero lotted on lot widths between 9-15m. An urban street character will be created where most dwellings are zero lotted, attached/abutting on lot widths less than 9m with rear garages. Streetscape design principles are illustrated at Figure 4-4	<b>Complies</b> Andalusian Street is fronted with similar housing types which creates a consistent street character.
4.2.3 Front Setbacks	Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-5 and Figure 4-6.	<b>Complies</b> Dwellings are consistent with the relevant Tables and Figures.
	To achieve a desired streetscape character, the building façade front setback for a series of lots can be more or less than the setbacks shown in Tables 4-2 to 4-6 where agreed to as part of the preparation of a Building Envelopes Plan or integrated housing development application at subdivision approval and the front setbacks are attached to the lot titles. However, the front setback to garages must be a minimum of 5.5m.	<b>N/A</b>
	Elements permitted in the articulation zone (shown on Figure include those items listed in Control 4.3.2 (1).	<b>Noted</b>
	Except for rear loaded garages, garages are to be setback at least 5.5m from the street boundary and at least 1m behind the building line of the dwelling.	<b>Complies</b> Garages are at least 5.5m from the street boundary
4.2.4 Side and rear setbacks	All development is to be consistent with the side and rear setback controls in the relevant Tables 4-2 to 4-6 and principles in Figure 4-8.	<b>Complies</b> The side and rear setback controls are consistent with the relevant Tables and Figure.

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	The location of a zero lot line (Side A) is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 4-8.	<b>N/A</b>
	For attached or semi-detached dwellings the side setback only applies to the end of a row of attached housing, or the detached side of a semi-detached house.	<b>N/A</b>
	Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.	<b>Noted</b>
	For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.	<b>Noted</b>
	No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.2.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.	<b>Noted</b>
4.2.5 Dwelling Height, Massing and Siting	All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.	<b>Complies</b> The proposed development complies with the maximum site coverage as indicated in the relevant Tables.
	Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.	<b>Noted</b>
	The ground floor level shall be no more than 1m above finished ground level.	<b>Complies</b> The ground floor level is no more than 1m above finished ground level
4.2.6	The minimum soft landscaped	<b>Complies</b>

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Landscaped Area	area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-11 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space	The proposed development complies with the minimum soft landscaped area in the relevant Tables and Figures.
	Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.	<b>Noted</b>
	Surface water drainage shall be provided as necessary to prevent the accumulation of water	<b>Noted</b>
	Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.	<b>Noted</b>
4.2.7 Private Open Space	Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.	<b>Complies</b> Each dwelling is provided with an area of PPOS consistent with the requirements of the relevant Tables.
	The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.	<b>Complies</b> The location of PPOS is adequately located in the rear yard.
	The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semiprivate patio, balcony or rooftop area, it must be directly accessible from a living area.	<b>Complies</b> The location of PPOS has an adequate grade and access from the rear living area.
	Open space at the front of the dwelling can only be defined as PPOS where this is the only means of achieving the solar access requirements of control 1 above. PPOS at the front of a dwelling must be designed to maintain appropriate privacy (for example raised level above footpath or fencing or hedging) and be consistent with the streetscape design controls in Section 4.2.2.	<b>N/A</b>
4.2.8 Garages,	3 bedroom or more dwellings will	<b>Complies</b>



Storage, Access Parking	Site and	provide at least 2 car spaces	Each dwelling has capacity for 2 car spaces, being one in the garage and one in front of the garage within the driveway.
		At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.	<b>Complies</b> At least one car parking space is located behind the building façade.
		. Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.	<b>Complies</b> Driveways proposed have the smallest configuration possible.
		The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking.	<b>Complies</b> Driveways have been co-located to increase the space available in the road reserve for trees and on-street parking.
		Driveways are to have soft landscaped areas on either side, suitable for water infiltration.	<b>Complies</b> Driveways have soft landscaped areas on either side.
		Garages are to be designed and located in accordance with the controls in relevant Tables 4-2 to 4-6.	<b>Complies</b> Garages are designed and located in accordance with the relevant Tables.
		Garage design and materials are to be consistent with the dwelling design.	<b>Complies</b> The garage design and materials are appropriate for the dwelling design.
		Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.	<b>Complies</b> Single garage doors are not greater than 3m wide.
		Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep	<b>Complies</b> The minimum internal dimensions for a single garage are 3m wide by 5.5m deep.
	Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.	<b>Complies</b> Garages door are visually recessive.	
4.2.9 Visual and acoustic privacy		Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping.	<b>To Be Conditioned</b> A condition is to be imposed to prevent overlooking between bedrooms of adjoining dwellings via the placement of windows.
		Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling except where the balcony faces a public road, or land zoned for public recreation or drainage.	<b>Complies</b> Balconies on the first floor are not proposed.

	<p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission</p>	<p><b>Complies</b> The internal layout of dwellings minimises noise impact.</p>
	<p>Noise walls are not permitted.</p>	<p><b>N/A</b></p>
<p>4.3.2 Attached or abutting dwellings</p>	<p>It is preferred that garages for attached dwellings are located at the rear of the lot. Where attached dwellings have frontage to a collector road, all vehicle access and parking is to be located at the rear of the lot.</p>	<p><b>Considered acceptable</b> The proposed development cannot provide a rear laneway in this case given that the provision of a laneway (without amalgamating with the adjoining neighbour) would substantially reduce the developable area of the site and the depth of lots, thereby resulting in compact dwelling designs. It is considered that the proposed subdivision pattern and dwelling design is the ideal development scenario.</p>
	<p>Attached or abutting dwellings should have a pleasing rhythm and order when seen together as a group, rather than appear as a random arrangement of competing dwellings. Each dwelling should benefit from the unified design of the whole form, a co-ordinated style and base colour palette. Individuality can be added as small details or accent colours, rather than strikingly different forms.</p>	<p><b>Complies</b> It is considered that the dwelling proposed have a pleasing rhythm and order.</p>
<p>4.3.5 Controls for residential flat buildings, manor homes and shop top housing</p>	<p>Residential flat buildings are to:</p> <ul style="list-style-type: none"> <li>• be located on sites with a minimum street frontage of 30m, and</li> <li>• have direct frontage to an area of the public domain (including streets and public parks), and</li> <li>• not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact</li> </ul>	<p><b>Complies</b> The proposed RFB is located on a site with a minimum street frontage of 30m, has a direct frontage to the street and does not adversely impact upon existing or future amenity of any adjoining land.</p>
	<p>All residential flat buildings are to be consistent with:</p> <ul style="list-style-type: none"> <li>• the guidelines and principles outlined in SEPP No. 65 – Residential Flat Development; and</li> <li>• the primary controls set out in</li> </ul>	<p><b>Considered acceptable</b> The proposed RFB is consistent with the guidelines and principles outlined in SEPP 65 and the primary controls set out in Table 4-10, except for front setbacks.  For instance, Table 4-10 requires a front setback of 6 metres from the primary and secondary street frontage, with some</p>

	<p>Table 4-10, which take precedence over the above where there is any inconsistency.</p>	<p>projections up to 4.5m from the street for 50% of the façade length.</p> <p>The proposed RFB is setback 6m from both street frontages, with projections up to 4.5m from each street for 56% of façade length on Andalusian and 63% of the façade length on Fifth Avenue.</p> <p>The minor exceedance along Andalusian Street is a result of the balcony at the corner of Andalusian and Fifth Avenue as well as sunhoods. These minor projections are acceptable as they do not dominate the streetscape.</p> <p>The proposed exceedance along Fifth Avenue is also acceptable in the context of permissible development on surrounds, particularly opposite Fifth Avenue to the south. By virtue of Figure 5-25-2, these properties can redevelop with zero setbacks.</p> <p>In this regard, the proposed setback from the street frontages is acceptable as it does not dominate and is rather sympathetic to the desired streetscape character.</p>
	<p>In all residential flat building developments containing 10 dwellings or more, a minimum of 10% of all apartments are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes 'pre-adaptation' design details to ensure visitability is achieved.</p>	<p><b>Complies</b> Three dwellings (a minimum of 10%) are capable of adaptation.</p>
	<p>Where possible, adaptable dwellings are to be located on the ground floor. 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.</p>	<p><b>Noted</b></p>
	<p>The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable</p>	<p><b>Noted</b></p>

	of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	
	Car parking and garages allocated to adaptable dwellings must comply with the requirements of Australian Standards for disabled parking spaces.	<b>Complies</b> There are enough car parking spaces in the basement to cover the number of adaptable dwellings.
	A landscape plan is to be submitted with every application for residential flat buildings.	<b>Complies</b> A landscape plan has been submitted as is considered to be acceptable.

**Table 4-3:** Summary of key controls for lots with frontage width  $\geq 7\text{m}$  and  $< 9\text{m}$  for front accessed dwellings

Element	Control	
Front setback (min)	4.5m to building facade line; 3.5m to building façade fronting open space 3.0m to articulation zone; 2.0m to articulation zone fronting open space 5.5m to garage line and minimum 1m behind the building line	
Side setback (min)	Zero Lot, Attached or Abutting Boundary Ground floor: 0m Upper floor: 0m	Detached Boundary 0.9m. If lot burdened by zero lot boundary, side setback must be within easement: 0.9m (single storey zero lot wall) 1.2m (double storey zero lot wall)
Maximum length of zero lot line on boundary	15m	
Rear setback (min)	4m (ground level) and 6m (upper levels)	
Corner lots secondary street setback (min)	1.0m	
Building height, massing and siting	In density areas $\leq 20\text{dw}/\text{Ha}$ : 2 storeys maximum (3rd storey subject to <b>clause 4.2.5 (1)</b> )	In density areas $\geq 25\text{dw}/\text{Ha}$ : 3 storeys maximum
Site Coverage	Upper level no more than 50% of lot area	
Soft landscaped area	Minimum 15% lot area. The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	
Principal Private Open Space (PPOS)	In density areas $\leq 20\text{dw}/\text{Ha}$ : Min 16m <sup>2</sup> with minimum dimension of 3m.	In density areas $\geq 25\text{dw}/\text{Ha}$ : Min 16m <sup>2</sup> with minimum dimension of 3m. 10m <sup>2</sup> per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.
Solar access	In density areas $\leq 20\text{dw}/\text{Ha}$ : At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to 50% of the required PPOS of both the proposed development and the neighbouring properties.	In density areas $\geq 25\text{dw}/\text{Ha}$ : At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of: 12. all affected neighbouring properties and, 13. at least 70% of the proposed dwellings.
	For alterations and additions to existing dwellings in all density areas, no reduction in the existing solar access to PPOS of the existing neighbouring properties.	
Garages and car parking	Single width garage or car space only. Carport and garage minimum internal dimensions: 3m x 5.5m. 1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces. The garage must be less than 40% of the total area of the front façade.	
Layout	Driveway locations must be paired to preserve on-street parking spaces in front of lots. In density bands $\leq 25\text{ dw}/\text{Ha}$ , total lot frontage of this lot type not to exceed 20% of the block length due to garage dominance and on-street parking impacts.	

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**Table 4-4:** Summary of key controls for lots with frontage width  $\geq 9\text{m}$  and  $\leq 15\text{m}$  for front accessed dwellings

Element	Control	
Front setback (min)	4.5m to building facade line; 3.5m to building façade fronting open space or drainage land 3.0m to articulation zone; 2.0m to articulation zone fronting open space or drainage land 5.5m to garage line and 1m behind the building line	
Side setback (min)	Detached boundary: Ground Floor: 0.9m Upper Floor: 0.9m	Lots with a zero lot boundary (side A): Ground Floor: 0m (Side A), 0.9m (Side B) Upper Floor: 1.5m(Side A), 0.9m (Side B)
Length of zero lot line on boundary	11m	
Rear setback (min)	4m (ground level) and 6m (upper levels)	
Corner lots secondary street setback (min)	2.0m	
Building height, massing and siting	2 storeys maximum (3rd storey subject to <b>clause 4.2.5 (1)</b> )	
Site coverage	Single storey dwellings: 60%  Lot $\leq 375\text{sqm}$ , upper level no more than 40% of lot area. Lot $> 375\text{sqm}$ , upper level no more than 35% of lot area.	
Landscaped area	Minimum 25% of allotment area	
Principal Private Open space (PPOS)	Minimum 20m <sup>2</sup> with minimum dimension of 4.0m. 50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June)	
Garages and car parking	Lots $\geq 9\text{m}$ and $< 12.5\text{m}$ : Where front accessed, single width garages only. Rear lane or side street accessed double garages permitted. Max. carport and garage door width not to exceed 3m (single) or 6m (double)	Lots $\geq 12.5\text{m}$ and $\leq 15\text{m}$ : Front or rear accessed single, tandem or double garages permitted Triple garages are not permitted.
	1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces.	

Schedule 1 Austral and Leppington North Precincts		
5 Building Controls		
Development Control	Provision	Comment
5.1.1 Building Orientation	<p>1. Buildings are to be orientated towards and provide active frontages at street level, to Rickard Road, the Main Streets and preferably to Town Centre Streets, as shown on Figure 5-15-1.</p> <p>5. Service and utility bays, loading docks and car park entries are to be orientated towards Service lanes, or where this is not possible, to streets that are not specified as requiring at Active Frontage in Figure 5-15-1. Where vehicle entry is provided from a Town Centre Street, car parks, service bays and loading docks are to be screened from view from the street.</p> <p>7. Buildings are to be orientated to provide attractive, active building frontages and passive surveillance to public open space, land zoned for drainage purposes, plazas, squares and pedestrian through-site links</p>	<p><b>Complies</b></p> <p>Buildings are orientated towards and provide active frontages at street level.</p> <p>Car park entries and loading docks are located on Andalusian Street which is not identified as requiring an active frontage.</p> <p>Buildings are orientated to provide attractive, active building frontages and passive surveillance to the public domain.</p>
5.1.2 Setbacks	<p>1. Building setbacks are to be in accordance with Figure 5-25-2.</p> <p>2. Where Figure 5-25-2 identifies a zero setback, buildings are to be built to the property boundary (i.e. a zero setback), for at least the ground floor and first floor.</p> <p>3. Projections beyond the zero setbacks lines may include awnings, verandas, balconies, roof overhangs and blade walls above street level.</p> <p>4. On land where a front setback other than a zero setback applies, façade articulation elements may extend into the front setback to a maximum of 1.5 metres and for a maximum of 50% of the length of the building facade.</p>	<p><b>Complies</b></p> <p>Building setbacks are not inconsistent with Figure 5-25-2.</p> <p>N/A</p> <p>Noted</p> <p>Noted</p>



Schedule 1 Austral and Leppington North Precincts		
5 Building Controls		
Development Control	Provision	Comment
	5. Setbacks for residential buildings (apart from residential buildings that contain retail or commercial uses at the ground floor), are to be in accordance with the residential setback controls in Part 4 of the main body of this DCP.	Building setbacks are not inconsistent with Part 4 of the main body of this DCP.
Building height and envelope controls	<p>1. Maximum building heights are to be in accordance with Figure 5-35-3. Note: The Growth Centres SEPP specifies maximum building heights. The controls in this DCP are intended to provide more detailed guidance on appropriate building heights to achieve urban design, amenity and environmental sustainability outcomes for the Leppington Major Centre.</p> <p>5. Buildings are to be designed to ensure a human scale is maintained at street level.</p> <p>6. Minimum floor to finished ceiling heights are as follows:</p> <ul style="list-style-type: none"> <li>• Ground floor of all buildings (regardless of use): 3.6m</li> <li>• First floor for retail and/or commercial use: 3.3m</li> <li>• All other retail and/or commercial floors: 3.3m</li> <li>• All other residential floors: 2.7m</li> </ul>	<p><b>Complies</b></p> <p>The proposed building heights are consistent with Figure 5-35-3.</p> <p>The proposed RFB retains a human scale at the street level.</p> <p>All residential floors are 2.7m in height.</p>
5.2 Façade Design	<p>1. Articulation zones should be provided to compliment the building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.</p> <p>2. External security shutters are not permitted.</p> <p>4. Entries to residential or commercial lobbies, facing</p>	<p><b>Complies</b></p> <p>The design of the RFB and dwellings have well-articulated façade designs.</p> <p>Noted</p> <p>Entry frontage is a less than 50% of the building frontage.</p>

Schedule 1 Austral and Leppington North Precincts		
5 Building Controls		
Development Control	Provision	Comment
	<p>Rickard Road, Main Town Centre Streets or Internal Access Streets, are to be a maximum of 50% of the building frontage width or 10 metres, whichever is the lesser.</p> <p>5. Architectural expression should be diverse across building groups/blocks and facades should be articulated to create visual interest.</p> <p>6. There should be a contemporary architectural style based on simple primary building forms and a fine grained assemblage of elements (which may incorporate the diversity of character of streetscapes in historic towns such as Camden).</p> <p>7. Façade design should create a series of vertical elements along a building length reflecting a traditional main street façade.</p> <p>8. Building facades are to be designed to accentuate key architectural features and clearly delineate points of interest such as building entries, vertical and horizontal elements.</p> <p>9. Building facades are to incorporate a variety of finishes and materials which provide visual relief to the built form and which complement the materials and colours adopted for the public domain (refer to Part 4 of this Schedule).</p> <p>10. Sleeve buildings are to be used to minimise the visual impact of large boxes, service areas and to define streets.</p> <p>11. Roof forms and structures such as clock towers/spires are encouraged for key sites and roofs should be designed to break up the overall mass of a roof on a large building.</p>	<p>Architectural design is diverse.</p> <p>Noted</p> <p>The façade design is appropriate.</p> <p>The façade design is appropriate.</p> <p>The building facades incorporate a variety of finishes and materials.</p> <p>Noted</p> <p>Noted</p>

Schedule 1 Austral and Leppington North Precincts		
5 Building Controls		
Development Control	Provision	Comment
	12. Roof elements should be used to screen mechanical plant.	Noted
Landscaping	<p>1. A landscape plan is to be submitted for all development within the Leppington Major Centre where landscaped areas are required or proposed at ground level.</p> <p>2. Where buildings require a setback of more than zero from the street, the setback area is to be landscaped and is to consist of predominantly soft ground with deep soil (ie. solid paving, concrete, or other impervious materials are to be minimised).</p> <p>3. Landscaping within development sites is to complement the landscape character of adjoining streets and other public spaces (refer to the controls in Part 0 of this Schedule).</p> <p>4. The proportion of the site that is unpaved is to be maximised to enable maximum water infiltration. Planting is to include deep rooted tree species to assist in maintaining an appropriate water table.</p> <p>5. Rainwater storage and re-use is required for all landscaping irrigation, with mains water only to be used as a backup. The capacity of on site water storage is to consider the likely water consumption required to maintain landscaped areas within the site.</p> <p>8. Landscaping design and tree species selection is to consider solar access (in winter) and the provision of shade (in summer) to buildings, the public domain and outdoor areas within the development (including private or communal open space areas).</p>	<p><b>Complies</b></p> <p>A landscape plan has been submitted with the DA.</p> <p>The setback area is proposed to be landscaped.</p> <p>Noted</p> <p>There is adequate deep soil zones proposed with the RFB and dwelling houses that provide capacity for mature tree species.</p> <p>All dwellings have rainwater storage for re-use on landscaping.</p> <p>Noted.</p>

**ATTACHMENT 4: DRAFT CONDITIONS OF CONSENT****STAGED APPROVAL**

The conditions referenced apply to each stage as identified.

<b>Stage</b>	<b>Development works</b>	<b>Part reference</b>	<b>Condition reference</b>
1	Demolition of structures at the site and tree removal, half road construction of Andalusian Street and Fifth Avenue with associated engineering works and subdivision to create 11 residential lots. Construction of abutting dwellings on lots 2 - 3, 4 - 5 and 6-7. Provision of OSD basin on proposed Lot 1 and dedication of Andalusian Street to Council.	All Parts	All conditions except for Condition 16
2	Demolition of structures on Lot 1 and construction of RFB development on Lot 1 created in Stage 1. The RFB is proposed to contain 29 apartments (2 x 1 bedroom, 23 x 2 bedroom, 1 x 3 bedroom and 3 x 4 four bedroom).	All Parts	All conditions except for Condition 107, 108, 110, 111 and 122
3	Decommissioning of the On-site Detention Basin on Lot 11 created in Stage 1.	All Parts	All conditions except for 16, 107, 108, 110, 111 and 122

**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:

**Plans**

<b>Title</b>	<b>Plan No.</b>	<b>Revision</b>	<b>Dated</b>	<b>Prepared by</b>
Proposed Subdivision Site Plan	DA01-01	-	17/01/21	Funkitecture Design Studio
Proposed site and Analysis Plan	DA02-01	-	17/01/21	Funkitecture Design Studio
Proposed Ground Floor Plan	DA02-02	-	17/01/21	Funkitecture Design Studio
Proposed Upper Floor Plan	DA02-03	-	17/01/21	Funkitecture Design Studio

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Proposed North & East Elevations	DA02-04	-	17/01/21	Funkitecture Design Studio
Proposed South and West Elevations	DA02-05	-	17/01/21	Funkitecture Design Studio
Proposed Sections	DA02-06	-	17/01/21	Funkitecture Design Studio
Proposed Landscape Plan	DA02-07	-	17/01/21	Funkitecture Design Studio
Material Schedule	DA02-09	-	17/01/21	Funkitecture Design Studio
Stormwater Plan	DA02-10	-	17/01/21	Funkitecture Design Studio
Proposed site and Analysis Plan	DA03-01	-	17/01/21	Funkitecture Design Studio
Proposed Ground Floor Plan	DA03-02	-	17/01/21	Funkitecture Design Studio
Proposed Upper Floor Plan	DA03-03			
Proposed North & East Elevations	DA03-04	-	17/01/21	Funkitecture Design Studio
Proposed South and West Elevations	DA03-05	-	17/01/21	Funkitecture Design Studio
Proposed Sections	DA03-06	-	17/01/21	Funkitecture Design Studio
Proposed Landscape Plan	DA03-07	-	17/01/21	Funkitecture Design Studio
Material Schedule	DA03-09	-	17/01/21	Funkitecture Design Studio
Stormwater Plan	DA03-10	-	17/01/21	Funkitecture Design Studio
Proposed site and Analysis Plan	DA04-01	-	17/01/21	Funkitecture Design Studio
Proposed Ground Floor Plan	DA04-02	-	17/01/21	Funkitecture Design Studio
Proposed Upper Floor Plan	DA04-03			
Proposed North & East Elevations	DA04-04	-	17/01/21	Funkitecture Design Studio
Proposed South and West Elevations	DA04-05	-	17/01/21	Funkitecture Design Studio
Proposed Sections	DA04-06	-	17/01/21	Funkitecture Design Studio
Proposed Landscape Plan	DA04-07	-	17/01/21	Funkitecture Design Studio
Material Schedule	DA04-09	-	17/01/21	Funkitecture Design Studio
Stormwater Plan	DA04-10	-	17/01/21	Funkitecture Design Studio
Site/Roof Plan	DA-11	G	28/1/20221	SWA Group

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Basement 1 Floorplan	DA-12	G	21/1/2021	SWA Group
Ground Level Floorplan	DA-13	F	27/1/2021	SWA Group
Level 1 Floorplan	DA-14	F	27/1/2021	SWA Group
Level 2 Floorplan	DA-15	F	27/1/2021	SWA Group
Level 3 Floorplan	DA-16	E	11/12/2020	SWA Group
East and West Elevation	DA-21	F	28/01/2021	SWA Group
North and South Elevation	DA-22	F	28/01/2021	SWA Group
Sections	DA-31	F	28/01/2021	SWA Group
Demolition Plan	DA-09	B	2/02/2021	SWA Group
Staging Plan	DA-10	B	2/02/2021	SWA Group
Landscape Cover Sheet	000	E	14/12/2020	Site Image
Landscape Plan Ground	101	E	14/12/2020	Site Image
Landscape Plan Level 3	102	E	14/12/2020	Site Image
Landscape Details	501	D	14/12/2020	Site Image
General notes and Legend	6631-DA-001	D	23/12/2020	Indesco
Aerial Overlay Plan	6631-DA-002	F	28/01/202	Indesco
Erosion and Sediment Control Notes and Details	6631-DA-005	C	23/12/2020	Indesco
Erosion and Sediment Control Plan	6631-DA-006	F	28/01/202	Indesco
Regrading Plan	6631-DA-010	E	28/01/202	Indesco
Site Sections Key Plan	6631-DA-015	F	28/01/202	Indesco
Site Sections	6631-DA-016	D	23/12/2020	Indesco
Engineering Conceptual Roadworks and associated stormwater drainage	6631-DA-020	F	28/01/202	Indesco
Engineering Conceptual Basement 1 Stormwater Drainage	6631-DA-021	C	28/01/2021	Indesco
Engineering Conceptual Ground Floor	6631-DA-022	C	28/01/2021	Indesco



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Stormwater Drainage				
Engineering Conceptual Level 1 Stormwater Drainage	6631-DA-023	B	28/01/2021	Indesco
Engineering Conceptual Level 2 Stormwater Drainage	6631-DA-024	B	28/01/2021	Indesco
Engineering Conceptual Level 3 Stormwater Drainage	6631-DA-024	B	28/01/2021	Indesco
OSD/Bioretenion Details Sheet 1 of 2	6631-DA-028	E	28/01/2021	Indesco
OSD/Bioretenion Details Sheet 2 of 2	6631-DA-029	B	23/12/2020	Indesco
Proposed Road Longitudinal Sections	6631-DA-030	E	23/12/2020	Indesco
Typical Sections of Road	6631-DA-031	E	23/12/2020	Indesco
Catchment Plan Pre-Development	6631-DA-040	D	23/12/2020	Indesco
Catchment Plan Post-Development	6631-DA-041	E	28/01/2021	Indesco
Music Catchment Plan	6631-DA-042	C	23/12/2020	Indesco
Proposed Retaining Wall Longitudinal Section Sheet 1 of 2	6631-DA-050	C	23/12/2020	Indesco
Proposed Retaining Wall Longitudinal Section Sheet 2 of 2	6631-DA-051	B	23/12/2020	Indesco
Landscape Notes and Details	6631-DA-060	B	2/02/2021	Indesco
Public Domain Plan	6631-DA-061	B	2/02/2021	Indesco

**Reports**

Title	Project No.	Revision	Dated	Prepared by
Stage 2 Detailed Site	EGB-02855. Stage2.		October 2020	EGB Environmental

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Investigation	DSI.0.20			Geoscience
BASIX Certificate	997247M_06		6 February 2021	Ecoplus Constulants
BASIX Certificate	1174869S		6 February 2021	Ecoplus Constulants
BASIX Certificate	1174877S		6 February 2021	Ecoplus Constulants
BASIX Certificate	1174884S		6 February 2021	Ecoplus Constulants
BASIX Certificate	1174886S		6 February 2021	Ecoplus Constulants
BASIX Certificate	1174889S		6 February 2021	Ecoplus Constulants
Waste Management Plan	J180026		4 April 2019	Neilly Davies & Partners Pty Ltd

except where modified by the undermentioned conditions.

**Amendments to Documentation**

2. Prior to the issue of any Construction Certificate, revised landscape plans as prepared by Funkitecture Design Studio for abutting dwellings proposed on Lot 2-3, 4-5 and 6-7 are to be submitted to and approved by Liverpool City Council's Manager of Development assessment that incorporates the planting of mature tree species in the rear yard.
3. Prior to the issue of any Construction Certificate, the plans as prepared by Funkitecture Design Studio for abutting dwellings proposed on Lot 2-3, 4-5 and 6-7 shall be revised as to relocate the position of windows on the north and south elevation, as per the red mark ups on the approved plans. The purpose of this amendment is to prevent overlooking between dwellings on adjoining lots proposed with this development consent DA-313/2018.

**Proposed Lots**

4. This consent does not approve the construction of any structures on Proposed lot 8, 9 and 10 created in Stage 1. A restriction is to be imposed on these lots prior to the issue of any subdivision in accordance with condition 122 of this consent. A separate approval is required to develop these lots in accordance with the approved BEPs.

**Utility Services**

5. All conditions issued by Sydney Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the conditions detailed in their correspondence. A copy of the correspondence is attached to this decision notice.
6. All conditions issued by Endeavour Energy shall be complied with prior, during, and at the completion of construction, as required in accordance with the conditions detailed in their correspondence. A copy of the correspondence is attached to this decision notice.

**Council Waste-Water Requirements**

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7. The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

**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.

**General Provisions**

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.

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.

**Site Development Work**

10. 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).

**Stages of Consent**

11. This consent approves; subdivision works, and construction of dwellings, in the following manner:
- (a) The issue of Construction Certificates and substantial works commencing for the subdivision works and dwelling construction at any time within the 5 year lapse date of this consent.
  - (b) The issue of a Subdivision Certificate once all subdivision works and any dedications are completed, and only upon works for the dwelling construction having been commenced and restrictions placed on the subject land as required by Condition 111 and 122 of this consent.
  - (c) The issue of an Occupation Certificate for the Dwellings, only upon the issue of a Subdivision Certificate and registration of the approved lots with the LPI Service / NSW Registry, and completion of the dwelling construction as required by the approved DA and CC plans of this Development Consent No.313/2018.

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12. Individual Construction Certificates are required for each of the approved dwelling houses in this development consent when the land subdivision has been completed before dwelling construction.

**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:**

**Provision of Services**

13. 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](http://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.

14. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
15. 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:
- The 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.

**SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2014 Austral and Leppington)**

16. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payments are imposed in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North as amended.

The total contribution for each stage is provided below and will be adjusted at the time

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of payment in accordance with the contributions plan:

**Stage 2 = \$550,105**

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

Please note. Payment must be accompanied by the attached form.

**Fee Payments**

17. 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:

- (a) 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.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) 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.

18. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

**Substation**

19. 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).

**Geotechnical Report**

20. The applicant is to submit a Geotechnical Report from a suitably qualified Geotechnical Engineer detailing the subsurface profile, the geotechnical feasibility of the proposed development as well as any recommendations.

**Disabled Access**

21. 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**

22. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

### **Products banned under the Building Products (Safety) Act 2017**

23. No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

### **Design Verification Statement**

24. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Flat 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.

### **Retaining Walls on Boundary**

25. 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.

### **S138 Roads Act – roadworks requiring approval of civil drawings**



26. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of half width road construction in Fifth Avenue and Andalusian Street.

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

Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

**Construction Certificate for Subdivision Works**

27. Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Indesco, as per condition 1 and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- a) Public and private roads
- b) Stormwater drainage including water quantity and quality treatment measures
- c) Interallotment drainage
- d) Private access driveways
- e) Sediment and erosion control measures
- f) Overland flowpaths
- g) Flood control measures
- h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- i) Earthworks
- j) Bridges, culverts, retaining walls and other structures
- k) Landscaping and embellishment works
- l) All works required for conversion of the proposed sediment basin to a bio retention function
- m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

**Roads design criteria table**

28. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Andalusian Street	16.0m	9.0m (4.5m constructed)	3.5m	One side	3 x 10 <sup>5</sup>
Fifth Avenue	20.0m	9.0m (4.5m to be constructed)	5.5m	One side	3 x 10 <sup>5</sup>

### Road Safety Audit

29. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks and traffic management works by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

### On-Site Detention

30. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Indesco as per condition 1. 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

31. 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.

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**Inter-allotment Drainage**

32. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m.

**Access, Car Parking and Manoeuvring – General**

33. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure 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.
34. Detailed design plan for the access driveway and car park including gradient, swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.

**Dilapidation report**

35. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fifth Avenue and Andalusian Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 40m either side of the development.

**Dilapidation Report Private Property (Excavations)**

36. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

**Construction Traffic Management Plan**

37. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
38. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

#### **Street Lighting**

39. The developer is to provide street lighting, to category V3 as per AS 1148 and Council/Endeavour Energy requirements.

#### **Waste Management**

40. 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*.
41. Prior to the issue of a construction certificate, an operational waste management plan is to be submitted to and approved by Council. This is to detail the bin storage room features and signage, the waste equipment to be provided (e.g. bin tug/tractor), the processes to be followed in respect to managing and handling the various types of waste, the cleaning frequency of the waste areas, and the responsibilities in respect to waste of the various parties involved in maintaining and managing the building.
42. Prior to the issue of a construction certificate, the removable bollards that are presently shown on the plans protecting access to the waste loading bay are to be replaced by a wide swing or lift-arm gate, which is to be securable at a single point.
43. Prior to the issue of a construction certificate, the bulky waste store is to be modified to ensure that it has a minimum width of no less than 2.4 metres, to ensure the practicability of the space for the storage of large furniture items.
44. 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) Bin bay signs are available from Council,

- (f) 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,
- (g) 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,
- (h) Maximum compaction ratio is 2:1,
- (i) 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, and
- (j) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
  - i. Garbage is to be placed wholly within the garbage bins provided,
  - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
  - iii. The area is to be kept tidy,
  - iv. A phone number to be displayed for arranging disposal of bulky items; and
  - v. 50% of all messages are to be displayed using graphic illustrative content.

#### **Construction Environmental Management Plan**

45. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:
- a) Asbestos Management Plan;
  - b) Project Contact Information;
  - c) Site Security Details;
  - d) Timing and Sequencing Information;
  - e) Site Soil and Water Management Plan;
  - f) Dust Control Plan;
  - g) Waste Management Plan;
  - h) Incident Management Contingency; and
  - i) Unexpected Finds Protocol.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

### **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 Certificate**

46. Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

47. 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.
48. 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.
49. A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
50. 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.

#### **Building Work**

51. 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.

#### **Demolition Works**

52. Demolition works shall be carried out in accordance with the following:
  - a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
  - b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
  - c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

#### **Notification of Service Providers**

53. 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](http://www.sydneywater.com.au) for more information.

**Waste Classification and Disposal of Contaminated Soil and Material**

54. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

**Environmental Management**

55. 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.

56. 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.

**Sediment & Erosion Control**

57. 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.



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**Construction Requirements**

58. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
59. Any Liverpool City Council domestic waste bins that are present on the property to be developed must be returned to Council prior to any works commencing. If there are bins on site, please call Council on 1300 36 2170 to advise that the bins are empty and ready to collect, so that the bin removal can be noted on Council's rates system.
60. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the dwelling or outbuildings to be demolished must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if indeed these systems are fitted to the dwelling, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

**Traffic Control Plan**

61. Prior to commencement of works, a Traffic Control Plan including details for 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.

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

**Matters to be addressed prior to commencement of Subdivision Works**

62. Work on the subdivision shall not commence until:
  - a Construction Certificate (if required) has been issued,
  - a Principal Certifying Authority has been appointed for the project, and
  - any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

## **D. DURING CONSTRUCTION**

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

### **Building Inspections**

63. 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.
64. 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.

### **Hours of Construction Work and Deliveries**

65. 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.
66. Salinity shall be considered during the construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process.

### **Demolition Inspections**

67. 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.

### **Waste Management Plan**

68. The 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.

**General site works**

69. 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.
70. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
71. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
72. 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.

**Traffic Management**

73. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
74. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
75. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

**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. Fill material must be limited to the following:
- (a) Virgin excavated natural material (VENM)
  - (b) Excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or

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- (c) Material subject to a Waste Exemption under Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

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 remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 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 construction zone 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.

#### **Unexpected Heritage Finds**

83. As required by the National Parks and Wildlife Service Act 1974 in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Office of Environment and Heritage (OEH) must be notified of the discovery. In the event that

archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the National Parks and Wildlife Service Act 1974 to obtain the necessary approvals/permits from the OEH.

Note: The National Parks and Wildlife Service Act 1974 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

84. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

#### **Water Quality**

85. 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**

86. 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.
87. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.
88. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **Identification Survey Report**

89. 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.

On placement of the concrete, works again shall not continue until the PCA has issued

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a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

**Sign Notice Board**

90. 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’.

**Notification/Principal Certifying Authority**

91. 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.

**Toilet Facilities**

92. 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:
- be a standard flushing toilet connected to a public sewer, or
  - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - be a temporary chemical closet approved under the *Local Government Act 1993*.

**Hoarding**

93. 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. 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.

**Construction Requirements**

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94. 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.

**Site Facilities**

95. 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.

**Security Fence**

96. 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.

**Crime Prevention Through Environmental Design**

97. The following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building.
- (g) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
  - (h) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
  - (i) Lighting is required to be designed 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;

**Erosion and sediment control**

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

**Drainage Connection**

99. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

**Street Lighting**

100. Street lighting is to be provided along all new and existing streets within the proposed subdivision in accordance with approved street design, to Liverpool City Council's standards.

The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.



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All cost associated with the installation of street lighting shall be borne by the developer.

**Major Filling/ Earthworks**

101. 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.

**Lighting**

102. Illumination of the site is to be arranged in accordance with the requirements of AS/NZS 4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting' so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

**Soil Testing**

103. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

**Construction Noise**

104. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

**Waste**

105. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site are to be left on site after the completion of the works.
106. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

**E. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:**

**Special Infrastructure Contribution**

107. The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates.

**SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2014 Austral and Leppington)**

108. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payments are imposed in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North as amended.

The total contribution for each stage is provided below and will be adjusted at the time of payment in accordance with the contributions plan:

**Stage 1 = \$300,000**

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

Please note. Payment must be accompanied by the attached form.

**Completion of subdivision works**

109. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

**Construction of dwellings**

110. Prior to the issue of the Subdivision Certificate for any of the approved lots, construction of the dwellings is required to have reached a stage whereby substantial works have been completed as follows:
- (a) the construction of the Ground Floor slab and 1.5m height wall construction (internal and external wall masonry and any cladding) from the Ground Floor level, for a single storey dwelling structure;
  - (b) the construction of the Ground Floor and First Floor slab and all wall construction (internal and external wall masonry and any cladding) between the two slabs, for a two-storey dwelling structure.

The dwellings and all associated construction across the parent allotment the subject of this Development Consent No. 313/2018, as required by this condition, is required to be in accordance with the Development Consent and the approved Construction Certificate. Evidence is to be provided to the Principal Certifying Authority for the

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Subdivision Certificate, that all the relevant critical stage inspections as required by part a) or b) of this condition have been completed by the Principal Certifying Authority for the Building Works.

**Registration of Lots**

111. Prior to the issue of any Occupation Certificate for any of the approved dwellings, evidence is to be submitted to the Principal Certifying Authority for the dwelling construction, that a Subdivision Certificate has been issued for each individual approved allotment, and that each of these allotments has been registered with the Land Registry Service NSW, on which the dwellings were approved, as shown on approved plans the subject of this Development Consent No. 313/2018.

**Completion of subdivision works**

112. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the:
- (i) On-site detention system/s
  - (ii) Stormwater pre-treatment system/s
- 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 be 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**

113. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:
- (i) On-site detention system/s
  - (ii) Stormwater pre-treatment system/s

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**

114. Prior to the issue of a Subdivision 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 Fifth Avenue and Andalusian Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

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**Linemarking and Signage**

115. Prior to the issue of select (an Occupation Certificate / a Subdivision Certificate) and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

**Linen Plans and 88B**

116. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).
117. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
118. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
119. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
120. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.
121. A restriction is to be incorporated on the 88B Instrument, requiring that any development on proposed lots **(8, 9 and 10)** are to be designed in accordance with the Building Envelope Plans approved as part of this development consent DA No. 313/2018.
122. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction as to user that the dwellings to be erected on each lot are to be sited and constructed in accordance with the approved Architectural Plans and notice of determination (Development Consent) issued by Council for Development Application No. 313/2018. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.

**Service Providers**

123. The following documentation is to be provided prior to the release of the relevant subdivision certificate:

- (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.
- (b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
  - i. The requirements of the Telecommunications Act 1997;
  - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - iii. 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 connections of optic fibre technology telecommunications.

#### **Decommissioning of On-site Sewage Management System/s**

- 124. Following the decommissioning of the on-site sewage management system, a certificate certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF), shall be submitted to Council. A template decommissioning certificate can be found on Councils website [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).
- 125. Prior to release of a subdivision certificate, the retained dwelling must be connected to Sydney Water's reticulated sewerage service

#### **Heritage**

- 126. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate.
- 127. Copies of all Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

#### **Dilapidation Report**

128. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

**Outstanding Works Bond for Stormwater Pre-Treatment Systems**

129. Prior to the issue of the Subdivision Certificate, an Outstanding Works Bond for the construction, landscaping and implementation of the stormwater pre-treatment system is to be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the stormwater pre-treatment treatment system works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

**Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems**

130. Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

**Subdivision Compliance**

131. Prior to the issue of the relevant Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all relevant civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to

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be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.

- e) Surveyor's Certificate certifying that all relevant pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- f) Documentation for all relevant road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- g) A Geotechnical Report certifying that all relevant earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
  - Compaction reports for road pavement construction
  - Compaction reports for bulk earthworks and lot regrading.
  - Soil classification for all residential lots
  - Statement of Compliance
- h) Structural Engineer's construction certification of all structures

**Bonds**

132. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a Subdivision Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

**Roadwork**

133. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

**F. 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:**

**Occupation Certificate**

134. 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.
135. An Occupation Certificate (interim or final) shall not be issued for the proposed development until a Subdivision Certificate has been issued for the subdivision of the site into two (2) Torrents title allotments.



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136. 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*.
137. 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.

**Waste Management**

138. Prior to the issue of an Occupation Certificate for Stage 2, 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.

**Liverpool City Council clearance – Roads Act/ Local Government Act**

139. 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 have been inspected and signed off by Liverpool City Council.

**Works as executed - General**

140. 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 electronic copies on a USB 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**

141. 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
    - 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 be 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**

142. 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

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**

143. 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 Fifth Avenue and Andalusian Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

**Dilapidation Report**

144. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

**Mechanical Ventilation Certification**

145. Upon completion of works and prior to the issue of the relevant Interim or relevant Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics of the relevant building and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

**Anti-Theft Mailboxes**

146. Installation of 'anti-theft' type mail boxes or mailboxes that cannot be accessed by universal keys to prevent mail/identity theft (Australian Standards AS/NZS 4253:1994) are to be installed in the development.

**Washing on Balconies**

147. Prior to the issue of an OC, the following restriction as to user must be registered on the title of the property:

*The hanging of washing, including any clothing, towels, bedding or other article of a similar type of any balcony is not to be visible from any street*

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

#### **BASIX**

148. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the relevant BASIX commitments shall be submitted to Council.

#### **Display of Street Numbers**

149. 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.

#### **Fire Safety – Cladding**

150. 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.

#### **Landscaping**

151. 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.

#### **Design Verification Statement**

152. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Flat 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

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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.

**Roadwork**

153. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

**Bonds**

154. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

## **G. CONDITIONS RELATING TO USE**

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

**Car Parking**

155. All parking areas shown on the approved plans must be used solely for this purpose.
156. 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.

**Waste Management**

157. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
158. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
159. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
160. A separate storage area must be allocated for the holding of bulk waste prior to collection.
161. Once the Occupation Certificate has been issued for the development, but not less than one week prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins for this development. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins. If a bin tug or tractor is to be supplied by the developer, this unit is also to be brought to site and commissioned and made ready for use at this time.
162. Prior to waste services being required by the property, Council's waste contractor is to be provided with the key or other access control, for the gate to the waste loading bay.

163. The property will be issued with 5 x 660 litre general waste bins and 5 x 660 litre recycling bins, which will be collected once per week. Any other bins that may be needed for collecting or moving waste around the development must be privately supplied and maintained.
164. Bins must not be allowed to overflow or drop litter, must not obstruct the exit of any building, and must not permit waste to escape onto neighbouring public or private properties.
165. Waste bins are to be placed ready for emptying at the rear of the waste truck loading bay, by agents of the property, no more than 24 hours prior to waste collection. Those waste bins are to be replaced in the basement bin storage room as quickly as possible, and no more than 24 hours after waste collection.
166. All bulky household wastes must be dropped off by residents at the bulky household waste storage room within the bin storage area. The processes to be followed for dropping off household items are to be as per the approved operational waste management plan.

#### **Landscaping**

167. Landscaping shall be maintained in accordance with the approved plan, 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.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

#### **Environment**

168. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

#### **Noise**

169. 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 2000 under the POEO Act.

#### **Washing on Balconies**

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

## **H. ADVISORY**

- m) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow 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.
- n) Under Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 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.
- o) 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.
- p) 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.
- q) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. 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.
- r) In accordance with Sections 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.
- s) 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.
- t) 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.
- u) 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.
- v) 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 effect 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.

- w) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- x) 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.



**ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM****CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan 2014 Austral and Leppington North Precincts**

**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 current CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

**APPLICATION NO:** DA-313/2018

**APPLICANT:** SWA Group Pty Ltd

**PROPERTY:** 185 Fifth Avenue, Austral

**PROPOSAL:** **Stage 1** - Demolition of structures at the site and tree removal, half road construction of Andalusian Street and Fifth Avenue with associated engineering works and subdivision to create 11 residential lots. Construction of abutting dwellings on lots 2 - 3, 4 - 5 and 6-7. Provision of OSD basin on proposed Lot and dedication of Andalusian Street to Council.

<b>Facilities</b>	<b>Amount (\$)</b>	<b>Job No.</b>
<b>Liverpool Contributions Plan 2014 ALN</b>		
Local Community Facilities - Land	\$4,505	GL.3011210001870.10190
Local Recreation - Land	\$146,296	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$21,457	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$122,817	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$4,924	GL.3011210001872.10197
<b>TOTAL</b>	<b>\$300,000</b>	

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

**RECORD OF PAYMENT**

Total Amount paid: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Cashier: \_\_\_\_\_

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**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979**

**Liverpool Contribution Plan 2014 Austral and Leppington North Precincts**

**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 current CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

**APPLICATION NO:** DA-313/2018

**APPLICANT:** SWA Group Pty Ltd

**PROPERTY:** 185 Fifth Avenue, Austral

**PROPOSAL:** **Stage 2** - Demolition of structures on Lot 1 and construction of RFB development on Lot 1 created in Stage 1. The RFB is proposed to contain 29 apartments (2 x 1 bedroom, 23 x 2 bedroom, 1 x 3 bedroom and 3 x 4 four bedroom).

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2014 ALN</b>		
Local Community Facilities - Land	\$6,917	GL.3011210001870.10190
Local Recreation - Land	\$410,098	GL.3011210001869.10191
Local Recreation - Works	\$133,090	GL.3011210001869.10192
Local Transport Facilities - Land	\$0	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$0	GL.3011210001866.10195
Local Drainage Facilities - Works	\$1	GL.3011210001866.10196
Administration	\$0	GL.3011210001872.10197
<b><u>TOTAL</u></b>	<b><u>\$550,105</u></b>	

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

**RECORD OF PAYMENT**

**Total Amount paid:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Receipt No.:** \_\_\_\_\_ **Cashier:** \_\_\_\_\_

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## ATTACHMENT 3 – ENDEAVOUR ENERGY REQUIREMENTS

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Thursday, February 4, 2021 at 7:39:07 PM Australian Eastern Daylight Time

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**Subject:** LIVERPOOL CITY COUNCIL DEVELOPMENT APPLICATION DA-313/2018 RE 165 FIFTH AVENUE, AUSTRAL NSW 2179

**Date:** Friday, 6 July 2018 at 9:42:36 am Australian Eastern Standard Time

**From:** Cornelis Duba

**To:** LCC

**CC:** Boris Santana, Kim Dwyer

**Attachments:** image007.png, image008.png, image009.jpg, image010.png, image011.jpg, image018.jpg, image019.png, image020.png, Endeavour Energy MDI0044 Easements and Property Tenure.pdf, Endeavour Energy Technical Review Request FPJ 6007 July 2017.pdf, emf-what-we-know-jan-2014-final\_1\_1.pdf, Work-near-overhead-power-lines-code-of-practice.pdf, Work\_near\_underground\_assets\_guide.pdf, Safety+on+the+job.pdf, FactSheet\_Building\_Construction+web.pdf, FactSheet\_Plumber\_web.pdf

The General Manager  
Liverpool City Council

**ATTENTION: Boris Santana, Senior Development Planner**

-  
Dear Sir or Madam

I refer to Council's letter of 25 June 2018 regarding Development Application DA-313/2018 at 165 FIFTH AVENUE, AUSTRAL NSW 2179 (LOT 2 DP 1199136) for 'Demolition of existing structures, retention of an existing dwelling, subdivision into six lots, construction of a three storey residential flat building above basement carparking and four multi-unit housing development and associated external works'. Submissions need to be made to Council by 16 July 2018.

As shown in the below site plan from Endeavour Energy's G/Net master facility model there are:

- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- A low voltage overhead service conductors coming from a pole on the opposite side of Fifth Avenue to the a customer owned pole (indicated by the green circle) on the road verge which continues to the customer connection point for the existing dwelling / structures to the site
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines on the opposite side of the road.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the [Electricity Supply Act 1995](#) (NSW).

Subject to the following recommendations and comments, Endeavour Energy has no objection to the Development Application.



- 
- Network Capacity / Connection

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Endeavour Energy has that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether utility services are available and adequate for the development.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a padmount substation may require a padmount substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Older / above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA where as a newer padmount substation (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Applicants should not automatically assume that the presence of existing low voltage service conductors or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Given the size of the proposed development (residential flat building consisting of 30 apartments and a multi-dwelling development consisting of 4 dwellings plus the further potential development to occur on the remainder of the site which is currently proposed to retain the existing dwelling) the existing local network is unlikely to be able to supply the load. An extension and/or augmentation of the existing network local network is likely to be required. However this will not be determined for certain until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further rezoning and redevelopment of non-urban areas continues to occur.

In due course the applicant for the future proposed development of the sites within the Precinct will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefitting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations / undergrounding) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to

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design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- Urban Residential Subdivision

Urban residential subdivision of a site is subject to Endeavour Energy Underground Residential Distribution (URD) policy. Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new residential subdivisions:

*5.11.1.1 Urban areas*

Reticulation of new residential subdivisions will be underground. In non-bushfire prone lines within existing overhead areas can be overhead, unless underground lines are o or required by local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of indu commercial and/or residential loads, the standard of underground construction will ap types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground will be used for conductor replacements and augmentations except in treed areas wh NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be ur ABC. Conductor replacements greater than 100m in route length must utilise aerial bl

*CCT = Covered conductor thick with insulation fully rated for the voltage on the conductor.  
 NMSHVABC = Non-metallic Screened High Voltage Aerial Bundled Cable.*

**Table 2 – Distribution Network Design Parameters Summary**

<b>Limits</b>	<b>Urban</b>	<b>Industrial and commercial</b>	<b>Non-urban</b>
Default HV reticulation	U/G	U/G	O/H
Default LV reticulation	U/G	U/G	O/H – ABC

**Non-urban**

Any area that is identified as rural land zoning

- Location of Electricity Easements / Prudent Avoidance

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The incorporation of electricity easements into privately owned lots is generally problematic for both Endeavour Energy and the future landowners and requires additional easement management to ensure no uncontrolled activities / encroachments occur within the easement area. Accordingly Endeavour Energy's recommendation is that whenever reasonably possible, easements be entirely incorporated into public reserves and not burden private lots (except where they are remnant lots or not subject to development). Endeavour Energy's preference is to have continuity of its easements over the most direct and practicable route affecting the least number of lots as possible. Therefore it generally does not support the incorporation of easements into to multiple / privately owned lots. This is also in keeping with a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure to minimise exposure to electric and magnetic fields (EMF), noise etc. associated with the 24/7/365 (all day, every day of the year) operation of the electricity network.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:

*Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial Before You Dig**

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Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead power lines and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/nav/safety/safety+brochures>

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. As I am working on different projects across the company's franchise area, to ensure a response contact by email is preferred.

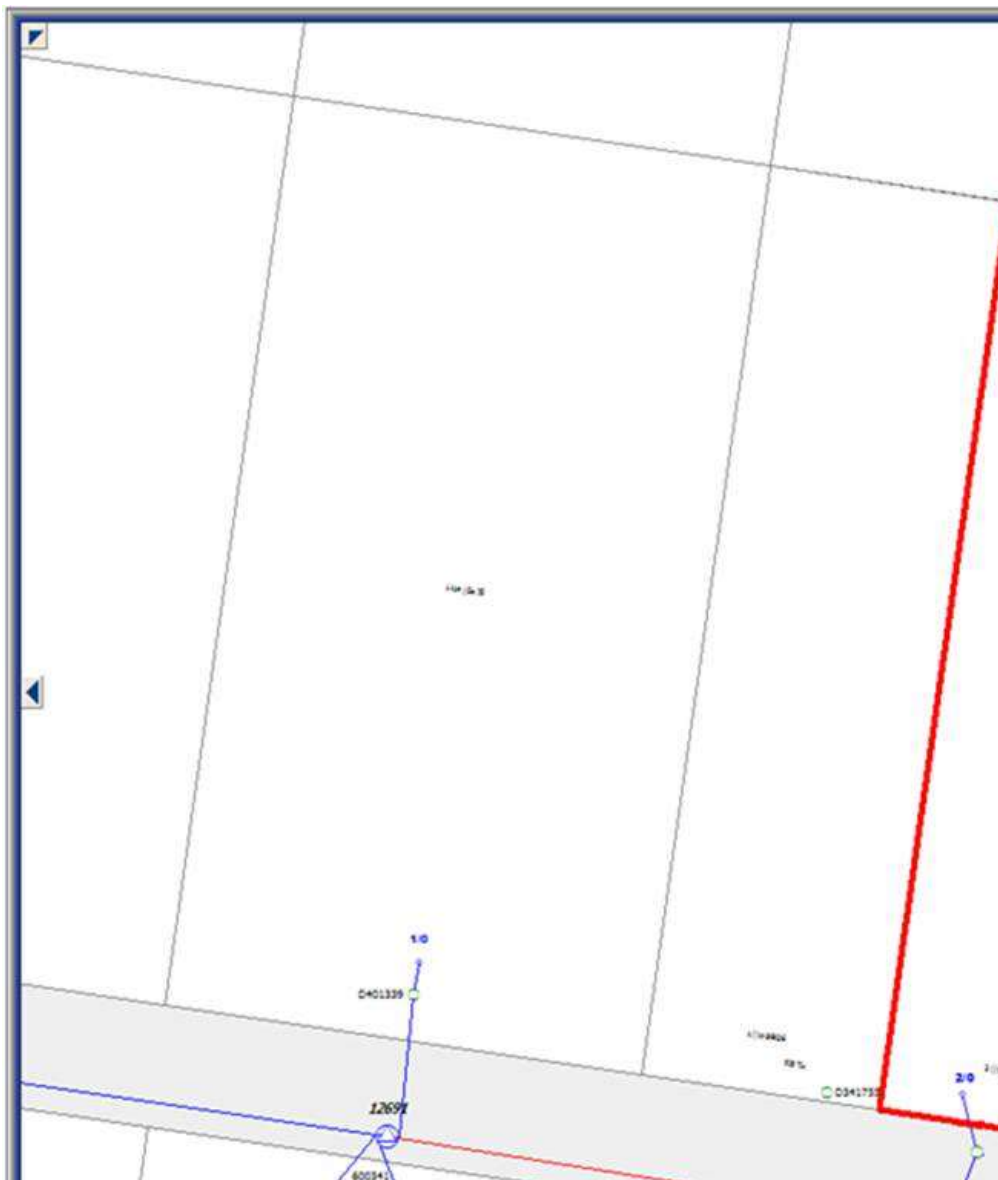
Yours faithfully  
Cornelis Duba



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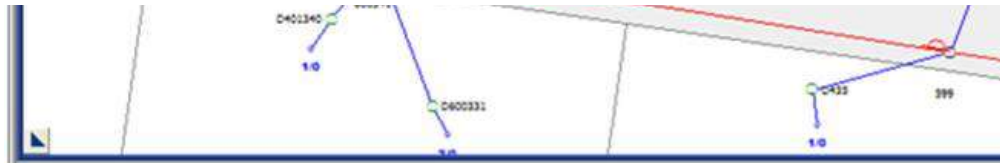
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Development Application Review  
Network Environment & Assessment  
T: 9853 7896  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)

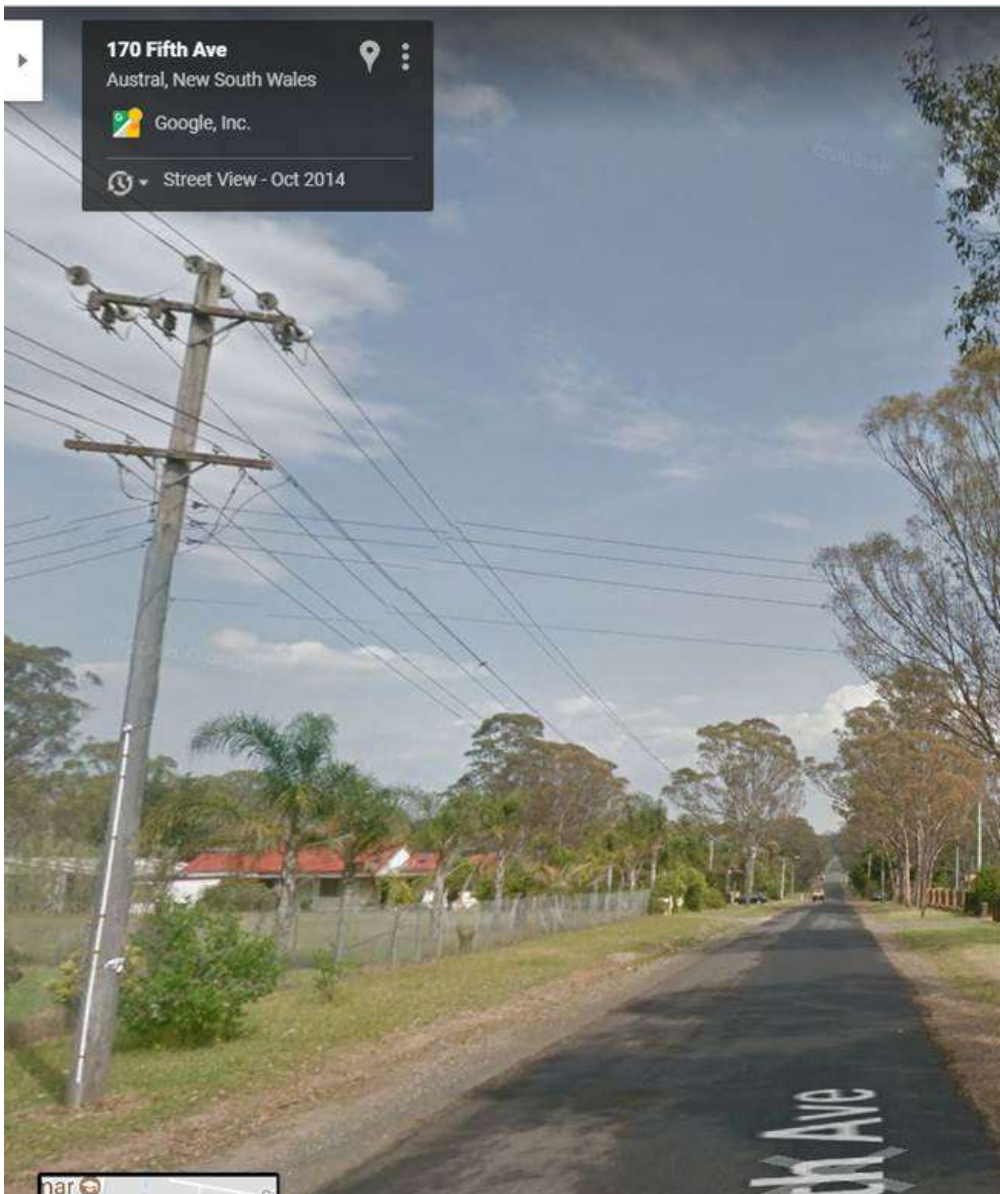


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G3E_FID	Feature Name	Component Name
79192938	Crown Parcel	Crown Parcel Find



LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT

22 February 2021



**From:** Kim Dwyer [mailto:DwyerK@liverpool.nsw.gov.au]  
**Sent:** Tuesday, 26 June 2018 10:26 AM  
**To:** Property  
**Cc:** Records Management  
**Subject:** Liverpool City Council Referral for DA 313/2018 - 165 Fifth Ave Austral

Good Morning

Please find attached the Referral for 165 Fifth Ave Austral - DA 313/2018 for your review.

[https://liverpoolcouncil-my.sharepoint.com/:f/g/personal/dwyerk\\_liverpool\\_nsw\\_gov\\_au/EnxA3Lw5dHFGtZTNgp3dl78BTmNms4oJ38UnlAB08WFfqA?e=OvyTTd](https://liverpoolcouncil-my.sharepoint.com/:f/g/personal/dwyerk_liverpool_nsw_gov_au/EnxA3Lw5dHFGtZTNgp3dl78BTmNms4oJ38UnlAB08WFfqA?e=OvyTTd)

Regards  
Kim Dwyer  
Administration



This e-mail has been scanned on behalf of Liverpool City Council for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs.

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## ATTACHMENT 4 – SYDNEY WATER REQUIREMENTS

Thursday, February 4, 2021 at 7:34:22 PM Australian Eastern Daylight Time

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**Subject:** HPE CM: RE: Development Referral -165 Fifth Avenue, AUSTRAL- DA-313/2018  
**Date:** Wednesday, 24 October 2018 at 9:40:26 am Australian Eastern Daylight Time  
**From:** UrbanGrowth  
**To:** Boris Santana  
**Attachments:** image001.png, image003.png

Dear Boris Santana,

Our apologies for the delayed response as we are having a bit of an internal re-organization at the time being.

Thank you for notifying Sydney Water of the proposed development listed above. We have reviewed the proposal and can provide the following comments for your consideration.

Due to the proximity of the proposed development to Sydney Water assets, we recommend that Council impose the following conditions of consent:

### Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

### Section 73 Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

If you require any further information, please contact the Growth Planning and Development Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

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Thursday, February 4, 2021 at 7:35:12 PM Australian Eastern Daylight Time

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**Subject:** HPE CM: RE: Development Referral -165 Fifth Avenue, AUSTRAL- DA-313/2018  
**Date:** Wednesday, 24 October 2018 at 9:40:26 am Australian Eastern Daylight Time  
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If you require any further information, please contact the Growth Planning and Development Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).