

**MATTERS FOR
LIVERPOOL LOCAL PLANNING PANEL
DETERMINATION**

Monday 24th February 2020

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

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

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 21st February 2020

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

| ITEM No. | SUBJECT | PAGE No. |
|-----------------|---|-----------------|
| 1 | <p>Development Application DA-24/2017</p> <p>Stage 1: Subdivision of the site to create 3 superlots (being superlot 1, 2 and 3);</p> <p>Stage 2: Subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); site remediation works, bulk earthworks, road and drainage and infrastructure construction and connect to services and pedestrian bridge.</p> <p>The proposed works are designated development pursuant to the Environmental Planning and Assessment Regulation 2000, for the purposes of contaminated soil treatment works.</p> <p>Lot 70 DP 1065574 146 Newbridge Road, Moorebank</p> | 3-215 |

| ITEM No. | SUBJECT | PAGE No. |
|-----------------|---|-----------------|
| 2 | <p>Development Application DA-995/2017</p> <p>Demolition of two (2) existing dwellings, construction of residential flat building with twenty two (22) units over five (5) storeys with basement carparking.</p> <p>Lots 18 & 19 DP 236405 32 - 34 Mckay Avenue, Moorebank</p> | 216-358 |

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| ITEM No. | SUBJECT | PAGE No. |
|-----------------|---|-----------------|
| 3 | Development Application DA-356/2018 Construction of a five-storey residential flat building consisting of 36 apartments above a single level basement car park. Lot 31 and 32 DP 1197095 31 and 32 Passendale Road, Edmondson Park | 359-453 |

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SUPPLEMENTARY LOCAL PLANNING PANEL REPORT

| | |
|----------------------------------|---|
| DA Number | DA-24/2017 |
| Proposed Development | <p>Staged Subdivision of the site:</p> <p>Stage 1: Subdivision of the site to create 3 superlots (being superlot 1, 2 and 3);</p> <p>Stage 2: Subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); site remediation works, bulk earthworks, road and drainage and infrastructure construction and connect to services and pedestrian bridge.</p> <p>The proposed works are designated development pursuant to the Environmental Planning and Assessment Regulation 2000, for the purposes of contaminated soil treatment works.</p> <p>The proposed development is Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and requires concurrence from:</p> <ul style="list-style-type: none"> - NSW Environment Protection Authority pursuant to the Protection of the Environment Operations Act 1997; - NSW Rural Fire Services under Section 100B of the Rural Fires Act 1997; - NSW Department of Primary Industries – Water pursuant to the Water Management Act 2000; - NSW Roads Maritime Services – Pursuant to SEPP (Infrastructure) 2007. |
| Property Address and Description | 146 Newbridge Road, Moorebank Lot 70 DP 1065574 |
| Applicant | Mirvac Homes Pty Ltd |
| Owner | Tanlane Pty Ltd |
| Date of DA lodgement | 23 January 2017 |
| Number of Submissions | 3 |
| Recommendation | Deferred Commencement |
| Cost of Works | \$10,021,576.00 |
| Supplementary Report date | 24 February 2020 |

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1. EXECUTIVE SUMMARY

On 16 December 2019 the Liverpool Local Planning Panel (LLPP) considered a report on the subject Application (DA-24/2017). The panel resolved to defer determination of the application as follows:

- 1) *That determination of DA-24/2017 for a stage subdivision being stage 1: subdivision of the site to create 3 superlots (being superlot 1, 2 and 3) and stage 2: subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); and associated site remediation works, bulk earthworks, and infrastructure pedestrian bridge be deferred to enable Council to consider legal advice on the permissibility of those components of the proposed development located within the RE1 and RE2 zones. A further report is then to be provided to the Panel for consideration.*

The applicant has submitted legal advice from Minter Ellison (dated 17 January 2020) for Council's consideration explaining how proposed lot 16 and the works within RE1 and RE2 zones of the site are characterised and permitted with development consent. Council, in response, engaged the services of Bartier Lawyers to independently peer review the Applicant's legal advice. This report deals with the legal advice provided by the Applicant and Council's legal advice.

The proposed subdivision does not meet the minimum lot size requirement as required in Clause 4.1 of the Liverpool Local Environmental Plan 2008. Concerns were expressed by the Panel that Lot 16 would be subdivided and developed for residential purposes which is prohibited in the RE1 and RE2 zones. However, the Applicant attested that lot 16 is capable of being used for private open space and the works to be classified as ancillary to roads and private open space, which are permitted with consent in the RE1 and RE2 zones.

Both legal firms have agreed that subdivision is a form of development pursuant to Section 1.5 of the EP&A Act 1979. However, subdivision is not development for a purposes, does not involve the use of the land and does not import an approval for subsequent use for any purpose, this was referenced from *Wehbe v Pittwater Council [2007] NSWLEC 827*.

Therefore, when applying the *Wehbe v Pittwater Council* decision, the proposed development that seeks consent for the subdivision of land must be considered on the basis of what is sought through the application, without any consideration to any future intention. Any future development of the site shall be subject to further development applications.

The future of residential use of the site, which will be the subject of a future development application, should not be included as part of the RE zone works. It is important to note the intention of the DA which is to propose RE zone works in the RE1 and RE2 zones, that being, the construction of roads and flood mitigation works, which is permitted with consent in the RE1 and RE2 zones.

The legal advice provided by Bartier Perry concludes that the DA seeking consent for the subdivision of land and associated works (including the RE Zone Works), must be assessed and determined objectively without regard to any future intention (i.e. residential development), and that the Panel and/or the Council should proceed to determine the DA on its merits.

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It is considered that the applicant's legal advice has adequately addressed the issue of permissibility raised by the Panel in respect to the two components of the proposed development within the RE1 and RE2 zones and there is no impediment for the determination of the application. Accordingly, it is recommended that the Applicant's legal advice and Council's independent legal advice be received and noted by the Panel in its determination of the application.

2. ASSESSMENT OF OUTSTANDING ISSUES

The following comments are provided to each of the matters raised by LPP:

i. Permissibility:

The developable area is zoned B6 – Enterprise Corridor, R3 - Medium Density Residential, RE1 - Public Recreation, RE2 – Private Recreation and SP2 – Infrastructure under Liverpool Local Environmental Plan 2008.

Stage 1 involves the subdivision of the site into three super lots in the following zones:

- Lot 1 – B6 Zone – Enterprise Corridor and SP2 – Infrastructure;
- Lot 2 – R3 Zone – Medium Density Residential, RE2 Zone – Private Recreation and SP2 – Infrastructure; and
- Lot 3 – RE1 Zone – Public Recreation Zone, RE2 Zone – Private Recreation and SP2 – Infrastructure.

Stage 2 involves the further subdivision of Lot 2 created in Stage 1 of the proposed development into 19 residue lots. The residue lots are subject to a separate development application for further development. Accordingly, the permissibility of future uses is not the subject of the current development application.

Stage 1 subdivision of the site into three super lots and Stage 2 subdivision of Lot 2 created in Stage 1 into 19 lots is permitted with consent pursuant to *Clause 2.6 Subdivision – consent requirements* in LLEP 2008.

Stage 2 of the project also includes a number of proposed works associated with the future use of the area as intended in the R3 Medium Density Residential Zone. The permissibility of proposed works in Stage 2 is discussed below with respect to each land use zone:

B6 Zone – Enterprise Corridor

The following Stage 2 work is proposed in the B6 Zone – Enterprise Corridor:

- Bulk earthworks, including;
 - Site remediation works;
 - Cut and Fill; and
 - Importation and placement of VENM.
- Construction of supporting infrastructure that include:
 - Extension of the western retaining wall in the west of the site area;

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- Construction of a temporary turning head at the end of Road No. 1 to facilitate vehicle turning and provide access to local road network for any future redevelopment in Lot 1;
- Drainage infrastructure and services to support residential development in Lot 2 and future development in Lot 1.

The works can be defined as 'roads', 'earthworks' and 'drainage'. It is noted that 'roads' are permitted in the B6 zone. It appears that 'earthworks' and 'drainage' are both defined in the LLEP 2008 but not as land use terms.

R3 Medium Density Residential Zone

The following Stage 2 work is proposed in the R3 Zone – Medium Density Residential Zone:

- Bulk earthworks, including;
 - Site remediation works;
 - Cut and Fill; and
 - Importation and placement of VENM.
- Construction of supporting infrastructure that include:
 - Construction of roads to be dedicated to Council;
 - Construction of a temporary turning head at the end of Road No. 1 to facilitate vehicle turning and provide access to local road network for any future redevelopment in Lot 1;
 - Drainage infrastructure and services to support residential development in Lot 2 and future development in Lot 1.
- Evacuation and Access Bridge.

The works can be defined as 'roads', 'earthworks' and 'Flood Mitigation Works'. It is noted that 'roads' and 'flood mitigation works' are permitted in the R3 zone. It appears that 'earthworks' are defined in the LLEP 2008 but not as land use terms.

RE1 Public Recreation Zone

The following Stage 2 work is proposed in the RE1 Public Recreation Zone:

- Bulk earthworks, including;
 - Site remediation works;
 - Cut and Fill; and
 - Importation and placement of VENM.
- Construction of supporting drainage infrastructure for medium density residential development In Lot 2 that includes the construction of a raingarden that discharges to Georges River.

The works can be defined as 'flood mitigation works' and 'roads'. It is noted that 'roads' and 'flood mitigation works' are permitted in the RE1 zone.

RE2 Private Recreation Zone

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The following Stage 2 work is proposed in the RE2 Private Recreation Zone:

- Bulk earthworks, including;
 - Site remediation works;
 - Cut and Fill; and
 - Importation and placement of VENM.
- Construction of supporting infrastructure that include:
 - Extension of the western retaining wall in the west of the site area;
 - Extension of Road No. 2 into Lot 3 to facilitate vehicle turning and provide access to local road network for any future redevelopment in Lot 3; and
 - Drainage infrastructure and services to support residential development in Lot 2 and future development in Lot 1.

The works can be defined as 'roads', 'earthworks' and 'flood mitigation works'. It is noted that 'roads' and 'flood mitigation works' are permitted in the RE2 zone. It appears that 'earthworks' are defined in the LLEP 2008 but not as land use terms.

SP2- Infrastructure

The following Stage 2 work is proposed in the SP2 – Infrastructure Zone:

- Construction of raingarden including channel reconstruction and 3m wide concrete maintenance access.

The purpose of the SP2 zone is shown in the Land Zoning Map as Drainage. The above work is permitted in the SP2 zone as it is development for the purpose of Drainage.

3. LEGAL ADVICE

The Applicant has submitted legal advice from Minter Ellison in reply to the concerns raised by the Panel regarding the proper characterisation of the proposed development within the RE1 and RE2 zones and how these components of the development are permitted with consent.

The Minter Ellison advice concludes:

'As stated above, the retaining wall is required to retain the fill in proposed lots 7 and 16 to ensure that the stormwater is able to drain into the road system and mitigate flood impacts if flooding occurs. Therefore, the retaining wall and requisite drainage works could be characterised as 'flood mitigation works' (although we reiterate that in our opinion this is not the better view). Given that 'flood mitigation works' are like works for the purpose of a 'road', permissible with development consent in the RE1 and RE2 zones under the LEP, it follows that the RE Zone Works are permissible with development consent.

Bartier Perry, Council commissioned lawyers, reviewed the Minter Ellison legal advice along with supporting documents, provides the following conclusion on the issue of permissibility:

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- *The DA seeking consent for the subdivision of land and associated works (including the RE Zone Works), must be assessed and determined objectively without regard to any future intention (i.e. residential development).*
- *Subdivision, whilst a form of development, is not development for a purpose or use and is therefore not able to be characterised as the dominant purpose of the DA and the RE Zone Works must be considered separately.*
- *In our view, the RE Zone Works are permissible with consent and the Panel and/or Council should proceed to determine the DA on its merits.*

4. CONCLUSION

The applicant has provided additional information in response to the LPP's deferral of the matter in the form of legal advice, which provides legal advice on the characterization of the RE Zone Works and how these components of the development are permitted with development consent.

The legal advice was reviewed by Council's independently engaged legal professional whom concludes that the RE Zone Works are permissible with consent and the Panel should be proceed to determine the DA on its merits.

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

5. RECOMMENDATION

That the Panel receives and notes both the Applicant's legal advice and Council's independent legal advice in its further consideration of the application.

6. ATTACHMENTS

1. Updated Deferred Commencement Conditions of Consent
2. Previous LLPP Report (16/12/2019)
3. LLPP Minutes (16/12/2019)

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Attachment 1: Updated Deferred Commencement Conditions of Consent

ATTACHMENT 2 - CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

PART 1

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

Design

1. The design of the pedestrian evacuation bridge is to be endorsed by Liverpool City Councils. Evidence is to be provided that the design has been reviewed and endorsed by Liverpool City Council's Manager Development Assessment.
2. The design of the pedestrian evacuation bridge is to be certified by appropriately qualified structural engineer indicating that it is structurally safe and also able to adequately provide pedestrian evacuation during a flood event.
3. A design for the embellishment of Paine Park is to be prepared and endorsed by Liverpool City Council's. Evidence is to be provided that the design has been reviewed and endorsed by Liverpool City Council's Manager Development Assessment. The cost of the embellishment works are to be borne of the developer.

Owners Consent

4. Written owners consent is to be provided to the developer and submitted to Council for the construction of the pedestrian evacuation bridge and any associated works.

Geotechnical Report

5. The submission of a final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, to the Certifying Authority prior to the issue of the Construction Certificate.

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The report must cover, but not limited to the following:

- a) The developer be requested to review the ground improvement design given the concerns expressed above. In particular, addition of surcharge over the 3 m thick bridging layer should be considered.
- b) A program of settlement and differential settlement instrumentation be stipulated together with a minimum period of monitoring and review prior to removal of surcharge and building construction.
- c) Certain high risk zones (e.g. where the existing fill is thick and/or its thickness varies rapidly such as around borehole JK10 and JK14), house foundations may require piling.
- d) A review of piling requirements for house foundations may extend beyond that described above subject to review of the settlement and differential settlement monitoring results during the preload/surcharge period.
- e) Adopt non-building zones in deep fill areas (e.g. play grounds) or adopt piled foundations in medium rise development in such zones to provide potentially more economically acceptable solutions.

Note: The items raised within Part 1, above, are to be addressed within twelve (12) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.

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PART 2

On the submission of the required evidence and on the applicant receiving written notification that Council is satisfied that the matters listed in “Part 1” have been satisfied, then the consent shall become operative subject to compliance with conditions outlined in “Part 2”.

A. THE DEVELOPMENT

Approved Plans

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

| Prepared by | Drawing No: | Title | Issue | Date |
|-----------------------------|-------------|--|-------|------------|
| JMD Development Consultants | 14005E30 | Overall plan of Road No. 1 Extension into B6 Lot | D | 16/09/2019 |
| JMD Development Consultants | 14005PS2 | Stage 1 Plan of Proposed Torrens title subdivision of Lot 70 DP 1254895 | M | 04/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Overall Plan | M | 04/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – | M | 04/12/2019 |

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| | | Plan 1 of 3 | | |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Plan 2 of 3 | M | 04/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Plan 3 of 3 | M | 04/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2A Plan of Proposed Torrens title subdivision of Lot 1 in DP (Unre) created under Stage 1. | M | 04/12/2019 |
| JMD Development Consultants | 14005E35 | Swept Path Analysis | A | 10/09/2019 |
| JMD Development Consultants | 14005E30 | Road No. 1 (Collector Road) – Longitudinal Sections, Typical Sections & Pavement Details within the land zoned B6 | C | 16/09/2019 |
| JMD Development Consultants | 14005PS2 | Plan of Proposed Subdivision of Lots 1, 2 & 3 in DP (Unreg) of Proposed Subdivision of Lot 70 in DP 1254895 | E | 31/03/2017 |
| JMD | 14005E3S | Pedestrian Pathway | A | 10/09/2019 |

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| Development Consultants | | and Cycle plan | | |
| JMD Development Consultants | 14005E6 | Overall Plan | G | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Soil & Water Management Plan | G | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Tree Removal Plan | E | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Site Plan with bulk earthworks & capping thickness | E | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Plan of Works – Sheet 1 of 3 | H | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Plan of Works – Sheet 2 of 3 | G | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Plan of Works – Sheet 3 of 3 | F | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 1 – Longitudinal Sections, Typical Section & Pavement Details | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 2 – Longitudinal Sections, Typical Section & Pavement Details | E | 19/05/2018 |
| JMD Development | 14005E6 | Road No. 3 – Longitudinal | E | 19/02/2018 |

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| nt Consultants | | Sections, Typical Section & Pavement Details | | |
| JMD Development Consultants | 14005E6 | Road No. 4, 5, & 9 – Longitudinal Sections, Typical Section & Pavement Details | D | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 7 – Longitudinal Sections, Typical Section & Pavement Details | H | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Bridge General Arrangement Drawing | D | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Road No. 11 & 12 – Longitudinal Sections, Typical Section & Pavement Details | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Benching & Retaining wall plan | H | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH0.0 to CH150) | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH150.0 to CH300.0) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH300.0 to CH450.0) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH450.0 to CH570.0) | C | 07/11/2016 |
| JMD | 14005E6 | Longitudinal Section | C | 13/12/2017 |

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| Development Consultants | | for Retaining Wall No. 502 (Ch 0 to Ch 154.369) | | |
| JMD Development Consultants | 14005E6 | Longitudinal Sections for retaining wall No. 502 (Ch 154.369 to End) & Retaining Walls No. 503 & No. 504. | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Raingarden No. 1 (Northern Raingarden) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Raingarden No. 2 (Southern Raingarden) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Traffic Facilities Plan | A | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Link Road/Collector Road Intersection | D | 15/02/2018 |
| Green Tree Design | LS001 | Street Tree Design | B | 16/11/16 |

Reports/Documents

- Moorebank Cove Residential Development Construction Dust Impact Assessment (Ref: AS122065, Revision Final) prepared by Ramboll Environ dated 15th December 2016;
- Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2) prepared by EMM Consulting dated 11 March 2016;
- Fill Management Protocol Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.07, Document No. R.003.Rev1) prepared by Douglas Partners Pty Ltd dated 20th December 2016;

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- Sampling and Analysis Quality Plan, Validation Monitoring Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.004.Rev2) prepared by Douglas Partners Pty Ltd dated 15th May 2017;
- Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017;
- Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- Interim Advice for Statutory Site Audit 264 – 146 Newbridge Road, Moorebank Review of Douglas Partners (3 April 2019) Report on Buried Services Design (SA264_190403c_Interim Advice) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 3rd April 2019;
- Review of Buried Services Design Drawings Proposed Residential Development 146 Newbridge Road, Moorebank (Project 71459.09, R.025.Rev1, JRR) prepared by Douglas Partners Pty Ltd dated 3rd April 2019;
- Site Audit Statement No. 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- Site Audit Report 282 by Dr Ian Swane Remediation Strategy for Proposed Georges Cove Marina Development at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision: Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- EPA Issue of General Terms of Approval for Staged Torrens Title Subdivision 146 Newbridge Road, Moorebank, NSW, 2170- DA-24/2017 (DOC19/593156) dated 12th July 2019; and
- Moorebank Cove Residential Development- Stage 1 and 2 146 Newbridge Road, Moorebank, Noise and Vibration Impact Assessment (Report J16137RP#1, Version 4, Final) prepared by EMM Consulting dated 19th August 2019.

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- Landfill Closure Management Plan – Benedict Sands 146 Newbridge Road, Moorebank, prepared by Douglas Partners (project no: 71459.09) dated October 2019.
- Traffic Assessment prepared by EMM, (report no: J15054RP1) dated 14 December 2016.
- Due Diligence Aboriginal Heritage Assessment, prepared by Mary Dallas Consulting Archaeologists, dated 7th December 2016.
- Amended Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, (Assessment no: B162725-2) dated 19 December 2016.
- Construction Dust Impact Assessment, prepared by Ramboll Environ, (reference no: AS122065) dated 15 December 2016.
- Water Quality Assessment, prepared by JMD Development Consultants, (reference no: 14005) dated 20 November 2016.
- Ecological Assessment, prepared by EMM, (report no: J16050ARP3), dated 14 December 2016.
- Noise and Vibration Impact Assessment, prepared by EMM, (report no: J16137RP#1) dated 19 August 2019.

Stage Development

2. The development must be carried out over the proposed stages as follows:
 - a. Stage 1

Subdivision of the site area into three lots;
 - b. Stage 2

Subdivision of Lot 2 to create 19 residue lots and include site remediation, bulk earthworks and construction of drainage and infrastructure and pedestrian bridge.

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Works at no cost to Council

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

Legal Agreement

4. The pedestrian evacuation bridge is to be maintained in the care and control of the body corporate of the subject community title development. A legal agreement is to be entered into with the developer and the appropriate road authority for the maintenance and upkeep of the evacuation bridge in perpetuity to the satisfaction of Liverpool City Councils Manager Development Assessment.
5. Plans are to be submitted confirming that the road levels and minimum ground floor levels of all future dwellings are at or above 6.1m AHD and the finished road and floor levels shall continually rise from 6.1m AHD on the south eastern edge of the development to the west, reaching levels around 10m AHD in accordance with the flood report from Tooker and Associates dated 26th November 2019.

Excavation Works

6. All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration. In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, is not permitted.

General Terms of Approval

7. All General Terms of Approval issued by Department of Primary Industry - Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 6 June 2017. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 1.
8. All General Terms of Approval issued by NSW Rural Fire Service, shall be complied with prior, during, and at the completion of subdivision, as required in accordance with the General Terms of Approval dated 15 December 2017. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 2.
9. All General Terms of Approval issued by NSW Environmental Protection Authority, shall be complied with prior, during, and at the completion of Subdivision and remediation, as required in accordance with the General Terms of Approval dated

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12 July 2019. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 3.

Endeavour Energy Comments

10. All comments provided by Endeavour Energy shall be complied with prior, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice.

Sydney Water Comments

11. All comments provided by Sydney Water shall be complied with prior, and at the completion of construction. A copy of the Sydney Water comments are attached to this decision notice.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Voluntary Planning Agreement

12. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement applicable to this site executed by Tanlane Pty Ltd and Liverpool City Council (dated 11 June 2008) or any subsequent amendments to the abovementioned Voluntary Planning Agreement.

Fee Payments

13. 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.

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- (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.

Flood Emergency Plan

- 14. A flood emergency response plan shall be developed and maintained in consultation with the SES for the entire site. The flood emergency response plan shall include a suitable flood warning system that has specific evacuation triggers and communication mechanisms for emergency evacuation of all areas, signage and exits to ensure the fail-safe evacuation of people during floods up to and including the Probable Maximum Flood. The flood emergency response plan shall be submitted and approved by Liverpool City Council Manager of DA prior to the issue of a construction certificate. The flood warning system shall include the following:
 - a. Water level monitoring system at Georges River to monitor overtopping of river banks near the site.
 - b. Suitable arrangements to alert all occupants of the entire site.
 - c. Necessary arrangement for site evacuation before the site becomes fully isolated by floodwaters.

The flood warning system shall be put in operation prior to, during and after a flood to manage activities including evacuation arrangements for all occupants of the site.

Provision of Services

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

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

- 16. Written clearance from Endeavour Energy, stating that electrical services can be 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.

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17. Prior to the issue of the 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 of the Telecommunications Act 1997
- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunication 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.

S138 Roads Act – Minor Works in the public road

18. Prior to the issue of the relevant 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)
 - 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.

Retaining Walls on Boundary

19. 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.

S138 Roads Act – Roadworks requiring approval of civil drawings.

20. Prior to the issue of the relevant 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, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road work treatment in Buchan Avenue and Soldier Parade Intersection.

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 relevant Construction Certificate.

Construction Certificate for Subdivision Works

21. 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 JMD Development Consultants, reference number 14005E6, revision E, dated 19.05.2017 (26 Sheets) 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.

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- 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

22. Prior to the issue of the relevant 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 |
|----------|--------------------|-------------------|------------------|----------------------|---------------------|
| 1 | 20 & Varies | 12 & 7 | 6.5 & 4 & varies | 2.5 | 2 x 10 ⁶ |
| 2 | 20 & Varies | 7 | 6.5 & 4 & varies | 2.5 & 1.5 | 3 x 10 ⁵ |
| 3 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 4 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 7 | 15.2 | 7.668 | 3 | 3 (full width) | 2 x 10 ⁶ |
| 9 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 11 | 7 | 6 | 0.5 | 0 | 3 x 10 ⁵ |
| 12 | 7 | 6 | 0.5 | 0 | 3 x 10 ⁵ |

Road Safety Audit

23. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks 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

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Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

Stormwater Concept Plan

24. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by JMD Development Consultants, reference number 14005E6, revision E, dated 19/05/2017 (26 Sheets).
- (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.

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;

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

Inter-allotment Drainage

27. 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.

Additional Engineering Requirements

28. Additional pram ramps must be provided within the site at all proposed intersections. Details must be submitted and approved by Council prior to the issue of any Construction Certificate.

Traffic, Access, Car Parking and Manoeuvring

29. The proposed development shall have no adverse flooding impact in the vicinity as indicated in the flood impact assessment reports by Cardno (NSW/ACT) Pty Ltd (Ref: 59916196:BCP/bcp, Flood Impact Assessment Stage 2 DA for Moorebank Cove Site, Newbridge Road, Moorebank, dated: 15 July 2016 and Flood Impact Assessment for Retaining Wall Construction, Moorebank Cove Development, Newbridge Road, Moorebank, dated: 04 August 2016).
30. There shall be no net loss of floodplain storage volume below the 1% AEP flood.
31. The approximate volume of filling below the 1% AEP flood by the proposed development shall be no more than 16,800 cum.
32. The flood compensatory excavation shall be undertaken as indicated in the NPC (National Project Consultants) letter report, dated: 10 May 2017. The cut and filling shall be carried out as indicated in drawings by JMD Pty Ltd (Ref: 14005E16; Moorebank Cove – Stage 2, Newbridge Road, Moorebank; Sheet 1 of 3 Sheets to Sheet 3 of 3 Sheets; Issue: C; dated: 09/05/2017).
33. The existing drainage channel running on the north and then along the western boundary shall not be disturbed and shall be maintained at its natural state.

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34. The headwall of the existing box culvert across Newbridge Road and the drainage channel on the north of the site shall be maintained and the stormwater flow through the box culvert shall be managed as indicated in the drawing by JMD Pty Ltd (Ref: 14005E6; Moorebank Cove – Stage 2, Newbridge Road, Moorebank; Sheet 24 of 26 Sheets; Issue: B; dated: 07/11/2016).
35. Detailed design of the proposed roundabout at Link Rd / Collector intersection, showing turning paths and demonstrating compliance with the relevant Road Design Standards is to be submitted to Council's Traffic and Transport Section for approval.
36. Detailed design plans for the proposed access roads, intersection treatments, pedestrian/cycle facilities traffic calming facilities including traffic controls, swept path analysis, line markings and sign posting demonstrating compliance with the Council's DCP and AS2890 are to be submitted to Traffic and Transport Section and Local Traffic Committee consideration and Council's approval.
37. Detailed designs of the interim with two lanes in each direction, and ultimate layout with traffic control signals at the Brickmakers Drive/Link Road intersection are to be submitted to Council's Traffic and Transport Section and the RMS for approval.
38. Detailed design of the proposed traffic signals at Brickmakers Drive/Link Road intersection and associated TCS plan is to be submitted to Roads and Maritime Services (RMS) for approval.
39. A security bond is to be lodged with Council for installation of traffic signals at Brickmakers Drive/Link Road intersection, if the RMS approval for the signals is not granted.
40. Detailed design of temporary turning heads at all dead ends.
41. Engage a Level AP3 Street Light Designer to nominate street lighting category in accordance AS 1158, and design the required street light to Council and Endeavor Energy requirements.

Traffic management plan

42. A traffic management plan is to be submitted to Liverpool City Council's Traffic & Transport Section for approval by Council's Traffic Committee. Works within the road reserve shall not commence until the traffic management plan has been approved.

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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.

Emergency Access

43. Emergency access road shall be designed to provide reliable access to the subdivision for vehicles and pedestrians during a Probable Maximum Flood (PMF) event. Engineering details of the emergency access road, including transitions to existing watercourse upstream and downstream of the works shall be provided with the detailed civil design. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

Flood Warning Signs

44. The developer shall provide flood warning signs at each end of the proposed entry road (Road 1). This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

On-site Detention

45. On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging into the river. 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. Detailed design and drawings of water quality treatment facilities including water quality modelling report and electronic copy of MUSIC model developed for the site shall be submitted for Council's review and approval.

Construction Environmental Management Plan (CEMP) (As amended)

46. 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

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construction phases, and include, where relevant, but not be limited to, the following:

- Asbestos Management Plan;
- Project Contact Information;
- Site Security Details;
- Timing and Sequencing Information;
- Site Soil and Water Management Plan;
- Noise and Vibration Control Plan;
- Dust Control Plan;
- Air Monitoring;
- Odour Control Plan;
- Health and Safety Plan;
- Waste Management Plan;
- Incident Management Contingency;
- Unexpected Finds Protocol; and
- Landfill gas management during earthworks and construction.

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

Geotechnical Report – Construction Certificate

47. The submission of a final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, to the Certifying Authority prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a) Extent and stability of proposed embankments including those acting as retarding basins;
- b) Recommended Geotechnical testing requirements;
- c) Required level of geotechnical supervision for each part of the works as defined under AS3798-Guidelines on Earthworks for Commercial and Residential Developments;
- d) Compaction specification for all fill within private subdivisions;
- e) The level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering's plans shall be amended to indicate that no vibratory rollers shall be used within that zone;

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- f) The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation.
- g) The preferred treatment of any unstable areas within privately owned allotments; and
- h) Requirement for subsurface drainage lines.
- i) Overall suitability of the engineering plans for the proposed development; and
- j) No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Geotechnical Supervision

- 48. A Suitability Qualified Geotechnical Engineer must supervise all filling within the development.

Asset Management – Roads, Drainage and Landscaping

- 49. Prior to issue of the Construction Certificate the following documentation must be submitted to the Principal Certifying Authority (Council) for approval.
 - a) The length, square metre and cost of constructed roadworks to be dedicated as public road;
 - b) An itemised list of the size, length and type of pipe, associated pits and water quality features in the proposed drainage system to be handed over to Council (not including common drainage lines or inter-allotment drainage);
 - c) Itemised list of street signs and street furniture including their current cost;
 - d) Itemised list of plantings in public areas. and
 - e) Maintenance schedule of landscape works and civil works and costs to Council associated with the ongoing maintenance of the work;

No adverse Run-off Impacts on Adjoining Properties

- 50. The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Recommendations of Acoustic Report

- 51. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

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C. PRIOR TO WORKS COMMENCING

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

Notification

52. 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.

Site Development Work

53. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as the relevant Construction Certificate has been issued.

Site Notice Board

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

Facilities

55. 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:

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

Notification of Service Providers

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

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

Dial Before You Dig

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

Construction Traffic Management Plan

58. A Construction Traffic Management Plan (CTMP) prepared by a qualified traffic and transport practitioner detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to works commencing.

Traffic Control Plan

59. 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

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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.

60. Approval under Section 138 of the Road Acts, for the road works and any associated road occupation permits are to be obtained from the Council Land Development, and Transport & Transport Sections.
61. The level 3 designer is to obtain Council’s endorsement of the NOCC (Notice of changes in Charges) from Council and Endeavour Energy approval for the street lighting.

Dilapidation report

62. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Newbridge Road and Brickmakers Drive 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.

Matters to be addressed prior to commencement of Subdivision Works

63. 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.

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Waste Classification and Disposal of Contaminated Soil and Material

64. 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.

Construction Noise

65. Prior to the commencement of any construction works, the Applicant must ensure that the following is available for the life of the Development:
- (a) a postal address to which written complaints may be sent;
 - (b) an email address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

Sediment & Erosion Control

66. 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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D. DURING CONSTRUCTION

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

Hours of Construction Work and Deliveries

67. Construction work/civil work/demolition work, including the delivery and export of materials from the site is only permitted on the site between the hours of 7.00 am to 8.00 pm Monday to Friday, 7.00 am to 5.00 pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

68. 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

General Site Works

69. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
70. All approved road works and street lighting within the road reserve should be undertaken at no cost to Council.
71. Construct the approved road works and line marking scheme.

General Site Works - Sediment

72. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Erosion and sediment control

73. 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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Street Lighting

74. 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.

75. Install Endeavour Energy approved Street Lighting.

Major Filling/ Earthworks

76. 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.

Soil testing – Subdivisions

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

Works within the road reserve

78. All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.

If a works zone is required, an application must be made to Council's Traffic and Transport 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 Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction

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of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

Applications must be made to Council's Traffic and Transport 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.

Removal of dangerous and/or hazardous waste

79. 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 and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Waste Management

80. 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.

Contamination

81. 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).

Site Remediation Works (as amended)

82. The site must be remediated in accordance with:
- k) Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank' (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017;

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- l) Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- m) Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- n) Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2, Final) prepared by EMM Consulting dated 11th March 2016;
- o) Site Audit Statement No. 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- p) Site Audit Report 282 by Dr Ian Swane Remediation Strategy for Proposed Georges Cove Marina Development at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision: Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- q) State Environmental Planning Policy No. 55 – Remediation of Land;
- r) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- s) The guidelines in force under the Contaminated Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Council and the Site Auditor must be informed in writing of any proposed variation to the remediation works. Council and the Site Auditor must approve these variations in writing prior to commencement/ recommencement of works.

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Imported Fill Material (as amended)

83. All imported fill material for the upper 1.6m cap shall comply with the Fill Management Protocol Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.07, Document No. R.003.Rev1) prepared by Douglas Partners Pty Ltd dated 20th December 2016 and shall satisfy the following criteria:
- All imported soil/rock materials must be geotechnically suitable as determined by a geotechnical engineer;
 - All imported soil/rock materials must be VENM under the NSW EPA (2014) Waste Classification Guidelines and the Protection of the Environment Operations (POEO) Act 1997;
 - No Excavated Natural Material (ENM) or other exempted waste material is to be accepted onto the site; and
 - No Acid Sulphate Soil / Potential Acid Sulphate Soil is to be accepted onto the site.

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

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

No non-VENM waste material shall be imported to the site under an Environmental Protection Licence (EPL) granted for the site without the prior written approval of the Site Auditor.

Record Keeping of Imported Fill

84. Records of the following accepted waste derived fill material must be submitted to the Principal Certifying Authority 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 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; and
 - c. The results of any chemical testing undertaken on fill material.

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Unidentified Contamination

85. 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.

Stockpile Management Plan

86. All works shall Comply with recommendations stipulated in the Stockpiled Material Management Plan prepared by JBS&G (Report Reference: 54499/117394 Rev 0, dated 31 August 2018).

Should any contamination be identified, remediation works are to be undertaken in compliance with:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- The guidelines in force under the Contaminated Land Management Act 1997.

Air Quality – Dust Screens

87. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

Air Quality – Stabilisation

88. 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.

Air Quality – Vehicle Movement

89. 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.

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Pollution Control – Site Operations

90. 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 water pollution.

Pollution Control – Truck Movements

91. 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.

Stockpiles

92. 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.

Asbestos Removal

93. Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the Worksafe NSW. Asbestos and asbestos containing materials shall be disposed of in accordance with requirements of NSW Environmental Protection Authority. All waste receipts for the disposal shall be retained and made available to Council upon request.

Aboriginal Relics/ Artefacts

94. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

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Vegetation

95. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
96. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
97. 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.
98. 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.

Erosion Control - Measures

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

Erosion Control - Maintenance

100. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Environmental Protection Licence

101. The treatment of contaminated soils at the site triggers NSW Environment Protection Authority (EPA) licensing requirements under category 15 in Schedule 1 of the *Protection of the Environment Operations Act 1997*. Site remediation shall be undertaken in accordance with the Environment Protection Licence issued by the NSW Environment Protection Authority for the schedule activity.
102. Conditions imposed by the Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018 shall be complied with at all times.

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103. Conditions imposed by the Site Audit Statement No. 282 prepared by Dr Ian Swain, Ian Swane & Associates Pty Ltd dated 27th April 2019 shall be complied with at all times.

Recommendations of Acoustic Report

104. All recommendations within the approved acoustic report shall be implemented and complied with at all times.

Waste Management

105. Waste and recyclable material 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.
106. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
107. Construction and demolition works 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.
108. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to the Consent Authority and Liverpool City Council's Officers upon request.
109. 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;
110. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager 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-

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- 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.

Car Parking Areas

111. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council’s *DCP 2008*, and *Australian Standard 2890.1 Parking Facilities – Off Street Car Parking*.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Traffic Management

112. 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.
113. If a Works Zone is required, an application is to be made to Council’s Traffic & Transport Section for approval. The application form can be found at
114. Applications must be made to Council’s Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council’s satisfaction.

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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 for the Community Title Subdivisions for the residential lots by Council:

Completion of subdivision works

115. 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.
116. All roadworks, line markings and signposting, street light and landscaping are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Waste Collection Trial

117. A trial of a standard waste collection vehicle (up to 10m in length) travelling within the precinct is to be conducted prior to the release of a Subdivision Certificate. Any improvements required as a result of the trial is to be provided at the developer's cost prior to the release of Subdivision Certificate.

Section 73 Certificate

118. 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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Liverpool City Council clearance – Roads Act/ Local Government Act

119. Prior to the issue of a Subdivision 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.

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Flood Engineering

120. Overland flows from adjoining areas running through the site shall be managed and the proposed developments shall not have any adverse impact on the adjoining properties.
121. On-site water quality management measures shall be undertaken to ensure that stormwater runoffs leaving the site comply with Council's water quality standards.
122. Survey plan by a registered surveyor showing finished surface levels at fill areas along with necessary volume calculations shall be submitted to Council. Survey certificate and the calculation shall confirm that the volume of filling below the 1% AEP flood is no more than 16,800 cum.

Stormwater Compliance

123. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that stormwater pre-treatment system/s, overland flow path works, and flood control works:
 - 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

124. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the On-site detention system/s and Stormwater pre-treatment system/s works shall be registered on the title of the property that forms part of this application.

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.

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125. Prior to the issue of an Occupation Certificate of the 1st dwelling on any residue lot approval under subject DA or any Occupation Certificate for a dwelling on a subsequent lot resultant from this approval, the pedestrian bridge is to be constructed, certified and operational.

Rectification of Damage

126. 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 Newbridge Road and Brickmakers Drive 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

127. 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.

Street Naming

128. Prior to the issue of a Subdivision Certificate an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site.

The proposed names must be in accordance with Council's Street Naming Policy.

Note: Allow eight (8) weeks for notification, advertising and approval.

Subdivision Compliance documentation

129. 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: Nominate

- 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

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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) The WAE drawings shall clearly indicate the 1% Annual Exceedence 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 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 pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries;
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification;
- g) Structural Engineer's construction certificate of all structures; and
- h) 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 & 88B

130. 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).

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131. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
132. 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.
133. 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 Council's Design Specification for Subdivisions (as amended).
134. 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.
135. All residences shall be two story buildings and minimum floor levels of second story floor level shall be above the probable maximum flood (PMF) level of 10.4m AHD.

Site Contamination Validation Report (as amended)

136. After completion of the remedial works, a copy of the Validation Report shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority. This Report shall be prepared in compliance with the Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011), and must:
 1. describe and document all works performed,
 2. include results of validation testing and monitoring,
 3. include validation results of any fill imported on to the site,
 4. outline how all agreed clean-up criteria and relevant regulations have been complied with, and
 5. include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

All work required by the Environment Protection Licence issued by the NSW Environment Protection Authority shall be completed and documented in the site validation report prepared by the Environmental Consultant to enable the Site Auditor to independently check whether compliance was achieved and/or to assess

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the significance of any non-compliance.

Service Providers

137. 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.

Footpath

138. 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

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

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Bond for final wearing course

140. Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Liverpool City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

The final AC layer may be requested by Council where it is deemed appropriate that the final AC layer be undertaken.

Maintenance Bond

141. Prior to the issue of a Subdivision Certificate a maintenance bond is to be lodged with Liverpool City Council for Road and Drainage. The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Bonds

142. 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.

Additional Engineering comments

143. The proposed road and pedestrian evacuation bridge access to the site from Brickmakers Drive must be completed to the satisfaction of the Council.

Site Audit Statement and Site Audit Report

144. After construction of the cap and completion of the remedial works and site validation for Stage 1 and 2 works, a Section B5 Site Audit Statement and Site Audit Report shall be prepared by a NSW EPA accredited Site Auditor in accordance with

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the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the 'Guidelines for the NSW Site Auditor Scheme (3rd Edition) published by the NSW Environment Protection Authority dated October 2017.

The Site Audit Statement and Site Audit Report shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority for review. The Site Audit Statement and Site Audit Report must verify compliance with the approved 'Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank' (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017 and 'Remediation Action Plan Proposed Georges Cove Marina' (Report J14149RP1, Version V2, Final) prepared by EMM Consulting dated 11th March 2016 and the final Landfill Closure Management Plan as agreed by the EPA.

The Site Audit Statement and Site Audit Report must also confirm the suitability of the remedial action and validation methods. The Site Audit Statement and Site Audit Report must determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with a specified plan. Conditions on the Site Audit Statement shall form part of the consent. Compliance with the design objectives for assets such as roads and verges shall be demonstrated by the Site Audit Statement after their construction as part of the site earthworks program.

145. Together with the registration of the approved plan of subdivision, the Applicant shall create a covenant registered over each lot which establishes the Long-Term Environmental Management Plan on the title to land under Section 88B of the Conveyancing Act 1919. The restriction shall be transferred to any future lot in the event that the lots are further subdivided. The Long-Term Environmental Management Plan shall also be enforced in perpetuity by the operation of a by-law included in Part 5 of the community management statement that:
- a) Attaches the Long-Term Environmental Management Plan;
 - b) Requires the community association and each owner and occupier in the community scheme to comply with the Long-Term Environmental Management Plan;
 - c) Requires the consent of Council to an amendment of the by-law; and
 - d) Includes any other conditions required by Council (Long-Term Environmental Management Plan by-law).
146. Details of the wording of the accompanying 88B instrument must be submitted to and approved by Liverpool City Council prior to registration of the covenant with the Land and Property Information Service. The restriction shall specify that the extraction of groundwater is prohibited and development consent is required from

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Liverpool City Council for any future excavations deeper than 2.5 metres below ground level (bgl).

147. A community management statement must be approved by the Consent Authority and must not be inconsistent with any development approval.
148. All costs associated with the creation of the covenant and community management statement shall be borne by the Applicant.
149. Evidence of the creation and registration of the covenant with the Land and Property Information Service (in the form approved by Council) must be provided to Liverpool City Council to satisfy this condition.

Long-Term Environmental Management Plan

150. A Long-Term Environmental Management Plan (LTEMP) shall be prepared by a suitably qualified environmental consultant and provide a site-specific framework for managing and mitigating contamination for the life of the proposal. The LTEMP shall make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures for the management and maintenance of the cap and landfill gas mitigation systems. Procedures for scenarios where the capping or landfill gas mitigation systems need to be penetrated and reinstated must also be included in the LTEMP.

The LTEMP shall require periodic inspection by an environmental / geotechnical consultant to confirm that the overall integrity of the cap has not been compromised and that the capping system and gas mitigation systems remain functional and comply with the requirements of the LTEMP.

The Community Association on behalf of individual house owners of the Community Title scheme shall be responsible for the implementation of the LTEMP. Council is not responsible for the overall administration of the Plan or its implementation. The LTEMP shall be submitted to Liverpool City Council with any future Development Application for residential development which will be subject to separate Approval.

Flood Affection Certificate

151. The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the Subdivision Certificate. This report is required to certify that the 'as-constructed' subdivision and associated works will not have any detrimental effects

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to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater run-off.

Evacuation Management

152. The development excluding roads to be dedicated to LCC shall be under the Community Title and shall impose a management structure responsible for the safety and wellbeing of the occupants of the area and shall be used to manage the flood evacuation procedure. Evidence that the appropriate management structures to manage flood evacuation procedures are in place and endorsed by Liverpool City Council Manager Development Assessment prior to the issue of a Subdivision Certificate.

Final Geotechnical Report – Subdivision Certificate

153. The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the Principal Certifying Authority, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:
- a. All earthwork operations;
 - b. The suitability of each allotment for residential development. In this regard each lot shall be given a classification in accordance with AS2870.1 - Residential Slabs and Footings;
 - c. A fill plan showing extent and depth of fill;
 - d. Certification that all earthworks within the site have complied with the Subdivision Code. This shall include appropriate test results, and test location diagram and date of testing;
 - e. Certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
 - f. The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
 - g. Identification of all land affected by landslip or instability constraints (if applicable); and
 - h. No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Certification – Geotechnical

154. A suitably qualified geotechnical engineer must supervise all filling activity. The geotechnical engineer shall provide written certification that the completed landfilling or land re-shaping works are in compliance with the approved plans and

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specifications. The certification shall include appropriate test results, a test location diagram and date of testing.

Public Reserve Embellishment Works of Paine Park

155. Prior to the issue of an Occupational Certificate of the 1st dwelling on any residue lot approved under the subject DA or any Occupational Certificate for a dwelling on a subsequent lot resultant from this approval all embellishment works endorsed under this determination is to be completed.

F. GENERAL CONDITIONS

The following conditions generally relate to the development:

Waste

156. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Environment

157. Activities undertaken at 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.

Lighting

158. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.
159. The approved Long-Term Environmental Management Plan (LTEMP) shall be complied with at all times.
160. The subdivision of the residual residential lots and construction of residential development including but not limited to the design, completion and testing of building-specific gas mitigation systems is not approved as part of this development consent. As the site is to be developed progressively, discrete site audits will be required in relation to each stage of the proposed development. In future, the Applicant will be required to engage a NSW EPA accredited Site Auditor to issue Interim Advice, Site Audit Statements and Site Audit Reports for purposes specified in the Contaminated Land Management Act 1997.

Flooding

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161. The proposed pedestrian evacuation bridge shall be accessible by wheelchair for disabled people at both ends of the access way, as indicated in the drawings by JMD and Associates Pty Ltd (Ref: 14005E39, Sheet 1 of 2 Sheets, Issue: C, dated: 17/01/2020 and Sheet 2 of 2 Sheets, Issue: D, dated: 17/01/2020). The design of the pedestrian bridge shall be carried out in accordance with the relevant Australian Standards to allow disabled access.
162. Ground levels of the landing area of the pedestrian access across Brickmakers Drive on the public reserve shall be no lower than the 2000-Year ARI flood level as indicated in the flood level analysis report by Cardno (NSW/ACT) Pty Ltd (Ref: 59919131: L-01:BCP:bcp, Deferred Commencement Condition for DA-24/2017 at Moorebank, dated: 20/12/2019). The elevation of the landing area of the pedestrian evacuation route shall be no lower than 7.0m AHD (i.e., 2000-Year ARI flood) and from there rising ground to be at 10.4m AHD (i.e., PMF level) or above as indicated in the survey plan by JMD and Associates Pty Ltd (Ref: 4005(PARK)DS, Sheet 1 of 1, Issue: B, dated: 17/01/2020).

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 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 two (2) years of the date of this notice.
- d) “DIAL BEFORE YOU DIG” DIAL 1100
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 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

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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.

- e) **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.

- f) 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.
- g) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- h) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the 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 3 – SYDNEY WATER REQUIREMENTS

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5 May 2017

Our Ref: 162271

Marcus Jennejohn
Senior Development Planner
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

RE: DA-24/2017 – 146 Newbridge Road, Moorebank

Dear Marcus,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and provide the following comments for your consideration.

Water

- To service the subdivision a watermain extension will be required from the existing DN300 main in Newbridge Road.
- A link Brickmakers Drive could be provided as a contingency supply to the subdivision. This would need to be DV'd under normal system operation, close to the Brickmakers Drive connection.
- The existing watermains in Brickmakers Drive and Newbridge Road are fed from two different supply zones.
- Amplification of approximately 580m of the existing 100mm main located in Newbridge Road will be required to provide water to this development (see picture below). The new size is to be 300mm. This amplification combined with further amplifications will cater for this and other growth in the western part of the Milperra reservoir zone. Without the amplification/s, areas within Chipping Norton will experience poor pressure.
- The accredited WSC/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012). Evidence of Code compliance should be attached with the design.

Wastewater

- The subdivision will require extensions off the 375mm wastewater main adjacent to Newbridge Rd.
- The proposed wastewater infrastructure for this development will be sized & configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

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Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are at attachment 1 (overleaf). If you require any further information, please contact Manwella Hawell of Growth Planning and Development on 02 8849 4354 or e-mail manwella.hawell@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Mulley".

Paul Mulley
Manager, Growth Planning & Development

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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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The developer must have the building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

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ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS

I refer to Council's letter of 16 February 2017 regarding Development Application DA-24/2017 at 146 NEWBRIDGE ROAD, MOOREBANK NSW 2170 (LOT 7 DP 1065574) for 'Staged Torrens title subdivision consisting of: Stage one - subdivision of one lot into three lots Stage two - subdivision of two lots into twenty one lots, bulk earthworks, site remediation, supporting infrastructure and construction of roads'. Submissions needed to be made to Council by 9 March 2017 From Council's 'ePlanning' portal I note the application is 'Status: Application Under Assessment'. I apologise for the late submission but trust that Endeavour Energy's recommendations and comments will still be considered.

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 (indicated by red hatching).
- Low voltage overhead power lines to the road verge / roadway.
- Low voltage and 11,000 volt / 11 kV and 33,000 volt / 33 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 is indicated by blue dashed lines and high voltage by red dashed lines. 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).

The following site plan from Endeavour Energy's G/Net master facility model shows there are 'Work Polygons' (shown by the coloured highlighting and/or hatching of the lot) over the site indicating enquiries and applications for proposed contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply to the development for urban subdivision. As such, Endeavour Energy's Network Connections Branch are managing the conditions of supply to the Rouse Hill Town Centre with the proponent and their authorised service provider (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 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 (AMMD) 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.

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Subject to the foregoing, Endeavour Energy has no objections to the Development Application. Its further recommendations and comments are as follows:

- Vegetation Management

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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 full grown 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 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 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

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:

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

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

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
Development Application Review
Network Environment & Assessment
T: 9853 7896
E: cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
www.endeavourenergy.com.au

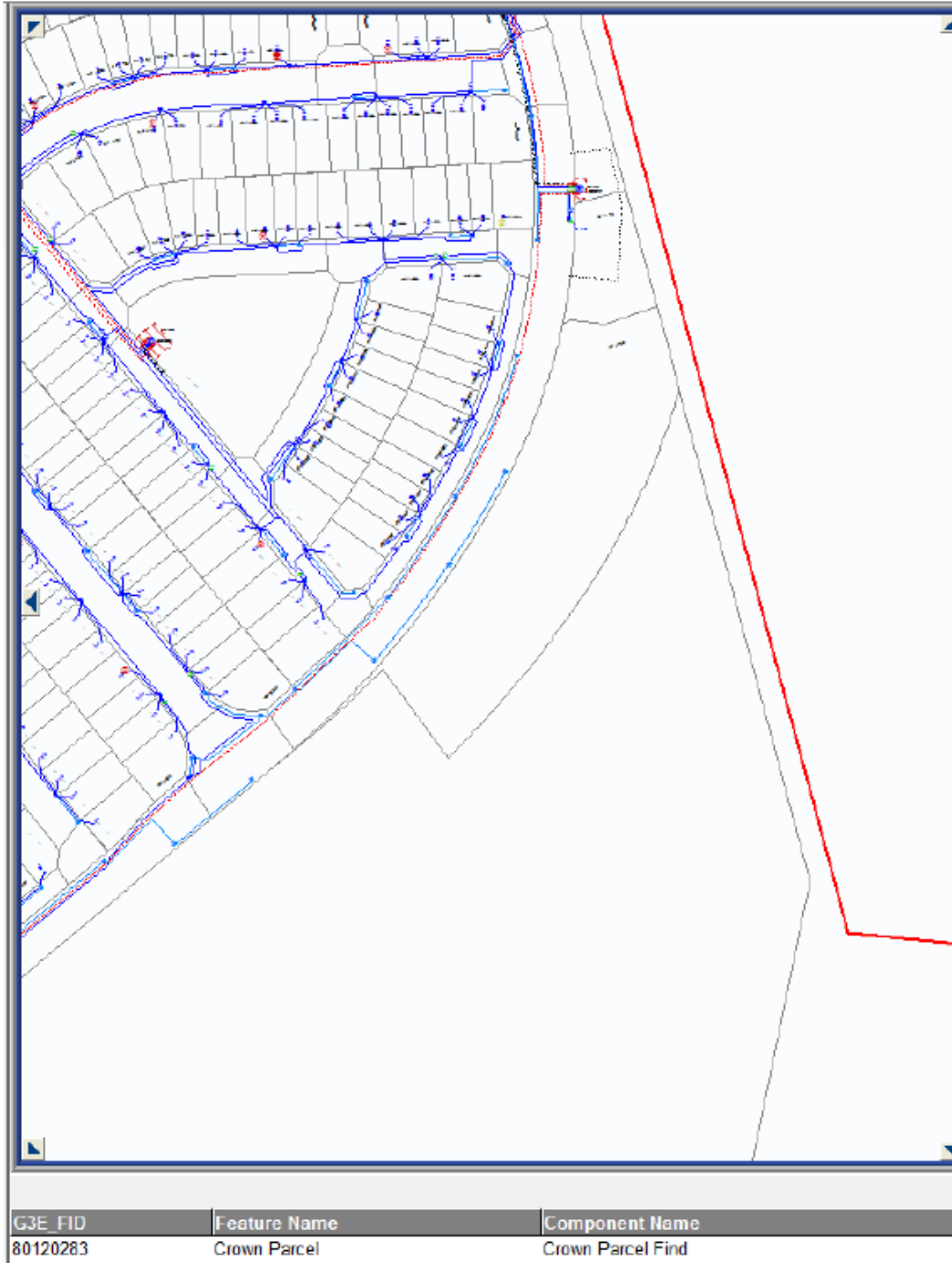
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ATTACHMENT 5 – NSW RURAL FIRE SERVICE

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All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: pes@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: DA-24/2017
Our Ref: D17/539
DA17022206149 MA

ATTENTION: Marcus Jennejohn

15 December 2017

Dear Sir/Madam

Integrated Development for 7//1065574 146 Newbridge Road Moorebank NSW 2170

I refer to your letter dated 16 February 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

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2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- Public road access shall comply with the performance criteria as outlined within section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- The proposed pedestrian access from the temporary turning head at the end of Road No. 1 to Newbridge Road shall be a secondary access for fire fighting resources until such time the link road connection to Davy Robinson Drive is completed.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

This bush fire safety authority is issued on the basis of further information supplied to the NSW RFS in response to our correspondence dated 29/6/2017.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Nika Fomin
Manager, Planning and Environment Services (East)

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

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**ATTACHMENT 6 – NSW NATURAL RESOURCE ACCESS
REGULATOR**

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Contact: Mohammed Ismail
Phone: 02 8838 7535
Fax: 02 8895 7501
Email: mohammed.ismail@dpi.nsw.gov.au
Our ref: 10 ERM2017/0179
Our file: 9055009
Your ref: DA2017/24

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

Attention: Marcus Jennejohn

6 June 2017

Dear Sir

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA2017/24

**Description of proposed activity: Stage one subdivision of one lot into three lots
stage two subdivision of two lots into twenty one lots bulk earthwork**

Site location: 148 Newbridge Road Moorebank

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

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- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Mohammed Ismail
Water Regulation Officer
Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast
NSW Department of Primary Industries – DPI Water

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General Terms of Approval
for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

| Number | Condition | File No: 9055009 |
|--|--|------------------|
| Site Address: | 148 Newbridge Road Moorebank | |
| DA Number: | DA2017/24 | |
| LGA: | Liverpool City Council | |
| Plans, standards and guidelines | | |
| 1 | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2017/24 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p> | |
| 2 | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p> | |
| 3 | <p>The consent holder must</p> <ul style="list-style-type: none"> (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water. | |
| 4 | <p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.</p> | |
| 5 | <p>The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.</p> | |
| 6 | <p>The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.</p> | |
| END OF CONDITIONS | | |

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**ATTACHMENT 7 – NSW ENVIRONMENT PROTECTION
AUTHORITY**

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DOC19/593156
Sender's ref

Ms Kiersten Fishburn
Chief Executive Officer
Liverpool City Council
Liverpool NSW 2170

Attention: Mr Rodger Roppolo

Dear Ms Fishburn

**EPA Issue of General Terms of Approval for Staged torrens title subdivision
146 Newbridge Road, Moorebank, NSW, 2170 - DA-24/2017**

I refer to the development application DA-24/2017 and supporting information received by the NSW Environment Protection Authority (EPA) on 6 March 2017. Mirvac Homes (NSW) Pty Ltd (the proponent) propose to treat contaminated soil at Lot 7 DP 1065574, 146 Newbridge Road, Moorebank for the eventual redevelopment of the site for residential use. The treatment of contaminated soils at the site triggers EPA licensing requirements under category 15 in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act).

On 4 May 2018 the EPA issued Notice No. 1560508 refusing to issue general terms of approval under section 4.47 of the *Environmental Planning and Assessment Act 1979* the application.

The EPA notes that since 4 May 2018 Liverpool City Council has not determined DA-24/2017.

Following the EPA's decision on 4 May 2018 the EPA has received further information from the proponent. The EPA has since determined that it can remake its decision pending the submission and assessment of additional information from the proponent.

The additional information from the proponent has now provided sufficient information for the EPA to now make an adequate assessment of the proposal and has determined that it is able to issue general terms of approval for the proposal.

What work is the EPA issuing general terms of approval for ?

The EPA has assessed the remediation/contaminated soil treatment aspect of the proposal and has provided general terms of approval for this work at Attachment A. The EPA has not assessed whether the land will be suitable for residential development. Any assessment of the suitability of the site for the proposed landuse will need to be undertaken by Council.

The EPA has not assessed if the proposal will provide a stable platform for the proposed residential and associated infrastructure (such as telecommunication pits, pipelines for cables, gas and water supply lines). This should be assessed by structural engineers or similarly qualified persons. Council should be aware that any subsidence of the ground could also damage the gas mitigation controls

| | | | |
|-----------------------|---------------------|--------------------|-------------------|
| Phone 131 555 | Fax +61 2 9995 5999 | PO Box A290 | 59-61 Goulburn St |
| Phone +61 2 9995 5555 | TTY 133 677 | Sydney South | Sydney NSW |
| (from outside NSW) | ABN 43 692 285 758 | NSW 1232 Australia | 2000 Australia |

info@epa.nsw.gov.au
www.epa.nsw.gov.au

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and allow gas to build up under the proposed residential structures. Should Council approve DA-24/2017 these issues will need to be addressed through conditions imposed by Council as part of the long-term management of the site and consideration should be given to the regulatory framework to ensure that the long term management of the site is maintained and the commitments provided by the proponent can be implemented and maintained, including after the EPA's environment protection licence has been surrendered.

Council should also consider how residential infrastructure such as underground cabling, gas and water mains will be protected from being damaged by potential subsidence or how potential gas migration into these structures/pits will be managed to prevent the build-up of gas in an enclosed space.

We note that as the EPA will not have an ongoing regulatory role for this proposal once the environment protection licence is surrendered, there is a need for clear responsibility of the ongoing management of this land with respect to gas generation and mitigation. The EPA recommends Council consider:

- what appropriate mechanisms need to be put in place to address potential gas generation and mitigation;
- to identify who should be responsible for managing these risks and protecting the community; and
- placing a note on the section 10.7 certificate detailing that the property is located over potentially gas generating fill and that the excavation of the land is restricted.

If Liverpool City Council decides to grant development consent for this proposal, the conditions in Attachment A must be incorporated into the consent. These general terms of approval relate to the works as proposed in the documents and information currently provided to the EPA. In the event that the development is modified by the proponent prior to the granting of consent, it will be necessary to consult with the EPA about the modified application before the Council considers issuing a development consent. This will enable the EPA to determine whether its general terms of approval need to be further updated considering the changes.

Environment Protection Licence

Should the development consent be granted the proponent will also need to make a separate application with all supporting information to the EPA to obtain an environment protection licence or vary the existing environment protection licence for the site. The environment protection licence must be granted prior to works that require a licence commencing on site.

Attachment B has conditions that will be made part of an environment protection licence should one be issued for this proposal. Council may also consider adding any of these conditions to the consent.

I would also like to advise the proponent that in accordance with Part 5.7A of the POEO Act and the Protection of the Environment Operations (General) Amendment (Pollution Incident Response Management Plans) Regulation 2012, a Pollution Incident Response Management Plan must be prepared and implemented prior to commencing any works authorised by an environment protection licence. This plan must be submitted with any application for an Environment Protection Licence.

Given the EPA's regulatory role in the proposed works and their connection with the foreshore, any proposed remediation of the foreshore should be completed in close consultation with the EPA and an EPA-accredited site auditor during both the development application stage, the carrying out of the contaminated soil treatment and the capping works.

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If you have any questions or wish to discuss this matter further, please contact Rob Hogan on (02) 9995 5760 or Trevor Wilson on (02) 9995 5646.

Yours sincerely

 12/7/2019

Greg Sheehy
Director Waste Compliance Section
Environment Protection Authority

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Attachment A – General Terms of Approval

The EPA recommends that the following conditions of consent are included for the proposed works:

Construction

1. Prior to commencing construction of the landfill cap, the applicant must engage a site auditor accredited under the *Contaminated Land Management Act 1997* (CLM Act) to review the Remediation Action Plan (RAP) and Landfill Closure Management Plan (LCMP) and issue a Section B site audit statement certifying that the site can be made suitable for the proposed land-use if remediated in accordance with the RAP and that the LCMP is appropriate for the purpose of managing the closure of the landfill in accordance with the NSW EPA *Environmental Guidelines – Solid Waste Landfills – Second Edition 2016*.
2. Site capping, construction quality assurance (CQA) reporting, and landfill gas monitoring must be undertaken by the applicant in accordance with the requirements of the Environment Protection Licence issued by the EPA for the works (if any), the LCMP and the RAP.
3. Following construction of the cap, the provision of the CQA report to the EPA and the collection of sufficient validation monitoring data, the applicant must complete capping completion / validation reporting to meet the LCMP/RAP and any conditions stated in the first Section B site audit statement referenced in condition 1 above.
4. Prior to commencement of construction of dwellings, the applicant must design building specific gas mitigation systems and engage a site auditor accredited under the CLM Act to issue a second Section B site audit statement certifying:
 - a. the building specific gas mitigation systems are appropriate for the purpose of protecting future users of the site from hazardous ground gases and the landfill cap construction;
 - b. validation reporting is satisfactory; and
 - c. the site has been remediated and managed in accordance with the approved RAP and LCMP.
5. Prior to commencement of construction of dwellings, and following the issue of the second site audit statement in condition 4 above, the applicant must finalise the Long Term Environmental Management Plan (LTEMP) and engage a site auditor accredited under the CLM Act to issue a third Section B site audit statement certifying that the LTEMP will be an effective means of ensuring:
 - the environment is protected;
 - both onsite and offsite users are not exposed to contamination remaining on the site;
 - and
 - the site remains suitable for the proposed use.
6. Following completion and testing of building-specific gas mitigation systems to validate the systems will protect future users of the site from hazardous ground gases, the applicant must engage a site auditor accredited under the CLM Act to issue a Section A2 site audit statement certifying suitability of the land for the proposed land use subject to compliance with the approved LTEMP.

Other

7. All reports submitted in relation to contaminated land management must be prepared, or reviewed and approved, by a 'certified consultant' who is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist

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Contaminated Site Assessment and Management (CPSS CSAM) scheme. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.

8. The following guidance, as relevant, should be considered when assessing contamination within the project footprint:
- NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059sampgdline.pdf
 - Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - The National Environment Protection (assessment of contamination) Measures 2013 as amended.
9. The applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.
10. The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)
11. The proponent must develop and implement a site-specific project website, prior to the commencement of works.
- This website must include but not be limited to:
- general information about the proposal
 - contact details
 - the premises' Pollution Incident Response Management Plan (PIRMP)
 - monitoring data, in accordance with section 66(6) of the *Protection of the Environment Operations Act 1997*.

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Attachment B – Conditions for the EPA Licence

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the Landfill Closure Management Plan (agreed version to be finalised with the EPA);
- Remediation Action Plan (as amended to ensure consistency with agreed LCMP)

A2. Fit and Proper Person

A2.1 The proponent must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, re-processing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L3.2 Condition **L3.1** only applies to the storage, treatment, processing, re-processing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

L3.3 The licensee must assess, classify and manage any waste generated at the premises in accordance with the NSW EPA's Waste Classification Guidelines, as in force from time to time.

L3.4 If waste is transported from the premises, the licensee must ensure that the waste is transported by a waste transporter authorised to transport such waste and that the waste is transported to a place that can lawfully accept the waste.

L3.5 Any material proposed to be classified as Excavated Natural Material (ENM) must be validated.

Hours of operation

L4.1 Work at the premises must only be conducted between 7am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and at no time on Sundays or Public Holidays.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Odour conditions may or may not be imposed for any licence provided, dependant on review of the Air Quality Management Plan as detailed in the Special Conditions of these General Terms of Approval.

O2. Dust - general

O2.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

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O2.2 Activities occurring in or on the premises must be carried out in a manner that will prevent or minimise dust generation and emissions from the site, including windblown and traffic generated dust.

O2.3 The licensee must ensure that trafficable routes and areas are clearly defined and stabilised.

O2.4 All trafficable areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise or prevent the generation, or emission from the premises, of wind-blown or traffic generated dust

O2.5 All vehicles leaving the site must pass through an operational wheel wash facility.

O2.6 The loads of all trucks must be securely fixed, covered, and sealed at all times, except during loading and unloading.

O3. Dust control

O3.1 The proponent must ensure that any vehicle or plant exiting an emissions control enclosure must be inspected. Where necessary, the vehicle or plant must be washed down or cleaned so that contaminated material is not tracked outside the enclosure.

O4. Stormwater/sediment control

O4.1 Prior to works commencing the proponent must prepare a comprehensive Water Management Plan (WMP). The WMP must include but not be limited to:

- a) soil erosion and sediment control measures for uncontaminated and remediated areas that comply with Managing Urban Stormwater – Soils and Construction, Volume 1.
- b) soil erosion and sediment control measures appropriate for a contaminated site that ensure stormwater from contaminated areas are transferred to the onsite water treatment plant and are not permitted to contaminate clean areas or discharge to waters.
- c) surface water controls around the perimeter of the site, such as diversion drains and an impermeable site perimeter control, designed to store greater than the largest rainfall event ever recorded in the local area.
- d) design calculations and sizing for all water diversion controls and sediment basin(s) on site.
- e) plan drawings showing the locations for soil erosion and sediment control practices for the site during all stages of remediation.
- f) written text detailing the installation, monitoring and maintenance requirements for all the soil erosion and sediment control practices.
- g) drawings of any engineering structures such as sediment basin(s) and water diversion structures, including design standards and management regimes to return the system to design capacity following rainfall events.

O5. Waste management

O5.1 The only waste material that is permitted to be applied to land at the premises is virgin excavated natural material (VENM).

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under *the Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- 1) in a legible form, or in a form that can readily be reduced to a legible form;
- 2) kept for at least 4 years after the monitoring or event to which they relate took place; and
- 3) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

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Reporting conditions

R1.1 The proponent must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the proponent must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

R2.1 The proponent must advise the EPA if the concentration of any parameter exceeds the applicable limit at any sampling point, within twenty-four (24) hours of receiving any final analytical results.

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ATTACHMENT 8 – NSW ROADS MARITIME SERVICES

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30 August 2017

Our Reference: SYD17/00257/03 (A18739409)
Council Ref: DA-24/2017

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

Attention: Rodger Roppolo

Dear Sir/Madam,

**ADDITIONAL INFORMATION FOR STAGE 1 SUPRERLOT SUBDIVISION, STAGE 2
RESIDENTIAL SUBDIVISION AND INFRASTRUCTURE WORKS – 146 NEWBRIDGE ROAD,
MOOREBANK**

Reference is made to Council's correspondence dated 8 June 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the additional information and provides the following conditions to be included in any consent issued by Council:

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Newbridge Road boundary.
2. Access is denied across the property boundary to Newbridge Road. Service vehicles accessing the proposed northern raingarden are to not access Newbridge Road. The concrete maintenance access cannot be located within the Newbridge Road road reserve and is not to connect to the existing footpath.
3. The proposed right of carriageway easement over the existing left-in/left-out vehicular access to Newbridge Road is not supported and should be removed from the submitted plans.
4. The existing driveway on Newbridge Road is to be removed and replaced with kerb and gutter to match the existing, prior to the release of the Subdivision Certificate.

The removal of the existing vehicular access and reinstatement with kerb and gutter on Newbridge Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Roads and Maritime Services

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

www.rms.nsw.gov.au | 131 782

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Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the release of the Subdivision Certificate.

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

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

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

6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Newbridge Road.
7. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Newbridge Road during construction activities.
8. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
9. 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.

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

Yours sincerely



Rachel Cumming
Senior Land Use Assessment Coordinator
Network Sydney – West Precinct

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Attachment 2: Previous LLPP Report (16/12/2019)

| | |
|-----------------------------|--|
| DA Number | DA-24/2017 |
| Proposed Development | <p>Staged subdivision of the site:</p> <p>Stage 1: Subdivision of the site to create 3 superlots (being superlot 1, 2 and 3);</p> <p>Stage 2: Subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); site remediation works, bulk earthworks, road, and drainage and infrastructure construction and connect to services and pedestrian bridge.</p> <p>The proposed works are designated development pursuant to the Environmental Planning and Assessment Regulation 2000, for the purposes of contaminated soil treatment works.</p> <p>The proposed development is Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and requires concurrence from:</p> <ul style="list-style-type: none"> - NSW Environment Protection Authority pursuant to the Protection of the Environment Operations Act 1997; - NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997; and - NSW Department of Primary Industries – Water pursuant to the Water Management Act 2000 - NSW Roads Martine Services – Pursuant to SEPP (Infrastructure) 2007 |
| Street Address | 146 Newbridge Road, Moorebank |
| Legal Description | Lots 70 DP 1065574 |
| Applicant | Mirvac Homes Pty Ltd |
| Owner | Tanlane Pty Ltd |
| Date of DA Lodgement | 23 January 2017 |
| Number of | 3 |

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| | |
|-----------------------|-----------------------|
| Submissions | |
| Cost of Works | \$10,021,576.00 |
| Recommendation | Deferred Commencement |
| Report date | 5 December 2019 |

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-24/2017) proposing subdivision, bulk earthworks, site remediation and construction of roads and drainage, over two (2) stages at 146 Newbridge Road, Moorebank

The development site is described as Lot 7 DP 1065574, No. 146 Newbridge Road, Moorebank.

The developable area is zoned B6 Enterprise Corridor; R3 Medium Density Residential; and RE2 Private Recreation under Liverpool Local Environment Plan (LLEP) 2008.

The proposal was advertised under the provisions of Liverpool Development Control Plan 2008 between 22 February 2017 and 24 March 2017. Three (3) submissions have been received in respect of the proposed development.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development is Designated Development.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Therefore, it is recommended that the application be determined by way of deferred commencement.

2. SITE DESCRIPTION AND LOCALITY

2.1 Site Description

The subject site is described as Lot 70 in DP 1254895 No. 146 Newbridge Road, Moorebank and is located on the eastern edge of the Liverpool Local Government Area (LGA). The site is irregular in shape and has an area of 22.274Ha (or 222,740m²) and has a street frontage of approximately 161.5 metres to Newbridge Road.

Currently the development site is occupied by a discontinued recycling facility and contains stockpiled soils and construction materials. The site was used as a recycling facility and includes sand extraction by dredge and contains large dredge ponds and reject material from the sand washery. The northern portion of the site is largely cleared with bare sand, gravel and unpaved access roads. The southern portion of the site is mostly occupied by stockpiles of materials and a dredge pond.

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An aerial photograph of the site is provided below.



Figure 1 – Aerial photograph of the site

2.2 The Locality

The site is located approximately 27km south-west of Sydney, 4km east of the Liverpool CBD, 1.45km north east of the Moorebank centre and 1.6km south of the Chipping Norton local centre.

The land uses and development within the immediate vicinity of the site is provided below:

Surrounding land uses are described as follows:

North:

- The northern boundary fronts Newbridge Road and is identified as a classified road;
- On the northern side of Newbridge Road is the Chipping Norton Industrial area which consists of storage premises, business premises, general industrial uses such as warehousing and wholesale supplies.

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West:

- The site directly adjoins an access handle for Lot 6 DP 1065574 (approximately 900m) in length from Newbridge Road) and natural vegetation to the west.
- West of Brickmakers Drive consists of residential precinct known as Georges Fair.

East:

- To the east of the precinct includes Georges River, Davy Robinson reserve, boat ramp, and public car park;
- On the eastern side of Davy Robinson Drive consist of low density residential dwellings.

South:

- To the south of the site is zoned E2 – Environmental Conservation.

An aerial photograph of the locality is provided below



Figure 2 – Aerial photograph of the locality

2.3 Site Constraints

The subject site has number of constraints, which are listed below:

| Potential Site Constraints | Site Constraints |
|---|--|
| <ul style="list-style-type: none"> • Flooding • Heritage Items • Aboriginal heritage | <ul style="list-style-type: none"> • A portion of the site zoned RE1 Public Recreation is subject to land acquisition by Liverpool City Council for local open space; |

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| | |
|--|--|
| <ul style="list-style-type: none">• Environmentally Significant Land• Threatened Species/Flora/Habitat/Critical communities• Acid Sulphate Soils• Aircraft Noise• Flight Paths• Road Noise/Classified Road• Significant Vegetation• Contamination | <ul style="list-style-type: none">• The sites have been identified as 'flood prone area' and 'flood prone land';• The sites are identified as Acid Sulfate Soil Class 2, 3 and 5 land by the LLEP 2009;• The site is impacted by the 'Foreshore building line'• The site is identified as 'Environmentally Significant Land';• The site is adjacent to Newbridge Road which is identified as a Classified Road. Clause 7.22(3) of LLEP 2008 prevents Council from granting consent to development for a dwelling unless the dwelling is at least 50m from the boundary of the land that adjoins a classified road.• The site is contaminated requiring remediation, which is required to be completed prior to the issue of any Subdivision Certificate, as will be conditioned on the consent for this DA.• The site was identified as Integrated Development pursuant to Section 4.46 of Environmental Planning & Assessment Act 1979. The application was referred to NSW Department of Industry and a General terms of Approval was provided.• The site was identified as Integrated Development pursuant to Section 4.46 of Environmental Planning & Assessment Act 1979. The application was referred to NSW Rural Fire Service and a General terms of Approval was provided.• The site was identified as Integrated Development pursuant to Section 4.46 of Environmental Planning & Assessment Act 1979. The application was referred to NSW Roads Maritime and Services and a |
|--|--|

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| | |
|---|---|
| | General terms of Approval was provided. |
| Are there any restrictions on title? | N/A |

3. BACKGROUND

- A pre-DA meeting held with Liverpool City Council on 20 January 2016;
- The subject DA was lodged with Council on 23 January 2017;
- The DA was advertised in the Liverpool Leader for a period of 14 days from 22 March 2017 to 24 March 2017. Three (3) submissions were received during the notification period.

3.1 Background and DA History

Planning Proposals

RZ-10/2006

- A planning proposal (RZ-10/2006) was submitted to Council on 31 January 2006 to rezone the site described as 146 Newbridge Road, Moorebank. The rezoning application was approved by Council on 26 February 2006.

RZ-2/2015

- A planning proposal (RZ-2/2015) was submitted to Council to amend the LLEP with the following proposals:
 - Amend the Liverpool Local Environmental Plan (LLEP) to enable residential uses on Georges Cove Marina which comprises 17 terrace dwellings on the private marina clubhouse site and 108 apartments in the maritime building;
 - Adjust the boundary of the R3 Medium Density Residential zoned portion of the site to correct a misalignment between the boundaries of the two sites. The proposal also seeks to adjust the boundary between the R3 Medium density residential zone portion of the site, and the RE2;
- The planning proposal relates to DA-846/2012 which was approved by the Sydney West Joint Regional Planning Panel for the erection of a maritime building, wet berth for 186 small craft berths, construction of a private marina club house and construction of three car parking areas;
- On 31 August 2016, Council resolved to support proposed amendments;
- On 9 March 2017, the Department of Planning & Environment issued Gateway Determination;

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- On 8 June 2017 Moorebank Recyclers Pty Ltd lodged an appeal against the Gateway Determination in the NSW Land and Environment Court. The appeal was dismissed on 21 December 2017 and subsequently appealed in the Court of Appeal, where it was adjudged that the land contamination issues were not properly addressed pursuant to Clause 6 of SEPP 55.
- As a result of the judgement, the Council decision to support the planning proposal in principle to seek a Gateway determination and the Gateway Determination issued by the Department of Planning & Environment were declared to be 'invalid'.

RZ-5/2018

- On 6 July 2018, a planning proposal was submitted to Council seeking consent to enable residential development within the land zoned RE2 Private Recreation by amending Part 7 Division 2 and Schedule 1 (Additional permitted uses) of the Liverpool Local Environmental Plan 2008.

The rezoning application is under assessment.

RZ-9/2017

- On 18 October 2017, a planning proposal was submitted to Council seeking consent to amend the Floor Space Ratio and Height of Buildings and permitted uses on site.

The rezoning application is under assessment.

RZ-1/2019

- On 13 February 2019, a planning proposal was submitted to Council seeking consent for a zone boundary adjustment to extend the R3 Medium Density Residential Zone boundary southwards to incorporate the site (a further approximate 0.41 ha of land currently zoned as RE2 Private Recreation). This will enable future subdivision of the R3 area and allow for nine additional residential allotments on the land which would otherwise remain unused within the Moorebank Cove Residential Estate.

Development Applications

DA-1552/2006

- On 07 June 2006, a development application was submitted to Council seeking consent for the construction of a road bridge. The development application was approved by Council on 24 April 2007.

DA-1552/2006/A

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- On 22 May 2007, a modification application to DA-1552/2006 was lodged. The application was approved by Council on 24 May 2007.

DA-1552/2006/B

- On 21 January 2014, a modification application to DA-1552/2006 was lodged seeking consent to amend the design of the bridge to maintain consistency with court orders. The modification application was approved on 30 July 2014.

DA-609/2011

- On 8 December 2010, A development application was submitted to Council seeking consent for construction of a marina comprising a maritime building housing, 250 dry berths, a function centre and associated kiosks, tourist, entertainment/recreational and club facilities; a wet berth facility for 186 small craft consisting of a marina basin, rock protection of the basin and foreshore including embellishment and revegetation of the river foreshore, construction of recreational facilities on the foreshore including bike paths, BBQ facilities and shelters, installation of floating berths and walkways, installation of a 60,000 litre petrol tank and a 30,000 litre diesel tank and fuel pumping facilities, installation of sewage pump out facilities and emergency berthing access; three separate car parks providing 489 car spaces; construction of a private club house on the northern portion of the land; and construction of associated infrastructure.

The development application was withdrawn on 15 August 2011.

DA-846/2012

- On 6 March 2012, a development application was submitted to Council seeking consent for construction of marina comprising of dry berth facility providing 250 berths for small craft; function centre, kiosk, and tourist, entertainment, recreation and club facilities.

The development application was approved by Joint Regional Planning Panel (JRPP) on 22 August 2014. A third party appealed the JRPP decision and on 18 March 2015 determined the JRPP's decision to be invalid.

DA-61/2014

- On 4 February 2014, a development application was submitted to Council seeking consent or the use of a road bridge (approved under DA-1552/2006) to enable vehicular access to a marina development (under DA-846/2012).

The development application was approved by Council on 8 August 2014.

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DA-61/2014/A

- On 22 April 2016, a modification application was submitted to Council seeking consent to change the description of proposed development to the approved DA (1552/2006).

On 11 July 2016, the modification application was approved by Council. However, was deemed to be invalid because there was no owner's consent to the modification application.

DA-222/2015

- On 25 March 2015, a development application was submitted to Council seeking consent for the construction of a retaining wall along the western boundary and removal of vegetation at 124 and 146 Newbridge Road, Moorebank.

The development application was approved by Council on 17 February 2016;

DA-781/2015

- On 17 August 2015, a development application was submitted to Council seeking development approval for the construction and operation of a Marina on part Lot 6 DP 1065574, 146 Newbridge Road, Moorebank. The proposal consists of the following:
 - Maritime building located near the western boundary of the marina site, and includes:
 - A dry berth facility providing 250 berths for small craft;
 - A function centre, tourist, entertainment and creational and club facilities, and
 - A petrol tank (60,000L) and diesel tank (60,000L).
- A wet berth facility for 186 small craft (including causal berths) which will consist of:
 - A marina basin;
 - Rock protection of the basin and foreshore including embellishment and revegetation of the river foreshore;
 - Construction of public recreational facilities on the foreshore including bike paths;
 - Floating berths and walkways;
 - Fuel pumping facilities;
 - Sewage pump-out facilities, and
 - Emergency berth access.
 - Three external car parking areas and basement car parking providing a total of 637 spaces;
 - A private marina clubhouse on the northern portion of the private recreation zoned land; and
 - Site Infrastructure including power, water and sewerage.

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- The development application was approved by Joint Regional Planning Panel on 29 September 2016;
- A third party appeal by Moorebank Recyclers Pty Ltd was lodged with the Land and Environment Court. On 28 February 2018, the Land and Environment Court refused DA-781/2015 due to access and inadequate consideration given to contamination on-site.
- On 14 December 2018 the DA refusal was upheld in the Supreme Court NSW Court of Appeal.

DA-1126/2015

- On 18 November 2015, a development application was submitted to Council seeking consent for bulk earthworks including fill and retaining walls for future residential and commercial development and removal of trees at 124 and 146 Newbridge Road, Moorebank.

DA-1126/2015 was withdrawn on 12 June 2018.

DA-110/2016

- On 16 February 2016, a development application was submitted to Council seeking consent for subdivision of the site into three (3) Torrens title lots.

DA-110/2016 was withdrawn on 2 June 2016.

DA-510/2016

- On 27 May 2016, a development application was submitted to Council seeking consent for the construction of a retaining wall at 146 Newbridge Road, Moorebank.

DA-510/2016 was approved on 5 October 2016.

DA-319/2018

- On 18 April 2018, a development application was submitted to Council seeking consent for 13 lot community title subdivision including the construction of residential dwellings.

The application is currently under assessment.

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DA-580/2018

- On 31 July 2018, a development application was submitted to Council seeking consent for 9 lot community title subdivision including the construction of residential dwellings.

The application is currently under assessment.

DA-611/2018

- On 8 August 2018, a development application was submitted to Council seeking consent for construction and operation of a marina.

The application is currently under assessment.

DA-843/2018

- On 6 November 2018, a development application was submitted to Council seeking consent for proposed stratum subdivision of Lot 6 in DP 1065574 into two lots and use of both the road bridge, and link road over lots 309 & 310 in DP 118048. The purpose of stratum subdivision is to facilitate the construction of the link road and road bridge approved under DA-1552/2016 and to enable dedication of the bridge and link road to LCC as a public road.

The application is currently under assessment.

MP05 0157

- A major projects application was submitted to the Department of Planning & Environment seeking approval to construct and operate a recycling facility to process up to 500,000 tonnes per year of masonry construction and demolition waste.

The application was approved by the Planning Assessment Commission on 11 September 2015.

In November 2015, Liverpool City Council and the owner of an adjoining premises appealed the commission's decision through the Land & Environment court. The decision to approve the concrete recycling plant was upheld by the Land & Environment Court.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) pursuant to Section 7.4 (formerly known as Section 93F) of the *Environmental Planning and Assessment Act 1979* was agreed to between Liverpool City Council and Tanlane Pty Ltd, dated 11 June 2008.

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The VPA applies to the subject site and contains a series of contributions/works which are summarised as follows:

- Embellishment of river foreshore land;
- Dedication of river foreshore land to Council subject to an easement for maritime vessel access as well as two easements for the drainage of water;
- Development of a Vegetation Management Plan;
- Completion of works described in the Vegetation Management Plan;
- Conduct maintenance works described in the Vegetation Management Plan;
- Construction of passive recreation facilities on the river foreshore land;
- Dedication of a drainage channel;
- Construction and dedication of a road bridge over drainage channel, embankment and road to Brickmakers Drive;
- Construction and dedication of pedestrian access to Newbridge Road and a pedestrian path within the public verge along the entire length of the land frontage to Newbridge Road;
- Dedication of an easement over land for access for the purpose of allowing Council to undertake maintenance to the river foreshore land.

The proposed subdivision will facilitate future road dedication to Council to ensure the commitments within the approved VPA are executed. Furthermore, the VPA also applies to the proposed marina which is currently being assessed (under DA-611/2018).

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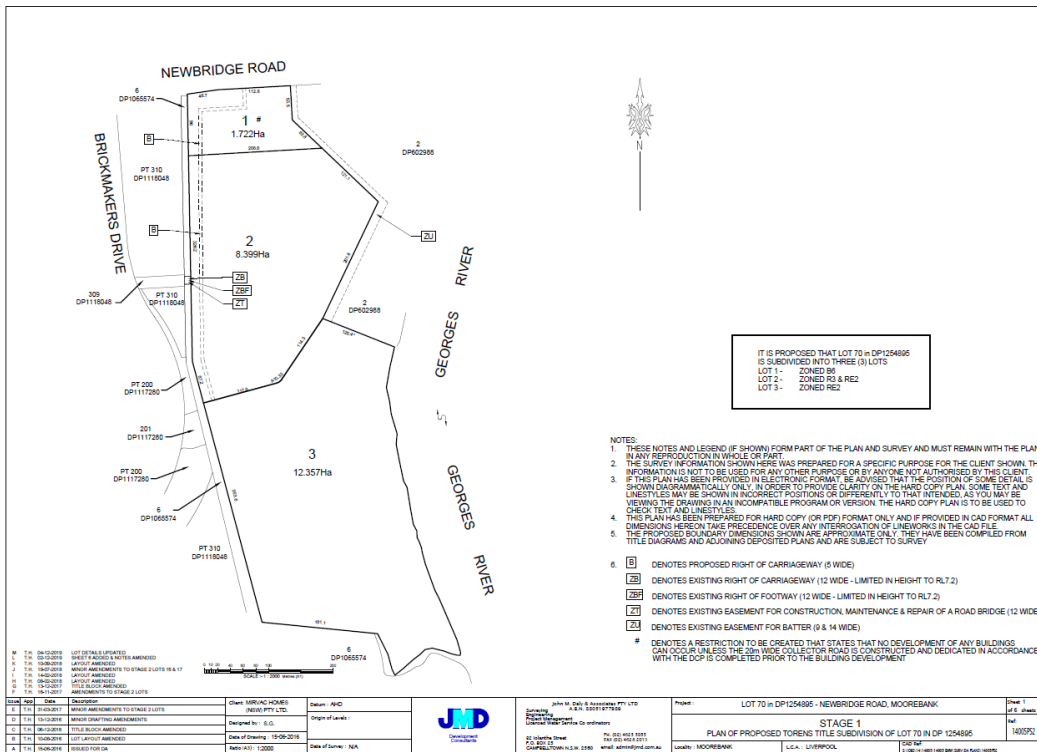


Figure 3: Three (3) lot subdivision at 146 Newbridge Road, Moorebank

4. DETAILS OF PROPOSED DEVELOPMENT

The application proposes three (3) lot subdivision that will take place in two stages. Stage 1 involves the subdivision of the site area into three super lots that are consistent with the boundaries of the existing land uses comprising of:

- Lot 1 – B6 Zone – Enterprise Corridor;
- Lot 2 – R3 Zone – Medium Density Residential;
- Lot 3 – RE2 Zone – Private Recreation

Stage 2 of the project includes:

- Subdivision of lot 2 and 3 to create 19 lots for:
 - Future residential use as community title;
 - Drainage reserves that will be dedicated to Liverpool City Council; and
 - Open space that will be dedicated to Liverpool City Council
- Bulk Earthworks across the whole of lot 2 and in parts of lot 1 and lot 3 where drainage works will be constructed, including:
 - Site remediation works;
 - Cut and fill; and
 - Importation and placement of VENM.
- Construction of supporting infrastructure in lot 2 and parts of lot 1 and lot 3 that include:

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- Extension of the western retaining wall in the west of the site area;
- Nine roads to be dedicated to LCC;
- Services to support residual lots;
- Preservation of lot 1 for the development of uses supported by the B6 zone and;
- Preservation of lot 3 to facilitate the future marina development.
- Evacuation and access bridge.

Nine roads will be constructed within Super Lot 2 and dedicated to LCC. These roads are identified within the detailed subdivision plans as roads 1, 2, 3, 4, 5, 7, 9, 11 and 12.

A small part of Road 2 will be constructed in Super Lot 3/Residual Lot 21. Road design has been undertaken in consultation with LCC and will be in accordance with LCC's road design standards. The roads will serve for both local access and as collector roads, providing access to the local road network for future residential dwellings in Super Lot 2 and traffic generated by the Georges Cove Marina in Super Lot 3/Residual Lot 21.

Road design details will be prepared as part of the application for a Construction Certificate. Following completion of the works described in this EIS, access to the road network within the project area will be provided via a link road and bridge to Brickmakers Drive to the west. The bridge is foreshadowed in the LCC DCP and will be constructed under DA 1552/2006B.

Future road access points to the north through Super Lot 1 and to the east through Lot 2 DP 602988 are anticipated, but these are outside the scope of this project. Traffic generation for the project and anticipated future developments within the project area.

5. STATUTORY CONSIDERATIONS

Relevant matters for consideration

The relevant planning instruments/policies have been considered in the planning assessment of the subject Development Application: -

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 2.10 – Development in Moorebank East

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the EP&A Act 1979 and the Environmental

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Planning and Assessment Regulation 2000 as follows:

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

(a) 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.

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

(b) State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) applies to the proposal. The general aims of the policy are to protect and preserve bushland within the urban areas and maintain its value to the community as part of the natural heritage and its aesthetic value and recreational, educational and scientific resource.

SEPP No. 19 includes the following relevant definition:

*“**Bushland**” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristic of the natural vegetation.*

To the North and South, the bridge site (Lot 309) adjoins land zoned E2 Environmental Conservation under LLEP 2008. However, this application relates only to the use of the road bridge approved under DA-1552/2006 as modified.

Accordingly, the provisions of SEPP No. 19 are considered to have been satisfactorily addressed.

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

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

The proposed development involves a change of use on land previously used for mining,

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extractive industries and land filling activities. Table 1 of the contaminated land planning guidelines identifies mining and extractive industries and landfills as potentially contaminating activities which require further consideration in accordance with Clause 7 of *SEPP No 55- Remediation of Land*. This statutory requirement stipulates that the consent authority must consider a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The proposed development is integrated development and requires an Environmental Protection license (EPL) under Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997 as the activity has the capacity to disturb more than an aggregate area of 3 hectares of contaminated soil. Therefore, the NSW Environment Protection Authority is the appropriate regulatory authority for the contaminated soil treatment.

Ultimately, EPA had Issued of General Terms of Approval for Staged Community Title Subdivision 146 Newbridge Road, Moorebank, NSW, 2170- DA-24/2017 (DOC19/593156) dated 12th July 2019, (also seen in attachment 7)

The following contamination assessments were prepared and submitted to Council which in turn were ultimately referred to Council's Environment and Health section whom have supported the proposal subject to conditions:

Super Lots 1 and 2

- Report on Preliminary Contamination Assessment Proposed Residential Development 146 Newbridge Road, Moorebank (Project 30410) prepared by Douglas Partners Pty Ltd dated May 2002;
- Report to Benedict Industries Pty Ltd on Stage 1 Environmental Site Assessment for Proposed Residential Development at 146 Newbridge Road, Moorebank NSW (Report Ref: E26930KBrpt, Final) prepared by Environmental Investigation Services dated 19 December 2013;
- Detailed Site Investigation Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.03, Document No. R.001.Rev2) prepared by Douglas Partners Pty Ltd dated 2nd September 2016;
- Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017;
- Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank

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NSW 2170 (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;

- Revised Site Audit Report Appendices accompanying 'Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170' (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018; and
- Draft Long Term Environmental Management Plan Moorebank Cove Residential Site Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.007.Rev3) prepared by Douglas Partners Pty Ltd dated 6th March 2018.

Super Lot 3/Residual Lot 21

- Preliminary Investigation of Contamination Proposed Georges Cove Marina (Report J14149RP1, Version 1) prepared by EMGA Mitchell McLennan Pty Limited dated 28 July 2015;
- Supplementary Preliminary Investigation Proposed Georges Cove Marina (Report J14149RP1, Version V3) prepared by EMM Consulting dated 11th March 2016;
- Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2) prepared by EMM Consulting dated 11 March 2016;
- Landfill Gas Monitoring, November 2018 proposed Rezoning (Area 1) and Georges Cove Marina (Area 2) 146 Newbridge Road, Moorebank (Project 71459.10, 71459.10.R.004.Rev 2) prepared by Douglas Partners Pty Ltd dated 28th February 2019;
- Site Audit Statement No. 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019; and
- Site Audit Report 282 by Dr Ian Swane Remediation Strategy for Proposed Georges Cove Marina Development at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision: Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019.

The Preliminary Site Investigation Proposed Rezoning (Area 1) and Georges Cove Marina (Area 2) 146 Newbridge Road, Moorebank (Project 71459.10, Document No. R.001.Rev1, File name 71459.10.R.001.Rev1.PSI, Revision 1) prepared by Douglas Partners Pty Ltd dated 28th May 2018 applies to Super Lots 1, 2 and 3.

Stage 1 - Preliminary Contamination Assessment

Douglas Partners Pty Ltd reported that metal concentrations (As, Cd, Cr, Cu, Hg, Ni and

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Zn) were within the NSW EPA's Health-Based Investigation Levels for residential sites with gardens and accessible soils. Of concern, marginal exceedances were recorded for Pb at the site. However, it should be noted that the site assessment criteria was derived from guidelines which have since been superseded by the National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

Exceedances of the phytotoxicity based guideline were also noted for cadmium (Cd). Even so, the consultant indicated that possible phytotoxicity effects were unlikely due to the depth of contamination. Subsoils were not considered to be impacted by TRH, BTEX, PAH PCB, OCP or OPP contamination. Based upon their analytical findings, Douglas Partners Pty Ltd considered that the site may be deemed suitable for the proposed residential development provided that additional environmental testing was completed to fully characterise the site and evaluate potential groundwater and soil gas issues.

Stage 2 – Detailed Site Investigation

Douglas Partners Pty Ltd were engaged to prepare a Detailed Site Investigation for the proposed residential development at 146 Newbridge Road, Moorebank NSW. The site comprises part (generally the northern half) of Lot 7 DP 1065574 and has a total area of approximately 9 hectares. Previous geotechnical and environmental investigations generally confirmed the presence of fill containing construction and demolition waste of varying thickness up to 11.5 metres at the southern central portion of the site.

The scope of works for the Detailed Site Investigation included further characterisation of soil, soil gas/landfill gas, groundwater and surface water. Twenty-six boreholes were drilled in the study area, including three which intersect the water table for groundwater/gas monitoring well installation and seven to the target gas interval for landfill gas monitoring well installation. Selected soil samples were analysed by a NATA accredited laboratory for: priority metals (As, Cd, Cr, Cu, Pb, Mn, Hg, Ni and Zn); total recoverable hydrocarbons (TRH); BTEX; polycyclic aromatic hydrocarbons (PAH); organochlorine pesticides (OCP); organophosphorus pesticides (OPP); polychlorinated biphenyls (PCB); total phenols; total cyanide; asbestos; pH and cation exchange capacity.

Soil results

Douglas Partners Pty Ltd reported exceedances for metal concentrations, TRH, BTEXN, PAH and PCBs. Detectable concentrations of OCP and total cyanide were below the adopted site assessment criteria. OPP and total phenol concentrations were below the laboratory reporting limit and below the adopted assessment criteria.

Landfill Gas Results

Based upon the four monitoring events, a worst case characteristic gas situation of 3 was consistently recorded which indicated a moderate risk category.

On 22nd August 2017, Douglas Partners Pty Ltd completed landfill gas sampling with reference to their Sampling and Analysis Quality Plan, Validation Monitoring (Project No.

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71459.06, Document No. R.004.Rev2) prepared by Douglas Partners Pty Ltd dated 15th May 2017.

According to Douglas Partners Pty Ltd, overall site-wide methane concentrations appeared to have reduced since the remedial efforts in 2015 and 2016. The consultant confirmed that validation monitoring must be continued to confirm this trend and installation and monitoring at some fixed landfill gas wells could be considered at key locations in the future to better correlate the fixed well monitoring data and the probe system monitoring data.

Trace Non-Methane Organic Compounds

Detected concentrations of trace non-methane organic compounds (NMOC) were below published screening criteria.

Trial Remediation Excavations

Results obtained for landfill gas wells JKBH/MW107a and JK107b indicate a trending increase in methane concentrations. Douglas Partners Pty Ltd reported that further monitoring is required to assess the impact of the trial remediation excavations.

Groundwater Results

Douglas Partners Pty Ltd identified exceedances in groundwater for ammonia, chloride, sulphate, arsenic, chromium, copper, lead, manganese, nickel and zinc and dieldrin. Although chlorpyrifos was detected in groundwater in 2013, it was not identified during the latest monitoring.

Surface Water Results

Exceedances were recorded for surface water samples containing ammonia, sulphate, nitrate, copper, manganese and zinc. Detectable concentrations of dieldrin at SW1 and SW2 were below the adopted investigation levels.

Based on the findings of this investigation, Douglas Partners Pty Ltd concluded that the site could be made suitable for the proposed residential development subject to the preparation and implementation of a suitable Remediation Action Plan as per their recommendations.

Stage 3 – Remediation Action Plan

The Remediation Action Plan (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017 outlines the remediation strategy for the proposed residential development at 146 Newbridge Road, Moorebank NSW. Douglas Partners Pty Ltd confirmed that the site will be audited by Dr Ian Swane, NSW EPA accredited site auditor to verify the land's suitability for the proposed residential land use.

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The goal of the remediation is to render the site suitable for residential land use (Residential A) in accordance with the remediation acceptance criteria derived from the NEPM 1999 (as amended 2013). The extent of remediation required at the site includes:

- Removal of localised soil contamination ‘hotspots’ or the placement of a physical barrier (e.g. capping) to prevent the exposure of receptors (human and ecological) to soil contamination;
- Incorporation of the relevant measure(s) or system element(s) into dwelling construction to achieve a CGS of 3 and a gas protection score of 4.5. This will also be relevant to any associated infrastructure in which landfill gas can accumulate, such as services, hardstand areas etc. Open landscaped areas are not considered likely to pose a risk as any landfill gas (methane) which finds its way to the surface through the proposed capping system in these areas will dissipate (dilute and disperse) into the atmosphere to levels which do not pose a significant risk and as such will not pose a hazard or cause any reduction in amenity to site users;
- Excavation and removal of major sources of methane gas generation at the site (where practicable);
- Excavation and removal of sources of major groundwater contamination at the site (where practicable);
- Construction of a 3m thick cap to cover and preclude exposure to remaining contamination or aesthetic impacts arising from buried waste;
- Removal of hazardous building waste if present when demolishing existing or former structures; and
- Removal of abandoned buried services (if any).

Preferred Remediation Option

Following a review of available options, the preferred remediation strategy is:

- Soil – containment of the impacted soil on-site beneath an engineered barrier (Option 5) coupled with the selective excavation and removal of hotspots from buried fill;
- Landfill gas – removal of all unacceptable landfill gas sources (already being undertaken) and installation of engineered landfill gas mitigation measures for each proposed structure (e.g. venting and gas resistant membranes beneath concrete slabs) (Options 3 and 5). This option has the added benefit of the selective removal of some waste from deep fill areas impacting groundwater quality;

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- Groundwater and surface water- monitoring of the dredge pond and Georges River water quality during remediation and construction for a period of 12 months from the date of the RAP;
- Removal of hazardous building materials from former building areas; and
- Removal of buried services that may contain asbestos/wastes.

Surface water and groundwater monitoring is proposed during site remediation. The preferred remediation strategy for landfill gas comprises passive gas management measures. The revised Remediation Action Plan was updated to state that the Long Term Environmental Management Plan would be included in the Community Management Statement for the Community Title estate. Douglas Partners Pty Ltd concluded that remediation of the site in accordance with this Remediation Action Plan would render the site suitable for the proposed residential development.

Sampling and Analysis Quality Plan, Validation Monitoring

A 'Sampling and Analysis Quality Plan, Validation Monitoring Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.004.Rev2) prepared by Douglas Partners Pty Ltd dated 15th May 2017 was submitted to Council for review. This plan provides details for the validation and monitoring program for landfill gas, groundwater and surface water quality to be implemented under the RAP for the duration of the project remediation and construction period.

The results of the monitoring programs will be incorporated and assessed in the site validation report prepared at the end of the Stage 3 remediation work. The Sampling and Analysis Quality Plan, Validation Monitoring states that it will be impractical for landfill gas monitoring to occur after the housing estate has been established, as mentioned in the CIRIA guideline.

Bi-monthly (once every two months) surface water monitoring is proposed for a period of twelve months from the date of issue of this report. However, additional monitoring will be required if the collected data indicates increasing trends. As outlined above, no ongoing monitoring is envisaged in the post construction environment apart from the Long Term Environmental Management Plan.

Site Audit Statement 264B prepared by Ian Swane & Associates Pty Ltd dated 23rd January 2018

The contaminated land planning guidelines state that accredited site auditors can assist a planning authority by commenting on or verifying information provided by a proponent in relation to site assessment. In addition, the Guidelines confirm that engaging a site auditor can also provide greater certainty about the information on which the planning authority is basing its decision, particularly where sensitive uses are proposed on land that may be contaminated and a statement about the suitability of the site is required.

As a general principle, a Site Audit is only necessary when the planning authority:

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- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete;
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines; and
- does not have the internal resources to conduct its own technical review.

Given the complexity of the Application, Council's Environmental Health Section requested for the proponent to engage a NSW EPA Accredited Site Auditor to review the submitted technical documentation to ensure that sufficient information was available to address the statutory requirements of *SEPP No 55- Remediation of Land*.

Based upon his assessment, Dr Ian Swane certified that the nature and extent of contamination was appropriately determined at the site and the remediation plan ('Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank' (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5)) prepared by Douglas Partners Pty Ltd dated 15th December 2017 is appropriate for site remediation.

Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision Final) prepared by Ian Swane & Associates Pty Ltd dated 23rd January 2018

This Site Audit Report presents the findings of a Statutory Site Audit for the proposed Moorebank Cove Residential Estate (the 'Site') located in the northern section of the Benedict Sand & Gravel Moorebank site. The purpose of this site audit report was to determine whether the: nature and extent of contamination had been appropriately determined; the Remedial Action Plan (RAP) was appropriate for a proposed residential land use; and the site can be made suitable for the proposed residential land use with Community Title if it was remediated in accordance with the RAP.

The Site Auditor confirmed that the revised Remediation Action Plan (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017 addressed the requirements of *SEPP No. 55- Remediation of Land*. Additionally, the Site Auditor believed that the preferred remediation strategy for contaminated soils met NSW EPA endorsed guidelines. The Site Auditor also confirmed that the proposed 3m cap would provide sufficient physical separation between residential users and underlying contamination.

The Site Auditor concluded that the nature and extent of the contamination was appropriately determined and the site could be made suitable for the intended land use if remediated in accordance with the revised Remediation Action Plan prepared by Douglas Partners Pty Ltd dated 15th December 2017 and recommended conditions.

Draft Long Term Environmental Management Plan Moorebank Cove Residential Site Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.007.Rev3) prepared by Douglas Partners Pty Ltd dated 6th March 2018

Council was provided with a revised 'Draft Long Term Environmental Management Plan

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Moorebank Cove Residential Site Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.007.Rev3) prepared by Douglas Partners Pty Ltd dated 6th March 2018. The draft Long Term Environmental Management (LTEMP) indicates that Council would manage long-term responsibilities associated with roads and public open spaces, whilst the Community Association would manage long-term responsibilities associated with housing lots. The revised LTEMP now includes additional information (Table E2 and Section 12) which clearly explains Council's responsibilities in relation to the management of roads and public open space at the site. It is recommended that Council's Risk Management Section is consulted in relation to the proposed long-term management responsibilities.

General Terms of Approval issued by NSW Environmental Protection Authority

Council received General Terms of Approval for the 'staged community title subdivision' at 146 Newbridge Road, Moorebank NSW dated 12th July 2019 from the NSW EPA. Following the NSW EPA's earlier decision to refuse issuing the General Terms of Approval, it has since determined that it can remake its decision pending the submission and assessment of additional information from the proponent.

Within the latest correspondence, the NSW EPA assessed the site remediation component of the proposal and provided general terms of approval for this work. The NSW EPA confirmed that they have not assessed whether the land will be suitable for residential development. As a result, the NSW EPA warned that any assessment of the suitability of the site for the proposed land-use will need to be undertaken by Council.

It shall be noted that Council is relying upon the Site Audit Statements 264B and 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018 and 27th April 2019 respectively which confirm the site's suitability for the proposed residential use subject to remediation.

If the Local Planning Panel decides to grant development consent for this proposal, the conditions in Attachment A of the General Terms of Approval must be incorporated into the consent. Should the development consent be granted, the proponent will need to make a separate Application with all supporting information to the NSW EPA to obtain an Environment Protection Licence or vary the existing Environment Protection Licence for the site.

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| 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 | See discussion above |
| (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 | Based upon the Site Auditor's and consultants' findings, the land is contaminated and will be suitable after remediation for the proposed development. The Site Auditor concluded that the nature and extent of the contamination was appropriately determined and the site could be made suitable for the intended residential land use if remediated in accordance with the revised Remediation Action Plan prepared by Douglas Partners Pty Ltd dated 15 th December 2017, Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2, Final) prepared by EMM Consulting dated 11 th March 2016 and conditions of the Site Auditor. |

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| <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.</p> | <p>The land requires remediation to be made suitable for the proposed land use. Council's Environmental Health Section is satisfied that the land subject to this Application will be remediated in accordance with the revised Remediation Action Plan prepared by Douglas Partners Pty Ltd dated 15th December 2017, Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2, Final) prepared by EMM Consulting dated 11th March 2016 and conditions of the Site Auditor before the land is used for its intended purpose. Contamination underlying the clean soil cap will need to be managed by means of a Long-Term Environmental Management Plan (LTEMP).</p> |
|---|--|

Based upon the Site Auditor's advice, it is believed that the Applicant submitted sufficient information for Council to address Clauses 7(1), 7(2), 7(3) and 7(4) of *State Environmental Planning Policy No. 55- Remediation of Land*.

(d) State Environmental Planning Policy (Infrastructure) 2007

The aim of the policy is to facilitate the effective delivery of infrastructure across the State by:

- a) *Improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- b) *Providing greater flexibility in the location of infrastructure and service facilities, and*
- c) *Allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*

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- d) *Identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- e) *Identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- f) *Providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- g) *Providing opportunities for infrastructure to demonstrate good design outcomes.*

The subdivision of land was identified as traffic generating development under Schedule 3 of SEPP (infrastructure) 2007. The development application was referred to Roads Maritime Services for comment and conditions were provided as seen in attachment 8.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The developable area is zoned B6 – Enterprise Corridor, R3 – Medium Density Residential and RE2 – Private Recreation under Liverpool Local Environmental Plan 2008.

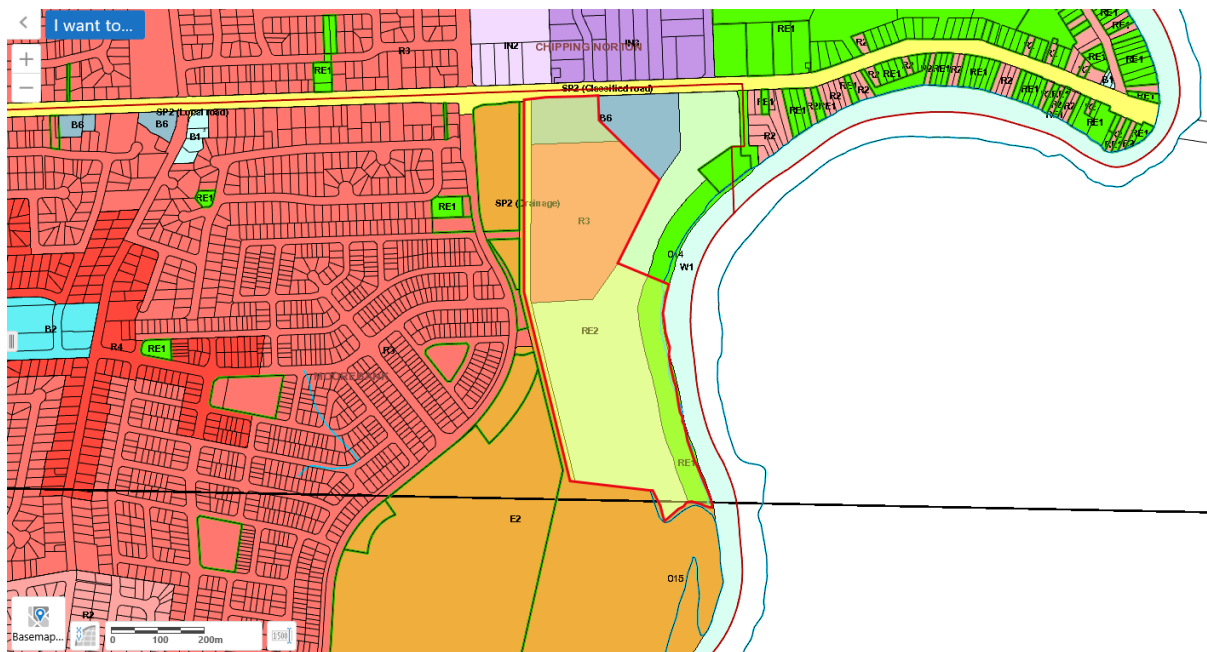


Figure 3: Zoning of the site.

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(ii) Permissibility

The proposed development is best described as bulk earthworks, road construction, subdivision and remediation of land.

“Earthworks means excavation or filling

Subdivision of land is a permissible form of development as per Clause 2.6 of the LLEP 2008.

(iii) Objectives of the zone

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

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

The objectives of the R3 – Medium Density Residential zone are as follows:

- (a) To provide for the housing needs of the community within a medium density residential environment;*
- (b) To provide a variety of housing types within a medium density residential environment;*
- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- (d) To provide for a concentration of housing with access to services and facilities;*
- (e) To provide for a suitable visual transition between high density residential areas and lower density areas;*
- (f) To ensure that a higher level of residential amenity is achieved and maintained.*

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The objectives of the RE2 – Private Recreation zone are as follows:

- (a) *To enable land to be used for private open space or recreational purposes;*
- (b) *To provide a range of recreational settings and activities and compatible and uses;*
- (c) *To protect and enhance the natural environment for recreational purposes;*
- (d) *To enable land uses that are compatible with, and complimentary to, recreational uses.*

The proposal seeks consent for construction of roads, site infrastructure, remediation of land and subdivision which is to form preliminary works to the provision of future Moorebank Cove Residential Precinct.

(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:

| Clause | Provision | Comment |
|--|---|---|
| Clause 4.1 Minimum Subdivision Lot Size | The site is identified as containing a minimum lot size of 300m ² and 10,000m ² . | Does not Comply – See discussion below The minimum lot size for proposed lot 1 is 2000m ² . Which complies. The minimum lot size for proposed lot 2 is 300m ² . Which complies. The minimum lot size for proposed lot 3 is 10,000m ² . Refer to Clause 4.6. |
| Clause 5.1 – Relevant Acquisition Authority | The objective of clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is | Complies The proposal includes works to land identified on the Land Acquisitions Map and is considered consistent with the future acquisition requirements under |

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| | required to be acquired. | Clause 27. |
| Clause 6.5 – Public Utility Infrastructure | Development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required | Complies The proposal includes the provision for installation of electrical, water, sewer, telecommunications and gas services to facilitate future development stages. The proposed works are consistent with the objectives of the State Significant SEPP. |
| Clause 7.6 - Environmental Significant Land | Is the site identified as Environmentally Significant Land | Complies Works involving the rain garden are occurring on land identified as being ESL. The application was accompanied by an ecological assessment which concluded that the construction of the proposed residential development on the Moorebank Cove residential site is not likely to cause any significant ecological impacts. There are no TECs listed under the EPBC Act within the Moorebank Cove residential site and therefore no impacts will occur. |
| Clause 7.7 - Acid Sulfate Soils | Class 1, 2, 3, 4 or 5. | Class 2, 3 and 5 As part of the Phase 1 and 2, confirmed that Any areas of the site requiring further deep excavations that will |

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| | | disturb potential acid sulfate soil (PASS) will require an acid sulfate soil (ASS) investigation. We understand from Benedict that no further deep excavations are proposed |
| Clause 7.8 – Flood Planning | Provisions relating to flood planning | Complies This aspect has been received by Council’s Flooding Engineers who have raised no issues subject to conditions. |
| Clause 7.31 Earthworks | Council to consider matters listed (a)-(g) | Complies by condition |

Clause 4.6 Exception to development standards

As identified in the compliance table above, the application proposes variations to Clause 4.1 Minimum subdivision lot size. These are discussed below.

Variation to Clause 4.1 – Minimum subdivision lot size

Clause 4.1(2) of the LLEP 2008, stipulates that:

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this plan.

The minimum lot size for proposed lot 3, which is zoned RE2 – Private Recreation is 10,000m². The development proposes to encroach on the RE2 with a total area of 4100m². As a result there is a shortfall of 5,900m².

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As seen in the figure above, the proposal does not comply with the minimum subdivision requirement of 10,000m² required as per Clause 4.1 of LLEP 2008. The applicant has provided a written request to vary the minimum lot size.

The submitted written request to vary Clause 4.1 has been assessed against the provisions of Clause 4.6, and is discussed below.

The objectives and pertinent considerations of Clause 4.6 of the LLEP 2008, as they relate to the subject DA, are as follows:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) That there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) The consent authority is satisfied that:*
 - (i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

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

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

Reason for variation 1

This annexure is a written request to vary the minimum lot size standard for the area of RE2

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within Super lot 2 in the above diagram is to facilitate the Community Title development of the estate. This is a result of the Community Land Development Act not allowing additional land to include in the Community Title scheme after it has commenced.

Super lot 2 and the resultant proposed Lot 16 will facilitate future development of the site and will be subject to a separate development application. Compliance with the development standard is unreasonable in this instance, as this development application is only to facilitate future development applications for residential development.

The lot size of proposed Lot 16 will not preclude residential development occurring at the site (subject to future DA) that would not be consistent with the objectives, development standards and controls for development within this precinct.

In response to the applicant's comments listed above, Council has provided the following commentary as to why compliance with applicable minimum lot size development standard is considered unreasonable and unnecessary in this instance:

- The future development that will occur as a result of the subdivision of Lot 16 will be consistent with the objectives of the clause, as it will encourage the high quality urban form proposed. The proposed lots will ensure maximum exposure to sunlight and solar access, with a built form consistent with the local character.

Despite the shortfall from the minimum lot size development standard, it is in the public interest as it will facilitate the future provision of residential housing in the Moorebank East precinct which is consistent with both local and regional strategies and long term vision for the Moorebank East locality.

The applicant has provided the following comments addressing whether there are sufficient environmental planning ground to justify contravening the development standard, as follows:

- *There are sufficient environmental planning grounds to justify the contravening of the minimum lot size standard for proposed Lot 16 as a result of the subdivision of Super lot 2 as shown by it being consistent with the objectives of the lot size clause as noted in the following:*
 - *It maintains the same desired residential density for the locality;*
 - *The proposal is able to accommodate detached homes that are able to demonstrate compliance with objectives and controls of the LLEP and DCP by maintaining adequate levels of natural lighting and ventilation, privacy, visual amenity and spatial separation from the neighbouring properties, which is considered to provide future occupants with a better urban outcome;*
 - *The subject area is not along a classified road;*
 - *The subdivision pattern of the greater Moorebank locality generally consists of rectangular allotments with detached dwellings (as evident in Georges Fair and existing Moorebank dwellings). By creating detached homes and duplexes, the future housing product of the development will appear consistent with the dwelling*

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- typology of greater Moorebank, whilst still achieving the urban density and diversity in housing product; and*
- *As a separate Development Application will be made for the residential of proposed Lot 16 for approval by Council.*

In response to the comments raised above, Council has provided the following commentary as to why there are insufficient planning grounds to justify contravening the development standard in this instance:

- The applicant's test for environmental planning grounds is reliant on consistency with Section 4.15 of the Act. Part of this requires the consideration of any environmental planning instrument. In the case of this DA the development is required to be consistent with the relevant SEPPs, LEPs and DCPs. The proposed development complies with provisions of SEPP, LEP and DCP and it is therefore considered that the development is consistent with Section 4.15 of the Act. Accordingly, the applicant has demonstrated that there are sufficient planning ground to justify contravening the minimum subdivision lot size.
- 2) Consistency with objectives of the development standard Clause 4.1 Minimum Subdivision Lot Size.**

The objectives of Clause 4.1 and assessment are as follows:

- (1) *The objectives of this clause are as follows—*
- a) *To ensure that lot sizes are consistent with the desired residential density for different locations;*
 - b) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls;*
 - c) *to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations;*
 - d) *to minimise traffic impacts resulting from any increase in the number of lots on classified roads;*
 - e) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties;*
 - f) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area;*
 - 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*

The proposed development is considered to be consistent with all of the objectives of Clause 4.1 of the LLEP 2008 in that:

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- The future development that will occur as a result of the subdivision of Lot 16 will be consistent with the objectives of the clause, as it will encourage the high quality urban form proposed. The proposed lots will ensure maximum exposure to sunlight and solar access, with a built form consistent with the local character. Furthermore, Lot 16 will be a residue lot and will accommodate for public open space or community facilities which is permissible in the RE2 zone.

For the reasons above, the proposed development is considered to be consistent with the objectives of Clause 4.1 of LLEP 2008.

3) Consistency with objectives of the zone – RE2 Private Recreation

The objectives of the RE2 – Private Recreation zone are as follows:

- *To enable land to be used for private open space or recreational purposes;*
- *To provide a range of recreational settings and activities and compatible land uses;*
- *To protect and enhance the natural environment for recreational purposes;*
- *To enable land uses that are compatible with, and complimentary to, recreational uses.*

The proposed development is considered to be not inconsistent with all of the objectives of the RE2 Zone.

4) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying variation in minimum subdivision lot size given the above discussion. Based on that discussion it is considered that a better outcome would be achieved with the encroachment to allow for development of public open space or a community facilities to service the R3 Medium Density Residential to the North of the site.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.1 “*Minimum Subdivision Lot Size*” adequately address Clause 4.6 (3) and is in the public interest in this instance.

Flooding Planning – Further Discussion

The proposed development is located on the floodplain of the Georges River. While the development is located on low risk flood zone, the surrounding area is affected by high risk flooding. The only access road to the development is via the proposed bridge from Brickmakers Drive. For flood events greater than the 1% AEP, Brickmakers Drive will be inundated by

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floodwaters and access will not be available. Therefore, complete evacuation of the residents is necessary before the access road becomes inaccessible.

The proposed Mirvac development in Area C will consist of 179 two storey residences all with a minimum floor and road level greater than RL 6.1m AHD (being the 100 yr ARI flood level plus 500mm freeboard) which is the Flood Planning Level. The finished road and floor levels will continually rise from RL 6.1m AHD on the south eastern edge of the development to the west reaching levels around RL 10m AHD as approved by the LEC and DA 1552/2006 at the proposed link road bridge which provides car access to Brickmakers Drive. All residences will be two stories. Approximately 92% of the houses will have second storey floor levels above the Probable Maximum Flood (PMF) level of RL 10.4m AHD. The development will be under a Community Title which imposes a management structure responsible for the safety and well being of this community and would be used to manage the flood evacuation procedures.

In addition to these measures, the residential development is proposed to be subdivided as a community title subdivision. As such, the development and residents will be subject to a Community Management Statement, Community By-Laws and be controlled by a Community Manager.

It is evident from the above assessment that Area C has an acceptable Flood Emergency Response Plan based on SES recommendations for evacuation and the proposed elevated pedestrian bridge. Council's Flood Engineers have reviewed and supported the evacuation strategy, subject to conditions of consent

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 2.10 Development in Moorebank East*.

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

| Part 1 General Controls for all development | | |
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| Control | Provision | Comment |
| Section 2 – Tree Preservation | Controls relating to the preservation of trees | Complies The application proposes the removal of vegetation due to the bulk earthworks. This |

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| | | vegetation is not considered to be significant. |
| Section 3 – Landscaping and Incorporation of Existing Trees | Controls relating to landscaping and the incorporation of existing trees. | Complies The landscape plan has been reviewed by Council’s Landscape Officer, who has raised no issues with the design. |
| Section 4 – Bushland and Fauna Habitat Preservation | Controls relating to bushland and fauna habitat preservation | Complies The Ecological Assessment, prepared by ENM Consulting, dated 14 December 2016, was reviewed by Council’s sustainable environment natural resource planner, who raised no issues subject to conditions. |
| Section 5 - Bush Fire Risk | Controls relating to development on bushfire prone land | Complies General Terms of Approval have been issued by the NSW Rural Fire Service (dated 15 December 2017). |
| Section 6 - Water Cycle Management | Stormwater runoff shall be connected to Council’s drainage system by gravity means. A stormwater drainage concept plan is to be submitted. | Complies This aspect has been reviewed by Council’s Engineers, who have raised no issues subject to conditions. |
| Section 7 – Development Near a Watercourse | If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water. | Complies General Terms of Approval have been provided by the NSW DPI – Water (dated 6 June 2017). |

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| Section 8 - Erosion and Sediment Control | Erosion and sediment control plan to be submitted. | Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development. |
| Section 9 – Flooding Risk | Provisions relating to development on flood prone land. | Complies The site is affected by flooding greater than the 1% annual exceedance probability. The application was referred to Council's Flooding Engineers, who have supported the application subject to conditions. |
| Section 10 - Contaminated Land Risk | Provisions relating to development on contaminated land. | Complies See SEPP 55 discussion above. |
| Section 11 - Salinity Risk | Provisions relating to development on saline land. | Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required. |
| Section 12 – Acid Sulphate Soils | Provisions relating to development on acid sulphate soils | Not Applicable The site is not identified as containing the potential for acid sulphate soils. |
| Section 13 - Weeds | Provisions relating to sites containing noxious weeds. | Not Applicable The site is not identified as containing noxious weeds. |
| Section 14 – Demolition of Existing Development | Provisions relating to demolition works | Not Applicable Demolition works are not proposed. |

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| Section 15 – On Site Sewage Disposal | Provisions relating to OSMS. | Not Applicable OSMS is not proposed. |
| Section 16 - Aboriginal Archaeology | An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology. | Complies A preliminary due diligence Aboriginal heritage assessment of the Moorebank Cove residential site was conducted by Mary Dallas Consulting Archaeologists (MDCA) to determine whether further archaeological investigations may be required in relation to the proposed development. The report concluded that the proposed development is unlikely to impact Aboriginal heritage items as the Moorebank Cove residential site was not found to contain any evidence of past Aboriginal use and has very low likelihood for any surviving deposits of Aboriginal stone artefacts. |
| Section 17 - Heritage and Archaeological Sites | Provisions relating to heritage sites. | Complies The Moorebank Cove residential site was comprehensively surveyed in 2003 (Heritech Consulting 2003) and the following artefacts assessed: <ul style="list-style-type: none"> - a small domestic 'hardiplank' cottage on the north east corner on Newbridge Road; - workshops and maintenance sheds; - concrete storage bins; |

Section 4.15(1)(a)(iia) – Planning Agreements

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| | | <ul style="list-style-type: none"> - crushing/sizing/dredging plant; and - miscellaneous equipment. <p>Heritech Consulting visited the site again in June 2016. This confirmed the outcome of the previous assessment. The items located during the 2003 assessment, with the exception of the cottage, have since been removed. The cottage not within the Moorebank Cove residential site. Further, Heritech Consulting have concluded that it does not possess any heritage significance. A 2016 search of the State Heritage register and inventory found no items of heritage significance were recorded within the Moorebank Cove residential site.</p> <p>There are no items possessing any level of heritage significance on social, scientific, aesthetic or historic grounds so there will be no impact on historic heritage.</p> |
| Section 18 - Notification of Applications | Provisions relating to the notification of applications. | <p>Complies</p> <p>The application was notified in accordance with the requirements of designated development and the LDCP 2008.</p> |
| Section 19 – Used Clothing Bins | Provisions relating to used clothing bins. | <p>Not Applicable</p> <p>The DA does not propose used clothing bins.</p> |

Tanlane Pty Ltd had elected to enter into a Voluntary Planning Agreement (VPA) with Liverpool Council for this development proposal.

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| Section 20 - Car Parking and Access | Provisions relating to car parking and access | Not Applicable |
| Section 21 - Subdivision of Land and Buildings | Provisions relating to the subdivision of land. | Complies |
| Section 22 – Water Conservation | New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). | Not Applicable |
| Section 23 – Energy Efficiency | Dwellings to comply with <i>SEPP– Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities | Not Applicable |
| Section 25 - Waste Disposal and Re-use Facilities | Provisions relating to waste management during construction and on-going waste. | Complies A comprehensive waste management plan has been provided and considered acceptable. |
| Section 26 – Outdoor Advertising and Signage | Provisions relating to signage. | Not Applicable The DA does not propose any signage. |
| Section 27 - Social Impact Assessment | A social impact comment is required for residential subdivision greater than 20 dwellings. | Complies Recommended to be provided as part of this development rather than individual developments. |
| Part 2.10 Development in Moorebank East | | |
| Control | Provision | Comment |
| Section 2.1 Street Network | Subdivision of the land shall be in accordance with Figure 2. | Does not comply The proposed road layout is inconsistent with Councils Indicative Layout Plan. |

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| | | However, the proposed layout is a much more effective design and achieves a better outcome in terms of solar access and orientation. |
| | Subdivision of the land shall incorporate a link road between Brickmakers Drive and Davy Robinson Drive as shown on Figure 2. The link road shall be a minimum 20m wide and be able to accommodate a bus route. | Complies Link road provided between Brickmakers Drive and Davy Robinson Drive and is able to accommodate a busy route. This is supported through swept path analysis. |
| | Street sections are to comply with Figures 3 – 4. | Complies Street sections are generally in accordance with the sections provided. Council's Land Development Engineers and Traffic Engineers have also reviewed the detailed road designs and provided support. |
| | Flood free access via a road bridge from Brickmakers Drive shall be provided prior to any subdivision of Lot 7 DP 1065574. | Complies Conditions of consent will be imposed to ensure that the road bridge as approved under Development Consent No. DA-1552/2016 is constructed prior to issue of a subdivision certificate. |
| | The street network is to be clearly legible with signposts showing street names and property numbers. | Conditions of consent will be imposed to ensure compliance |
| | Street layouts at key locations are to be designed to ensure pedestrian safety. | Complies Pedestrian and Cycleway plan submitted. |
| | Kerb ramps are required at all intersections where footpaths are provided. | Complies by condition |

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| | Footpaths must be provided along at least one side of every street. | Complies by condition |
| | A street network plan is to be submitted for all subdivision applications showing street and intersection types and any other proposed street treatments. | Complies by condition Intersection treatment is required at Brickmakers drive and the Link Road. Sidra modelling also required but have not been provided as part of the application. |
| | Local streets shall front open space and avoid back fences to open space and other public areas. | |
| | All plans must indicate street types and intersection treatments. | Complies by conditions Intersection treatment is required at Brickmakers drive and the Link Road. Sidra modelling also required but have not been provided as part of the application. |
| | A direct road connection is to be provided from the Road Bridge through the Residential to the private open space. | Complies A direct road connection from the road bridge to the private open space will be provided via the link road Brickmakers Drive and Davy Robinson Drive. |
| | A pedestrian access shall be provided from land in the R3 zone through the B6 zone through to Newbridge Road. | Complies by conditions Pedestrian plan to show access from land in the R3 zone to the B6 zone. |
| | Barrier kerbs shall be used: <ul style="list-style-type: none"> - On any street frontage to open space - At all intersections (between the potential driveway location on one frontage to the potential driveway location on the | Complies by condition |

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| | <p>alternate street frontage). Driveways are not to be located with 6m of the tangent point of any intersection.</p> <ul style="list-style-type: none"> - Barrier kerb shall be installed for the entire length of bus zones and for 10m on the approach of the bus stop. | |
| | Roll kerbs may be used in other locations to the above. | Complies by condition |
| Section 2.2 Pedestrian and Cyclist Amenity | Vehicle access to development is to be designed and located to minimise conflicts with pedestrians and cyclists on footpaths, particularly along high volume pedestrian streets. | Complies by condition Pedestrian and cycleway plan submitted demonstrating vehicle access minimises conflicts with pedestrian and cyclists on footpaths. |
| | Wherever practicable, vehicle access to developments is to be a single crossing, perpendicular to the kerb alignment. | Complies by condition |
| | Where practical, pedestrian and cycle paths in open spaces to take advantage of street lighting and allow for casual surveillance by residents and drivers. Where this is not practical, paths should be well – lit and visible from the road. | Complies Pedestrian and cyclway plan submitted. |
| | Pedestrian and cycle paths are to link the key facilities within and outside the area, such as the open space network. | Complies Pedestrian and cyclway plan submitted. |
| | Shared pedestrian/cycle links, cycle ways public roads and lanes are to be | Complies Pedestrian and cyclway plan |

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| | clearly and frequently signposted to indicate their shared status. | submitted. |
| | Designated cycle lanes on streets are to be clearly indicated by line – markings on the road surface and/or by signs beside the road. | Complies Pedestrian and cyclway plan submitted. |
| | Shared pedestrian and cycle paths are to be a minimum of 2.5m wide. | Complies 3m proposed |
| | Designated pedestrian – only paths are to be a minimum of 1.5m wide. | Complies Pedestrian and cyclway plan submitted. |
| | Pedestrian and Cycle facilities in public spaces are to be safe, well lit, clearly defined, functional and accessible to all. An appropriate level of pedestrian lighting to ensure security and contribute to the legibility of streets. | Complies Pedestrian and cyclway plan submitted. |
| | Pedestrian and cycle paths, and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, in accordance with AS 1428:1-4. | Complies Pedestrian and cyclway plan submitted. |
| Section 2.3 Streetscape and Street Trees | Street furniture is to be incorporated into the design of all public spaces and should be consistent in design and style. | Complies A street tree master plan has been provided and is considered acceptable. |
| | Street furniture is to be located so as not to impede mobility in accordance with AS 1428:1 - 4. | Complies by condition |
| | The location and detailing of all proposed street furniture is to be indicated on the Landscape Plan, to | Complies by condition |

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| | be submitted with the DA. | |
| | <u>Street Tree Planting</u> Street trees shall be required to be planted in conjunction with the creation of a new street or the extension of an existing street. | Complies Street tree plan submitted |
| | One street tree shall be planted for each residential dwelling created. | Complies Street tree provided in front of each residential lot. |
| | The street trees shall be planted prior to the release of the subdivision certificate. | Complies by condition |
| | The trees shall be provided with protection to ensure their survival during the construction of buildings in the street. | Complies by condition |
| | Trees and shrubs on individual streets must be of a uniform species. On streets adjacent to bushland, species indigenous to the area must be planted. | Complies by condition |
| | Intensive planting shall be provided along the Link Road between the R3 and B6 zones. | Partially Complies Street tree plan shows intensive planting proposed on the link road in the R3 zone. Intensive planting at the B6 zone have not been provided. |
| Section 2.4 Open Space | Direct public access (pedestrian/ bicycle) should be provided from the residential zone east through the private recreation zone, to the Georges River Foreshore reserve. | Complies Pedestrian and cycleway plan provided |
| | A shared | Complies |

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| | pedestrian/cycleway access should also be provided, along the western boundary of the RE2 zone, to the Georges River foreshore reserve. | Pedestrian and cycleway plan provided |
| | Local parks provided within the residential area, should be a focal point for development and activity. | Complies Local park proposed in R3 residential area and is a focal point for development south to the site which includes a proposed marina. |
| | Ensure that development which surrounds open space is orientated towards the park to offer casual surveillance. | Complies Indicative layout plan submitted illustrates lots adjacent to open space includes building envelopes orientated towards the park. |
| | Perimeter streets should be provided to all parks on at least three sides of the park. Where a street frontage is not provided the development must front the park to provide surveillance. | Complies Park proposed as part of subdivision in stage 2. |
| | Sufficient lighting to be provided within local parks. | Complies by condition |
| Section 2.5 Views and View Sharing | Higher Density lots should be located to best utilise potential view. | Complies The proposed subdivision of the site into three super lots and further subdivision of Super Lot 2 will allow for future development which maximises access to key viewpoints in the area and view sharing. |
| | View corridors out of or into the site should be identified, maintained and improved where possible. | Complies Proposed residential include low density single and double storey dwellings which enables view corridors to be identified and |

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| | | maintained. |
| | Buildings along the southern and eastern edge of the residential zone must be no wider than 35m and separated from other buildings by at least 10m. | Not applicable Proposed development includes subdivision and does not include development of buildings. |
| Section 2.6 Foreshore Access | A 10m wide access shall be dedicated free of charge to Council to link a public road with the land in the RE1 zone along the Georges River foreshore at the northern end of Lot 7 DP 1065574 to permit access by the public and Council maintenance vehicles. | Complies Access to public open space areas with frontage to the Georges River will be provided and dedicated to LCC for public use as required by the VPA |
| | A right of way access shall be provided free of charge to Council to link a public road with the land in the RE1 zone along the Georges River foreshore at the southern end of Lot 7 DP 1065574 to permit access by Council maintenance vehicles. | Does not comply There is no plan to indicate link road |
| Section 2.7 Drainage | The site should be generally drained east toward the Georges River, rather than to the drain on the western side of the site. | Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues, subject to conditions. |
| | An onsite detention basin is required to avoid any increase in peak stormwater discharge from the drain on the western boundary of the property. | Complies Stormwater plan submitted and supported by Council Development Engineers |
| | Use gross pollutant traps and water quality control ponds to remove suspended sediment, nutrients and bacteria. | Complies Stormwater plan submitted and supported by Council Development Engineers |
| Section 2.8 Removal of | Any Development Application on Corner Lot 2 | Complies by condition |

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| Fill | DP 602988 is to include provisions for the removal of 35,000m ³ of fill from the area indicated in Figure 6. | |
| 3.1 Subdivision, Frontage and Allotment Size | 25% of lots must be 300sqm or greater | Revised master plan to demonstrate compliance |
| | At least 25% of lots must be less than 300sqm | Complies Lots under 300m ² = 53% |
| | Any lot greater than 400sqm should have a frontage of at least 12m. | Complies Proposed residue lots have frontage greater than 12m. |
| | All development needs to be in accordance with Council's adopted residential subdivision design principles. | Partially complies |
| | <u>Dwelling Mix</u> A maximum of 216 Dwellings are permitted on the site. | Complies R3 residential zone has a maximum of 178 lots. |
| | Subdivision, lot sizes and orientation are to address the principles in Figures 7 and 8. | Revised master plan to demonstrate compliance |
| | Lot sizes and dimensions are to take into account the slope of the land to minimise earthworks/retaining wall construction and the retention of existing trees. | Complies |
| | Minimum allotment width is 6m. | Partially complies Lots with widths under 6m 9-13 – 4.09m 9-02 – 2.5m 9-01 – 2.5m |

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| | Any application for subdivision creating allotments of 6m width must be accompanied by an application for a dwelling house on each of those allotments. | Complies Indicative layout lot plan submitted showing building envelopes on lots. |
| | On east-west lots, houses and private open space are to be sited generally in accordance with Figure 9. A maximum of 216 Dwellings are permitted on the site. | Partially complies |
| 3.2 Site Planning | The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access (See Figure 10). | Not applicable |
| 3.3 Setbacks | Dwelling houses shall be setback in accordance with Table 1. Front setback: Ground Floor: 4.5m First floor: 5.5m Secondary setback: Ground Floor 2.5m First Floor 2.5m | Not applicable |
| 3.4 Landscaped Area and Private Open Space | A minimum of 20% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas. | Not applicable |
| 3.5 Cut and Fill, Building Design, | <u>Cut and Fill of Land</u> The maximum cut on a site | Not applicable |

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| Streetscape and Layout | must not exceed 600mm. | |
| 3.6 Landscaping and Fencing | A minimum of one tree is to be provided within the front setback area of every residential dwelling. This may include existing trees that are to be retained within the front setback area. Newly planted trees are to have a minimum pot size of five litres. | Not applicable |
| 3.7 Car Parking and Access | Two car parking spaces shall be provided for each dwelling. | Not applicable |
| 3.8 Amenity and Environmental Impact | | Not applicable |
| 3.9 Site Services | To ensure that the required services are provided and are easily protected or maintained. | Not applicable |

Schedule 3 of the VPA provides a program for the provision of the various works required to be completed under the terms of the VPA. Embellishment of River Foreshore Land are required prior to the creation of the seventy fifth (75th) residential lot within the development. The requirements of the VPA in relation to the subdivision should also be applied to this application. A condition to this effect is recommended.

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

In accordance with Part 6, Division 3 of the Environmental Planning and Assessment Regulations, the application was referred to the Rural Fires Service as the application is Integrated Development under S100B of the Rural Fires Act. General Terms of Approval were issued on the development with conditions.

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

(a) 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.

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(b) 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.

(c) Social Impacts and Economic Impacts

The proposed subdivision would result in a positive economic impact in the locality through the capital investment value of the development and the creation of construction jobs and long term social benefits due to the provision of housing to meet the needs of the community.

6.7 Section 4.15(1)(e) – The Suitability of the Site for the Development

The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character within Moorebank

The proposed development is generally considered to be suitable for the site. The development complies with the relevant provisions of the Liverpool Local Environmental Plan and Development Control Plans, 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 relation to the Development

(a) Internal Referrals

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

| Department | Comments |
|--------------------------------|-----------------------------------|
| Building | Supported, subject to conditions. |
| Development Engineering | Supported, subject to conditions. |
| Environmental Health | Supported, subject to conditions. |
| Heritage Advisor | Supported, subject to conditions. |
| Traffic and Transport | Supported, subject to conditions. |
| Community Planning | Supported. |
| Landscaping | Supported, subject to conditions. |
| Waste | Supported. |

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| Flood Engineer | Supported, subject to conditions. |
|-----------------------|-----------------------------------|

(b) External Referrals

The DA was referred to the following external Public Authorities for comment:

| Authority | Comments |
|---|---|
| Sydney Water | Application supported, subject to recommendations. |
| Endeavour Energy | Application supported, subject to recommendations. |
| RMS | Application supported, subject to conditions. |
| NSW Rural Fire Service | Application supported, subject to General Terms of Approvals. |
| Natural Resource Access Regulator | Application supported, subject to General Terms of Approvals. |
| NSW Environmental Protection Authority | Application supported, subject to General Terms of Approvals. |

(c) Community Consultation

The application was advertised. Three (3) submissions were received objecting to the DA. Submissions involved a number of themes and are summarised below:

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| Submissions/Object or concerns | Council Response |
|--|--|
| <p>Flooding</p> <p>In the event of such a flood, if there is any damage, or injury, or death, to any persons, or person, or property! Who will take responsibility?, it is this reason, we the residents, would like to view, & receive, in writing assurances from council that such a event, meaning flood!, the resident will not be at risk,, or unable to be compensated, financially, for any damages being to property or personally in the event, there is such a flood, dose Liverpool council & MIVAC have?</p> | <p>The subject development is intended to cater for 179 two storey residences, through subsequent applications, all with a minimum floor and road level greater than RL 6.1m AHD (being the 100 yr ARI flood level plus 500mm freeboard) which is the Flood Planning Level. The finished road and floor levels will continually rise from RL 6.1m AHD on the south eastern edge of the development to the west reaching levels around RL 10m AHD as approved by the LEC and DA 1552/2006 at the proposed link road bridge which provides car access to Brickmakers Drive. All residences will be two stories. Approximately 92% of the houses will have second storey floor levels above the Probable Maximum Flood (PMF) level of RL 10.4m AHD. The development will be under a Community Title which imposes a management structure responsible for the safety and well being of this community and would be used to manage the flood evacuation procedures.</p> |
| <p>Support for application</p> <p>In line with this progress, DA 24/2017 marks the end of extractive industry, and a move towards responsible community living. In an area already consisting of the Georges Fair residential community, the newly developed Brighton Lakes Golf and Recreation Club and surrounding housing, and the soon to be constructed Georges Cove Marina, DA 24/2017 represents the future for living in the great south</p> | <p>Council notes the support for the proposed development.</p> |

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| west. | |
| <p>Contamination</p> <p>The impact of contamination of the site the subject of the application has not been assessed in accordance with the requirement of SEPP 55 – remediation of land; and</p> <p>The impact of contamination of the part of the site the subject of the application on the proposed marina development on the southern part of the site has not been assessed.</p> | <p>See above comments as outlined in SEPP 55 – Remediation of Land.</p> <p>Based upon the Site Auditor’s advice, it is believed that the Applicant submitted sufficient information for Council to address Clauses 7(1), 7(2), 7(3) and 7(4) of <i>State Environmental Planning Policy No. 55- Remediation of Land</i>.</p> |

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

Given the assessment undertaken, the proposed subdivision is considered to be in the public interest and therefore is recommended for approval subject to the satisfaction of the deferred commencement. In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. Development Contributions

Contribution are not applicable to the subject application which seeks consent for the proposed subdivision.

8. Conclusion

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered satisfactory with the following matters noted:

- Conditions of consent will be imposed to minimise any potential detrimental environmental impacts resulting from the development.
- The proposed development is appropriate for the site and approval is in the public interest, subject to the satisfaction deferred commencement requirements.

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9. Recommendation

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application DA-24/2017 be determined by way of deferred commencement.

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ATTACHMENT 1 – PLANS OF THE PROPOSAL

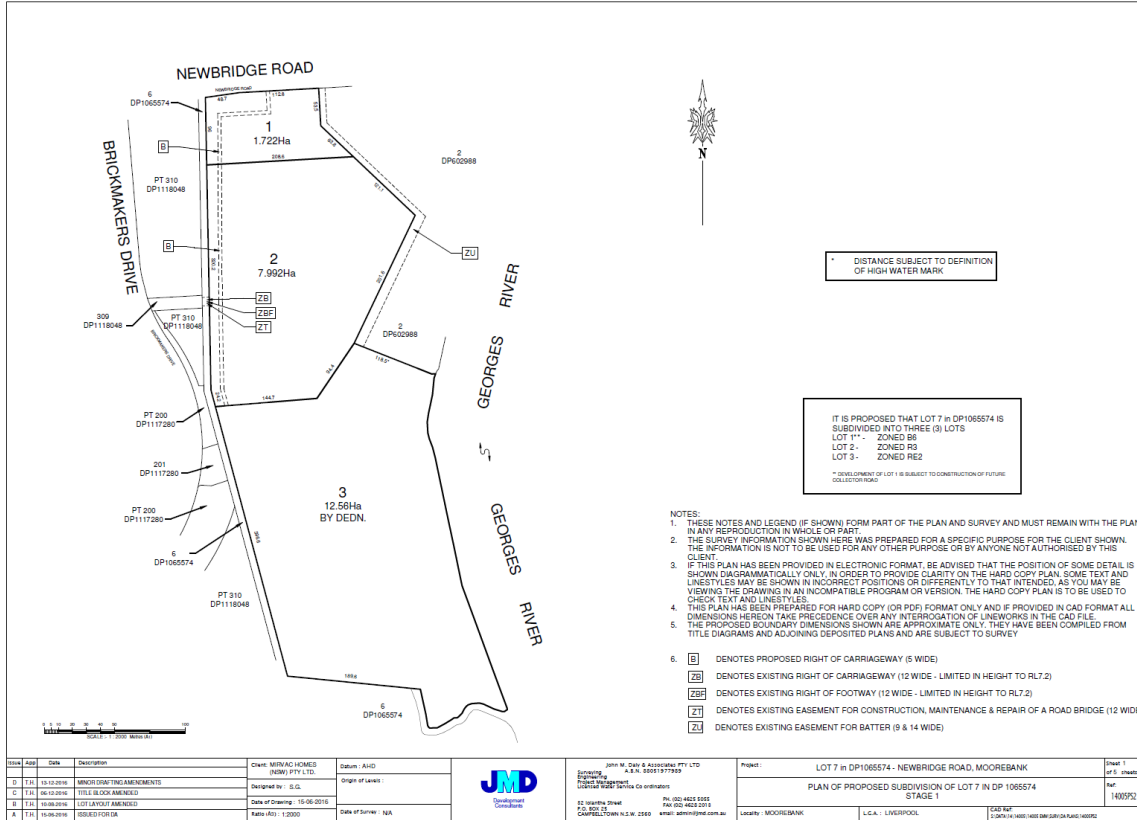


Figure 1: Stage 1 - Subdivision layout of 146 Newbridge Road, Moorebank

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ATTACHMENT 2 - CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

PART 1

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

Flooding

6. It is to be demonstrated that the proposed pedestrian evacuation bridge is accessible by wheel chair for disable people at both ends of the access way. The applicant is required to design the pedestrian bridge to allow disabled access in accordance with the relevant Australian Standards. The detailed design of the pedestrian evacuation bridge shall be submitted for council's review and must obtain council's acceptance and approval.
7. Flood modelling shall be undertaken to demonstrate that the ground levels of the landing area of the pedestrian access across Brickmakers Drive on the public reserve is at or above the 1 in 2000 year ARI flood level. Surveyed plan from a registered surveyor shall be submitted to demonstrate that the minimum elevation of the landing area of the pedestrian evacuation route is at 7.0m AHD and from there rising ground to 10.4m AHD or PMF level and above is achieved.

Design

8. The design of the pedestrian evacuation bridge is to be endorsed by Liverpool City Councils. Evidence is to be provided that the design has been reviewed and endorsed by Liverpool City Council's Manager Development Assessment.
9. The design of the pedestrian evacuation bridge is to be certified by appropriately qualified structural engineer indicating that it is structurally safe and also able to adequately provide pedestrian evacuation during a flood event.
10. A design for the embellishment of Paine Park is to be prepared and endorsed by Liverpool City Council's. Evidence is to be provided that the design has been reviewed and endorsed by Liverpool City Council's Manager Development Assessment. The cost of the embellishment works are to be borne of the developer.

Owners Consent

11. Written owners consent is to be provided to the developer and submitted to Council for the construction of the pedestrian evacuation bridge and any associated works.

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Geotechnical Report

12. The submission of a final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, to the Certifying Authority prior to the issue of the Construction Certificate.

The report must cover, but not limited to the following:

- f) The developer be requested to review the ground improvement design given the concerns expressed above. In particular, addition of surcharge over the 3 m thick bridging layer should be considered.
- g) A program of settlement and differential settlement instrumentation be stipulated together with a minimum period of monitoring and review prior to removal of surcharge and building construction.
- h) Certain high risk zones (e.g. where the existing fill is thick and/or its thickness varies rapidly such as around borehole JK10 and JK14), house foundations may require piling.
- i) A review of piling requirements for house foundations may extend beyond that described above subject to review of the settlement and differential settlement monitoring results during the preload/surcharge period.
- j) Adopt non-building zones in deep fill areas (e.g. play grounds) or adopt piled foundations in medium rise development in such zones to provide potentially more economically acceptable solutions.

Note: The items raised within Part 1, above, are to be addressed within twelve (12) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.

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PART 2

On the submission of the required evidence and on the applicant receiving written notification that Council is satisfied that the matters listed in “Part 1” have been satisfied, then the consent shall become operative subject to compliance with conditions outlined in “Part 2”.

A. THE DEVELOPMENT

Approved Plans

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

| Prepared by | Drawing No: | Title | Issue | Date |
|-----------------------------|-------------|--|-------|------------|
| JMD Development Consultants | 14005E30 | Overall plan of Road No. 1 Extension into B6 Lot | D | 16/09/2019 |
| JMD Development Consultants | 14005PS2 | Stage 1 Plan of Proposed Torrens title subdivision of Lot 70 DP 1254895 | D | 16/09/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Overall Plan | L | 02/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Plan 1 of 3 | L | 02/12/2019 |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of | L | 02/12/2019 |

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|-----------------------------|----------|---|---|------------|
| | | Easements in Lots 1 & 3 in DP (Unreg) – Plan 2 of 3 | | |
| JMD Development Consultants | 14005PS2 | Stage 2 Plan of Proposed Community title subdivision of Lot 2 in DP (Unreg) & Creation of Easements in Lots 1 & 3 in DP (Unreg) – Plan 3 of 3 | L | 02/12/2019 |
| JMD Development Consultants | 14005E35 | Swept Path Analysis | A | 10/09/2019 |
| JMD Development Consultants | 14005E30 | Road No. 1 (Collector Road) – Longitudinal Sections, Typical Sections & Pavement Details within the land zoned B6 | C | 16/09/2019 |
| JMD Development Consultants | 14005PS2 | Plan of Proposed Subdivision of Lots 1, 2 & 3 in DP (Unreg) of Proposed Subdivision of Lot 70 in DP 1254895 | E | 31/03/2017 |
| JMD Development Consultants | 14005E3S | Pedestrian Pathway and Cycle plan | A | 10/09/2019 |
| JMD Development Consultants | 14005E6 | Overall Plan | E | 19/05/2017 |
| JMD Development Consultants | 14005E6 | Soil & Water Management Plan | G | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Tree Removal Plan | E | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Site Plan with bulk earthworks & capping thickness | E | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Plan of Works – Sheet 1 of 3 | H | 19/02/2018 |
| JMD Development | 14005E6 | Plan of Works – Sheet 2 of 3 | G | 19/02/2018 |

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|-----------------------------|---------|--|---|------------|
| Consultants | | | | |
| JMD Development Consultants | 14005E6 | Plan of Works – Sheet 3 of 3 | F | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 1 – Longitudinal Sections, Typical Section & Pavement Details | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 2 – Longitudinal Sections, Typical Section & Pavement Details | E | 19/05/2018 |
| JMD Development Consultants | 14005E6 | Road No. 3 – Longitudinal Sections, Typical Section & Pavement Details | E | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Road No. 4, 5, & 9 – Longitudinal Sections, Typical Section & Pavement Details | D | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Road No. 7 – Longitudinal Sections, Typical Section & Pavement Details | H | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Bridge General Arrangement Drawing | D | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Road No. 11 & 12 – Longitudinal Sections, Typical Section & Pavement Details | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Benching & Retaining wall plan | H | 19/02/2018 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH0.0 to CH150) | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH150.0 to CH300.0) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH300.0 to CH450.0) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Profile Section of RW No. 100 (CH450.0 to CH570.0) | C | 07/11/2016 |

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|-----------------------------|---------|---|---|------------|
| JMD Development Consultants | 14005E6 | Longitudinal Section for Retaining Wall No. 502 (Ch 0 to Ch 154.369) | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Longitudinal Sections for retaining wall No. 502 (Ch 154.369 to End) & Retaining Walls No. 503 & No. 504. | C | 13/12/2017 |
| JMD Development Consultants | 14005E6 | Raingarden No. 1 (Northern Raingarden) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Raingarden No. 2 (Southern Raingarden) | B | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Traffic Facilities Plan | A | 07/11/2016 |
| JMD Development Consultants | 14005E6 | Link Road/Collector Road Intersection | D | 15/02/2018 |
| Green Tree Design | LS001 | Street Tree Design | B | 16/11/16 |

Reports/Documents

- Moorebank Cove Residential Development Construction Dust Impact Assessment (Ref: AS122065, Revision Final) prepared by Ramboll Environ dated 15th December 2016;
- Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2) prepared by EMM Consulting dated 11 March 2016;
- Fill Management Protocol Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.07, Document No. R.003.Rev1) prepared by Douglas Partners Pty Ltd dated 20th December 2016;
- Sampling and Analysis Quality Plan, Validation Monitoring Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.004.Rev2) prepared by Douglas Partners Pty Ltd dated 15th May 2017;
- Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017;
- Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;

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- Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- Interim Advice for Statutory Site Audit 264 – 146 Newbridge Road, Moorebank Review of Douglas Partners (3 April 2019) Report on Buried Services Design (SA264_190403c_Interim Advice) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 3rd April 2019;
- Review of Buried Services Design Drawings Proposed Residential Development 146 Newbridge Road, Moorebank (Project 71459.09, R.025.Rev1, JRR) prepared by Douglas Partners Pty Ltd dated 3rd April 2019;
- Site Audit Statement No. 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- Site Audit Report 282 by Dr Ian Swane Remediation Strategy for Proposed Georges Cove Marina Development at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision: Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- EPA Issue of General Terms of Approval for Staged Torrens Title Subdivision 146 Newbridge Road, Moorebank, NSW, 2170- DA-24/2017 (DOC19/593156) dated 12th July 2019; and
- Moorebank Cove Residential Development- Stage 1 and 2 146 Newbridge Road, Moorebank, Noise and Vibration Impact Assessment (Report J16137RP#1, Version 4, Final) prepared by EMM Consulting dated 19th August 2019.
- Landfill Closure Management Plan – Benedict Sands 146 Newbridge Road, Moorebank, prepared by Douglas Partners (project no: 71459.09) dated October 2019.
- Traffic Assessment prepared by EMM, (report no: J15054RP1) dated 14 December 2016.
- Due Diligence Aboriginal Heritage Assessment, prepared by Mary Dallas Consulting Archaeologists, dated 7th December 2016.
- Amended Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, (Assessment no: B162725-2) dated 19 December 2016.
- Construction Dust Impact Assessment, prepared by Ramboll Environ, (reference no: AS122065) dated 15 December 2016.

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- Water Quality Assessment, prepared by JMD Development Consultants, (reference no: 14005) dated 20 November 2016.
- Ecological Assessment, prepared by EMM, (report no: J16050ARP3), dated 14 December 2016.
- Noise and Vibration Impact Assessment, prepared by EMM, (report no: J16137RP#1) dated 19 August 2019.

Stage Development

5. The development must be carried out over the proposed stages as follows:
 - a. Stage 1

Subdivision of the site area into three lots;
 - b. Stage 2

Subdivision of Lot 2 to create 19 residue lots and include site remediation, bulk earthworks and construction of drainage and infrastructure and pedestrian bridge.

Works at no cost to Council

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

Legal Agreement

5. The pedestrian evacuation bridge is to be maintained in the care and control of the body corporate of the subject community title development. A legal agreement is to be entered into with the developer and the appropriate road authority for the maintenance and upkeep of the evacuation bridge in perpetuity to the satisfaction of Liverpool City Councils Manager Development Assessment.

163. Plans are to be submitted confirming that the road levels and minimum ground floor levels of all future dwellings are at or above 6.1m AHD and the finished road and floor levels shall continually rise from 6.1m AHD on the south eastern edge of the development to the west, reaching levels around 10m AHD in accordance with the flood report from Tooker and Associates dated 26th November 2019.

Excavation Works

164. All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration. In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, is not permitted.

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General Terms of Approval

165. All General Terms of Approval issued by Department of Primary Industry - Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 6 June 2017. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 1.
166. All General Terms of Approval issued by NSW Rural Fire Service, shall be complied with prior, during, and at the completion of subdivision, as required in accordance with the General Terms of Approval dated 15 December 2017. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 2.

General Terms of Approval

167. All General Terms of Approval issued by NSW Environmental Protection Authority, shall be complied with prior, during, and at the completion of Subdivision and remediation, as required in accordance with the General Terms of Approval dated 12 July 2019. A copy of the General Terms of Approval are attached to this decision notice, see Attachment 3.

Endeavour Energy Comments

168. All comments provided by Endeavour Energy shall be complied with prior, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice.

Sydney Water Comments

169. All comments provided by Sydney Water shall be complied with prior, and at the completion of construction. A copy of the Sydney Water comments are attached to this decision notice.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Voluntary Planning Agreement

170. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Tanlane Pty Ltd and Liverpool City Council (dated 11 June 2008) or any subsequent amendments to the abovementioned Voluntary Planning Agreement.

Fee Payments

171. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid.

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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.

Flood Emergency Plan

172. A flood emergency response plan shall be developed and maintained in consultation with the SES for the entire site. The flood emergency response plan shall include a suitable flood warning system that has specific evacuation triggers and communication mechanisms for emergency evacuation of all areas, signage and exits to ensure the fail-safe evacuation of people during floods up to and including the Probable Maximum Flood. The flood emergency response plan shall be submitted and approved by Liverpool City Council Manager of DA prior to the issue of a construction certificate. The flood warning system shall include the following:
- a. Water level monitoring system at Georges River to monitor overtopping of river banks near the site.
 - b. Suitable arrangements to alert all occupants of the entire site.
 - c. Necessary arrangement for site evacuation before the site becomes fully isolated by floodwaters.

The flood warning system shall be put in operation prior to, during and after a flood to manage activities including evacuation arrangements for all occupants of the site.

Provision of Services

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

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

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174. Written clearance from Endeavour Energy, stating that electrical services can be 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.
175. Prior to the issue of the 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 of the Telecommunications Act 1997
- (c) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (d) For a line that is to connect a lot to telecommunication 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.

S138 Roads Act – Minor Works in the public road

176. Prior to the issue of the relevant 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)
 - 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.

Retaining Walls on Boundary

177. 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.

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S138 Roads Act – Roadworks requiring approval of civil drawings.

178. Prior to the issue of the relevant 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, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road work treatment in Buchan Avenue and Soldier Parade Intersection.

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 relevant Construction Certificate.

Construction Certificate for Subdivision Works

179. 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 JMD Development Consultants, reference number 14005E6, revision E, dated 19.05.2017 (26 Sheets) 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,

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specifications and any certification relied upon.

Road design criteria table

180. Prior to the issue of the relevant 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 |
|----------|--------------------|-------------------|------------------|----------------------|---------------------|
| 1 | 20 & Varies | 12 & 7 | 6.5 & 4 & varies | 2.5 | 2 x 10 ⁶ |
| 2 | 20 & Varies | 7 | 6.5 & 4 & varies | 2.5 & 1.5 | 3 x 10 ⁵ |
| 3 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 4 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 7 | 15.2 | 7.668 | 3 | 3 (full width) | 2 x 10 ⁶ |
| 9 | 15.2 | 7.2 | 4 | 1.5 | 3 x 10 ⁵ |
| 11 | 7 | 6 | 0.5 | 0 | 3 x 10 ⁵ |
| 12 | 7 | 6 | 0.5 | 0 | 3 x 10 ⁵ |

Road Safety Audit

181. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks 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.

Stormwater Concept Plan

182. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by JMD Development Consultants, reference number 14005E6, revision E, dated 19/05/2017 (26 Sheets).

- (d) 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.

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- (e) 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.
- (f) 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.

No Loading on Easements

- 183. 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

- 184. 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:

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

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

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Inter-allotment Drainage

185. 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.

Additional Engineering Requirements

186. Additional pram ramps must be provided within the site at all proposed intersections. Details must be submitted and approved by Council prior to the issue of any Construction Certificate.

Traffic, Access, Car Parking and Manoeuvring

187. The proposed development shall have no adverse flooding impact in the vicinity as indicated in the flood impact assessment reports by Cardno (NSW/ACT) Pty Ltd (Ref: 59916196:BCP/bcp, Flood Impact Assessment Stage 2 DA for Moorebank Cove Site, Newbridge Road, Moorebank, dated: 15 July 2016 and Flood Impact Assessment for Retaining Wall Construction, Moorebank Cove Development, Newbridge Road, Moorebank, dated: 04 August 2016).
188. There shall be no net loss of floodplain storage volume below the 1% AEP flood.
189. The approximate volume of filling below the 1% AEP flood by the proposed development shall be no more than 16,800 cum.
190. The flood compensatory excavation shall be undertaken as indicated in the NPC (National Project Consultants) letter report, dated: 10 May 2017. The cut and filling shall be carried out as indicated in drawings by JMD Pty Ltd (Ref: 14005E16; Moorebank Cove – Stage 2, Newbridge Road, Moorebank; Sheet 1 of 3 Sheets to Sheet 3 of 3 Sheets; Issue: C; dated: 09/05/2017).
191. The existing drainage channel running on the north and then along the western boundary shall not be disturbed and shall be maintained at its natural state.
192. The headwall of the existing box culvert across Newbridge Road and the drainage channel on the north of the site shall be maintained and the stormwater flow through the box culvert shall be managed as indicated in the drawing by JMD Pty Ltd (Ref: 14005E6; Moorebank Cove – Stage 2, Newbridge Road, Moorebank; Sheet 24 of 26 Sheets; Issue: B; dated: 07/11/2016).
193. Detailed design of the proposed roundabout at Link Rd / Collector intersection, showing turning paths and demonstrating compliance with the relevant Road Design Standards is to be submitted to Council's Traffic and Transport Section for approval.

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194. Detailed design plans for the proposed access roads, intersection treatments, pedestrian/cycle facilities traffic calming facilities including traffic controls, swept path analysis, line markings and sign posting demonstrating compliance with the Council's DCP and AS2890 are to be submitted to Traffic and Transport Section and Local Traffic Committee consideration and Council's approval.
195. Detailed designs of the interim with two lanes in each direction, and ultimate layout with traffic control signals at the Brickmakers Drive/Link Road intersection are to be submitted to Council's Traffic and Transport Section and the RMS for approval.
196. Detailed design of the proposed traffic signals at Brickmakers Drive/Link Road intersection and associated TCS plan is to be submitted to Roads and Maritime Services (RMS) for approval.
197. A security bond is to be lodged with Council for installation of traffic signals at Brickmakers Drive/Link Road intersection, if the RMS approval for the signals is not granted.
198. Detailed design of temporary turning heads at all dead ends.
199. Engage a Level AP3 Street Light Designer to nominate street lighting category in accordance AS 1158, and design the required street light to Council and Endeavor Energy requirements.

Traffic management plan

200. A traffic management plan is to be submitted to Liverpool City Council's Traffic & Transport Section for approval by Council's Traffic Committee. Works within the road reserve shall not commence until the traffic management plan has been approved.

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.

Emergency Access

201. Emergency access road shall be designed to provide reliable access to the subdivision for vehicles and pedestrians during a Probable Maximum Flood (PMF) event. Engineering details of the emergency access road, including transitions to existing watercourse upstream and downstream of the works shall be provided with the detailed civil design. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

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Flood Warning Signs

202. The developer shall provide flood warning signs at each end of the proposed entry road (Road 1). This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

On-site Detention

203. On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging into the river. 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. Detailed design and drawings of water quality treatment facilities including water quality modelling report and electronic copy of MUSIC model developed for the site shall be submitted for Council's review and approval.

Construction Environmental Management Plan (CEMP) (As amended)

204. 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:
- Asbestos Management Plan;
 - Project Contact Information;
 - Site Security Details;
 - Timing and Sequencing Information;
 - Site Soil and Water Management Plan;
 - Noise and Vibration Control Plan;
 - Dust Control Plan;
 - Air Monitoring;
 - Odour Control Plan;
 - Health and Safety Plan;
 - Waste Management Plan;
 - Incident Management Contingency;
 - Unexpected Finds Protocol; and
 - Landfill gas management during earthworks and construction.

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

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Geotechnical Report – Construction Certificate

205. The submission of a final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, to the Certifying Authority prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a) Extent and stability of proposed embankments including those acting as retarding basins;
- b) Recommended Geotechnical testing requirements;
- c) Required level of geotechnical supervision for each part of the works as defined under AS3798-Guidelines on Earthworks for Commercial and Residential Developments;
- d) Compaction specification for all fill within private subdivisions;
- e) The level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering's plans shall be amended to indicate that no vibratory rollers shall be used within that zone;
- f) The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation.
- g) The preferred treatment of any unstable areas within privately owned allotments; and
- h) Requirement for subsurface drainage lines.
- i) Overall suitability of the engineering plans for the proposed development; and
- j) No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Geotechnical Supervision

206. A Suitability Qualified Geotechnical Engineer must supervise all filling within the development.

Asset Management – Roads, Drainage and Landscaping

207. Prior to issue of the Construction Certificate the following documentation must be submitted to the Principal Certifying Authority (Council) for approval.
- f) The length, square metre and cost of constructed roadworks to be dedicated as public road;
 - g) An itemised list of the size, length and type of pipe, associated pits and water quality features in the proposed drainage system to be handed over to Council (not including common drainage lines or inter-allotment drainage);
 - h) Itemised list of street signs and street future including their current cost;
 - i) Itemised list of plantings in public areas. and

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- j) Maintenance schedule of landscape works and civil works and costs to Council associated with the ongoing maintenance of the work;

No adverse Run-off Impacts on Adjoining Properties

- 208. The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Recommendations of Acoustic Report

- 209. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

C. PRIOR TO WORKS COMMENCING

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

Notification

- 210. 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.

Site Development Work

- 211. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as the relevant Construction Certificate has been issued.

Site Notice Board

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

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Facilities

213. ***Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.***

Each toilet must:

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

Notification of Service Providers

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

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

Dial Before You Dig

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

Construction Traffic Management Plan

216. A Construction Traffic Management Plan (CTMP) prepared by a qualified traffic and transport practitioner detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to works commencing.

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Traffic Control Plan

217. 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.

218. Approval under Section 138 of the Road Acts, for the road works and any associated road occupation permits are to be obtained from the Council Land Development, and Transport & Transport Sections.
219. The level 3 designer is to obtain Council’s endorsement of the NOCC (Notice of changes in Charges) from Council and Endeavour Energy approval for the street lighting.

Dilapidation report

220. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Newbridge Road and Brickmakers Drive 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.

Matters to be addressed prior to commencement of Subdivision Works

221. 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.

Waste Classification and Disposal of Contaminated Soil and Material

222. 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

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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.

Construction Noise

223. Prior to the commencement of any construction works, the Applicant must ensure that the following is available for the life of the Development:
- (a) a postal address to which written complaints may be sent;
 - (b) an email address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

Sediment & Erosion Control

224. 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.

D. DURING CONSTRUCTION

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

Hours of Construction Work and Deliveries

225. ***Construction work/civil work/demolition work, including the delivery and export of materials from the site is only permitted on the site between the hours of 7.00 am to 8.00 pm Monday to Friday, 7.00 am to 5.00 pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.***

Security Fence

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226. *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

General Site Works

227. *The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.*
228. *All approved road works and street lighting within the road reserve should be undertaken at no cost to Council.*
229. Construct the approved road works and line marking scheme.

General Site Works - Sediment

230. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Erosion and sediment control

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

Street Lighting

232. 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.

233. Install Endeavour Energy approved Street Lighting.

Major Filling/ Earthworks

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

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

Soil testing – Subdivisions

235. Soil Testing is to be carried out to enable each lot to be classified according to *AS2870 “Residential Slabs and Footings”*.

Works within the road reserve

236. All works within the road reserve are to be at the applicant’s cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.

If a works zone is required, an application must be made to Council’s Traffic and Transport 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 Traffic and Transport 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.

Applications must be made to Council’s Traffic and Transport 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.

Removal of dangerous and/or hazardous waste

237. 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 and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Waste Management

238. 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.

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Contamination

239. 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).

Site Remediation Works (as amended)

240. The site must be remediated in accordance with:

- k) Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank' (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017;
- l) Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- m) Site Audit Report 264B by Dr Ian Swane Remediation Strategy for Proposed Residential Development with Community Title at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018;
- n) Remediation Action Plan Proposed Georges Cove Marina (Report J14149RP1, Version V2, Final) prepared by EMM Consulting dated 11th March 2016;
- o) Site Audit Statement No. 282 prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- p) Site Audit Report 282 by Dr Ian Swane Remediation Strategy for Proposed Georges Cove Marina Development at 146 Newbridge Road, Moorebank NSW 2170 (Document No. 1, Revision: Final) prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 27th April 2019;
- q) State Environmental Planning Policy No. 55 – Remediation of Land;
- r) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- s) The guidelines in force under the Contaminated Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

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Council and the Site Auditor must be informed in writing of any proposed variation to the remediation works. Council and the Site Auditor must approve these variations in writing prior to commencement/ recommencement of works.

Imported Fill Material (as amended)

241. All imported fill material for the upper 1.6m cap shall comply with the Fill Management Protocol Proposed Residential Development 146 Newbridge Road, Moorebank (Project No. 71459.07, Document No. R.003.Rev1) prepared by Douglas Partners Pty Ltd dated 20th December 2016 and shall satisfy the following criteria:

- All imported soil/rock materials must be geotechnically suitable as determined by a geotechnical engineer;
- All imported soil/rock materials must be VENM under the NSW EPA (2014) Waste Classification Guidelines and the Protection of the Environment Operations (POEO) Act 1997;
- No Excavated Natural Material (ENM) or other exempted waste material is to be accepted onto the site; and
- No Acid Sulphate Soil / Potential Acid Sulphate Soil is to be accepted onto the site.

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

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

No non-VENM waste material shall be imported to the site under an Environmental Protection Licence (EPL) granted for the site without the prior written approval of the Site Auditor.

Record Keeping of Imported Fill

242. Records of the following accepted waste derived fill material must be submitted to the Principal Certifying Authority 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 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; and
- c. The results of any chemical testing undertaken on fill material.

Unidentified Contamination

243. 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

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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.

Stockpile Management Plan

244. All works shall Comply with recommendations stipulated in the Stockpiled Material Management Plan prepared by JBS&G (Report Reference: 54499/117394 Rev 0, dated 31 August 2018).

Should any contamination be identified, remediation works are to be undertaken in compliance with:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- The guidelines in force under the Contaminated Land Management Act 1997.

Air Quality – Dust Screens

245. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

Air Quality – Stabilisation

246. 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.

Air Quality – Vehicle Movement

247. 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.

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Pollution Control – Site Operations

248. 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 water pollution.

Pollution Control – Truck Movements

249. 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.

Stockpiles

250. 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.

Asbestos Removal

251. Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the Worksafe NSW. Asbestos and asbestos containing materials shall be disposed of in accordance with requirements of NSW Environmental Protection Authority. All waste receipts for the disposal shall be retained and made available to Council upon request.

Aboriginal Relics/ Artefacts

252. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

Vegetation

253. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not

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practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

- 254. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
- 255. 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.
- 256. 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.

Erosion Control - Measures

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

Erosion Control - Maintenance

- 258. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Environmental Protection Licence

- 259. The treatment of contaminated soils at the site triggers NSW Environment Protection Authority (EPA) licensing requirements under category 15 in Schedule 1 of the *Protection of the Environment Operations Act 1997*. Site remediation shall be undertaken in accordance with the Environment Protection Licence issued by the NSW Environment Protection Authority for the schedule activity.
- 260. Conditions imposed by the Site Audit Statement 264B prepared by Dr Ian Swane, Ian Swane & Associates Pty Ltd dated 23rd January 2018 shall be complied with at all times.
- 261. Conditions imposed by the Site Audit Statement No. 282 prepared by Dr Ian Swain, Ian Swane & Associates Pty Ltd dated 27th April 2019 shall be complied with at all times.

Recommendations of Acoustic Report

- 262. All recommendations within the approved acoustic report shall be implemented and complied with at all times.

Waste Management

- 263. Waste and recyclable material 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

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- removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
264. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
265. Construction and demolition works 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.
266. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to the Consent Authority and Liverpool City Council's Officers upon request.
267. 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;
268. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager 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.

Car Parking Areas

269. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's *DCP 2008*, and *Australian Standard 2890.1 Parking Facilities – Off Street Car Parking*.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of

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installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Traffic Management

- 270. 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.
- 271. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at
- 272. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

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 for the Community Title Subdivisions for the residential lots by Council:

Completion of subdivision works

- 273. 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.
- 274. All roadworks, line markings and signposting, street light and landscaping are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Waste Collection Trial

- 275. A trial of a standard waste collection vehicle (up to 10m in length) travelling within the precinct is to be conducted prior to the release of a Subdivision Certificate. Any improvements required as a result of the trial is to be provided at the developer's cost prior to the release of Subdivision Certificate.

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Section 73 Certificate

276. 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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Liverpool City Council clearance – Roads Act/ Local Government Act

277. Prior to the issue of a Subdivision 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.

Flood Engineering

278. Overland flows from adjoining areas running through the site shall be managed and the proposed developments shall not have any adverse impact on the adjoining properties.
279. On-site water quality management measures shall be undertaken to ensure that stormwater runoffs leaving the site comply with Council's water quality standards.
280. Survey plan by a registered surveyor showing finished surface levels at fill areas along with necessary volume calculations shall be submitted to Council. Survey certificate and the calculation shall confirm that the volume of filling below the 1% AEP flood is no more than 16,800 cum.

Stormwater Compliance

281. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that stormwater pre-treatment system/s, overland flow path works, and flood control works:
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

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282. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the On-site detention system/s and Stormwater pre-treatment system/s works shall be registered on the title of the property that forms part of this application.

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.

283. Prior to the issue of an Occupation Certificate of the 1st dwelling on any residue lot approval under subject DA or any Occupation Certificate for a dwelling on a subsequent lot resultant from this approval, the pedestrian bridge is to be constructed, certified and operational.

Rectification of Damage

284. 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 Newbridge Road and Brickmakers Drive 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

285. 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.

Street Naming

286. Prior to the issue of a Subdivision Certificate an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site.

The proposed names must be in accordance with Council's Street Naming Policy.

Note: Allow eight (8) weeks for notification, advertising and approval.

Subdivision Compliance documentation

287. 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:
Nominate

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- i) 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;
- j) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding);
- k) 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 hatching, the depth of any fill within 0.3m depth ranges;
- l) 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;
- m) 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;
- n) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification;
- o) Structural Engineer's construction certificate of all structures; and
- p) 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 & 88B

288. 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).

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289. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
290. 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.
291. 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 Council's Design Specification for Subdivisions (as amended).
292. 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.
293. All residences shall be two story buildings and minimum floor levels of second story floor level shall be above the probable maximum flood (PMF) level of 10.4m AHD

Site Contamination Validation Report (as amended)

294. After completion of the remedial works, a copy of the Validation Report shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority. This Report shall be prepared in compliance with the Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011), and must:
 6. describe and document all works performed,
 7. include results of validation testing and monitoring,
 8. include validation results of any fill imported on to the site,
 9. outline how all agreed clean-up criteria and relevant regulations have been complied with, and
 10. include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

All work required by the Environment Protection Licence issued by the NSW Environment Protection Authority shall be completed and documented in the site validation report prepared by the Environmental Consultant to enable the Site Auditor to independently check whether compliance was achieved and/or to assess the significance of any non-compliance.

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Service Providers

295. 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.

Footpath

296. 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

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

Bond for final wearing course

298. Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Liverpool City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of

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Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

The final AC layer may be requested by Council where it is deemed appropriate that the final AC layer be undertaken.

Maintenance Bond

299. Prior to the issue of a Subdivision Certificate a maintenance bond is to be lodged with Liverpool City Council for Road and Drainage. The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Bonds

300. 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.

Additional Engineering comments

301. The proposed road and pedestrian evacuation bridge access to the site from Brickmakers Drive must be completed to the satisfaction of the Council.

Site Audit Statement and Site Audit Report

302. After construction of the cap and completion of the remedial works and site validation for Stage 1 and 2 works, a Section B5 Site Audit Statement and Site Audit Report shall be prepared by a NSW EPA accredited Site Auditor in accordance with the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the 'Guidelines for the NSW Site Auditor Scheme (3rd Edition) published by the NSW Environment Protection Authority dated October 2017.

The Site Audit Statement and Site Audit Report shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority for review. The Site Audit Statement and Site Audit Report must verify compliance with the approved 'Remediation Action Plan Proposed Residential Development 146 Newbridge Road, Moorebank' (Project No. 71459.06, Document No. R.001.Rev 5, Revision 5) prepared by Douglas Partners Pty Ltd dated 15th December 2017 and 'Remediation Action Plan Proposed Georges Cove Marina' (Report J14149RP1, Version V2, Final) prepared by EMM

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Consulting dated 11th March 2016 and the final Landfill Closure Management Plan as agreed by the EPA.

The Site Audit Statement and Site Audit Report must also confirm the suitability of the remedial action and validation methods. The Site Audit Statement and Site Audit Report must determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with a specified plan. Conditions on the Site Audit Statement shall form part of the consent. Compliance with the design objectives for assets such as roads and verges shall be demonstrated by the Site Audit Statement after their construction as part of the site earthworks program.

303. Together with the registration of the approved plan of subdivision, the Applicant shall create a covenant registered over each lot which establishes the Long-Term Environmental Management Plan on the title to land under Section 88B of the Conveyancing Act 1919. The restriction shall be transferred to any future lot in the event that the lots are further subdivided. The Long-Term Environmental Management Plan shall also be enforced in perpetuity by the operation of a by-law included in Part 5 of the community management statement that:
- e) Attaches the Long-Term Environmental Management Plan;
 - f) Requires the community association and each owner and occupier in the community scheme to comply with the Long-Term Environmental Management Plan;
 - g) Requires the consent of Council to an amendment of the by-law; and
 - h) Includes any other conditions required by Council (Long-Term Environmental Management Plan by-law).
304. Details of the wording of the accompanying 88B instrument must be submitted to and approved by Liverpool City Council prior to registration of the covenant with the Land and Property Information Service. The restriction shall specify that the extraction of groundwater is prohibited and development consent is required from Liverpool City Council for any future excavations deeper than 2.5 metres below ground level (bgl).
305. A community management statement must be approved by the Consent Authority and must not be inconsistent with any development approval.
306. All costs associated with the creation of the covenant and community management statement shall be borne by the Applicant.
307. Evidence of the creation and registration of the covenant with the Land and Property Information Service (in the form approved by Council) must be provided to Liverpool City Council to satisfy this condition.

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Long-Term Environmental Management Plan

308. A Long-Term Environmental Management Plan (LTEMP) shall be prepared by a suitably qualified environmental consultant and provide a site-specific framework for managing and mitigating contamination for the life of the proposal. The LTEMP shall make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures for the management and maintenance of the cap and landfill gas mitigation systems. Procedures for scenarios where the capping or landfill gas mitigation systems need to be penetrated and reinstated must also be included in the LTEMP.

The LTEMP shall require periodic inspection by an environmental / geotechnical consultant to confirm that the overall integrity of the cap has not been compromised and that the capping system and gas mitigation systems remain functional and comply with the requirements of the LTEMP.

The Community Association on behalf of individual house owners of the Community Title scheme shall be responsible for the implementation of the LTEMP. Council is not responsible for the overall administration of the Plan or its implementation. The LTEMP shall be submitted to Liverpool City Council with any future Development Application for residential development which will be subject to separate Approval.

Flood Affectation Certificate

309. The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the Subdivision Certificate. This report is required to certify that the 'as-constructed' subdivision and associated works will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater run-off.

Evacuation Management

310. The development excluding roads to be dedicated to LCC shall be under the Community Title and shall impose a management structure responsible for the safety and wellbeing of the occupants of the area and shall be used to manage the flood evacuation procedure. Evidence that the appropriate management structures to manage flood evacuation procedures are in place and endorsed by Liverpool City Council Manager Development Assessment prior to the issue of a Subdivision Certificate.

Final Geotechnical Report – Subdivision Certificate

311. The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the Principal Certifying Authority, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:
- i. All earthwork operations;

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- j. The suitability of each allotment for residential development. In this regard each lot shall be given a classification in accordance with AS2870.1 - Residential Slabs and Footings;
- k. A fill plan showing extent and depth of fill;
- l. Certification that all earthworks within the site have complied with the Subdivision Code. This shall include appropriate test results, and test location diagram and date of testing;
- m. Certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
- n. The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
- o. Identification of all land affected by landslip or instability constraints (if applicable); and
- p. No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

Certification – Geotechnical

312. A suitably qualified geotechnical engineer must supervise all filling activity. The geotechnical engineer shall provide written certification that the completed landfilling or land re-shaping works are in compliance with the approved plans and specifications. The certification shall include appropriate test results, a test location diagram and date of testing.

Public Reserve Embellishment Works of Paine Park

313. Prior to the issue of a subdivision certificate all embellishment works endorsed under this determination is to be completed.

F. GENERAL CONDITIONS

The following conditions generally relate to the development:

Waste

314. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Environment

315. Activities undertaken at 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.

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Lighting

- 316. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.
- 317. The approved Long-Term Environmental Management Plan (LTEMP) shall be complied with at all times.
- 318. The subdivision of the residual residential lots and construction of residential development including but not limited to the design, completion and testing of building-specific gas mitigation systems is not approved as part of this development consent. As the site is to be developed progressively, discrete site audits will be required in relation to each stage of the proposed development. In future, the Applicant will be required to engage a NSW EPA accredited Site Auditor to issue Interim Advice, Site Audit Statements and Site Audit Reports for purposes specified in the Contaminated Land Management Act 1997.

G. ADVISORY

- i) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.
- j) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- k) In accordance with Section 95 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 two (2) years of the date of this notice.
- l) “DIAL BEFORE YOU DIG” DIAL 1100
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 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.
- m) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)
Telstra (and its authorised contractors) are the only companies that are permitted to

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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.

- n) 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.
- o) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- p) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the 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 3 – SYDNEY WATER REQUIREMENTS

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5 May 2017

Our Ref: 162271

Marcus Jennejohn
Senior Development Planner
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

RE: DA-24/2017 – 146 Newbridge Road, Moorebank

Dear Marcus,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and provide the following comments for your consideration.

Water

- To service the subdivision a watermain extension will be required from the existing DN300 main in Newbridge Road.
- A link Brickmakers Drive could be provided as a contingency supply to the subdivision. This would need to be DV'd under normal system operation, close to the Brickmakers Drive connection.
- The existing watermains in Brickmakers Drive and Newbridge Road are fed from two different supply zones.
- Amplification of approximately 580m of the existing 100mm main located in Newbridge Road will be required to provide water to this development (see picture below). The new size is to be 300mm. This amplification combined with further amplifications will cater for this and other growth in the western part of the Milperra reservoir zone. Without the amplification/s, areas within Chipping Norton will experience poor pressure.
- The accredited WSC/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012). Evidence of Code compliance should be attached with the design.

Wastewater

- The subdivision will require extensions off the 375mm wastewater main adjacent to Newbridge Rd.
- The proposed wastewater infrastructure for this development will be sized & configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

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Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are at attachment 1 (overleaf). If you require any further information, please contact Manwella Hawell of Growth Planning and Development on 02 8849 4354 or e-mail manwella.hawell@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Mulley".

Paul Mulley
Manager, Growth Planning & Development

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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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The developer must have the building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

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ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS

I refer to Council's letter of 16 February 2017 regarding Development Application DA-24/2017 at 146 NEWBRIDGE ROAD, MOOREBANK NSW 2170 (LOT 7 DP 1065574) for 'Staged Torrens title subdivision consisting of: Stage one - subdivision of one lot into three lots Stage two - subdivision of two lots into twenty one lots, bulk earthworks, site remediation, supporting infrastructure and construction of roads'. Submissions needed to be made to Council by 9 March 2017 From Council's 'ePlanning' portal I note the application is 'Status: Application Under Assessment'. I apologise for the late submission but trust that Endeavour Energy's recommendations and comments will still be considered.

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 (indicated by red hatching).
- Low voltage overhead power lines to the road verge / roadway.
- Low voltage and 11,000 volt / 11 kV and 33,000 volt / 33 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 is indicated by blue dashed lines and high voltage by red dashed lines. 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).

The following site plan from Endeavour Energy's G/Net master facility model shows there are 'Work Polygons' (shown by the coloured highlighting and/or hatching of the lot) over the site indicating enquiries and applications for proposed contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply to the development for urban subdivision. As such, Endeavour Energy's Network Connections Branch are managing the conditions of supply to the Rouse Hill Town Centre with the proponent and their authorised service provider (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 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 (AMMD) 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.

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Subject to the foregoing, Endeavour Energy has no objections to the Development Application. Its further recommendations and comments are as follows:

- Vegetation Management

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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 full grown 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 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 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

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:

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

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

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
Development Application Review
Network Environment & Assessment
T: 9853 7896
E: cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
www.endeavourenergy.com.au

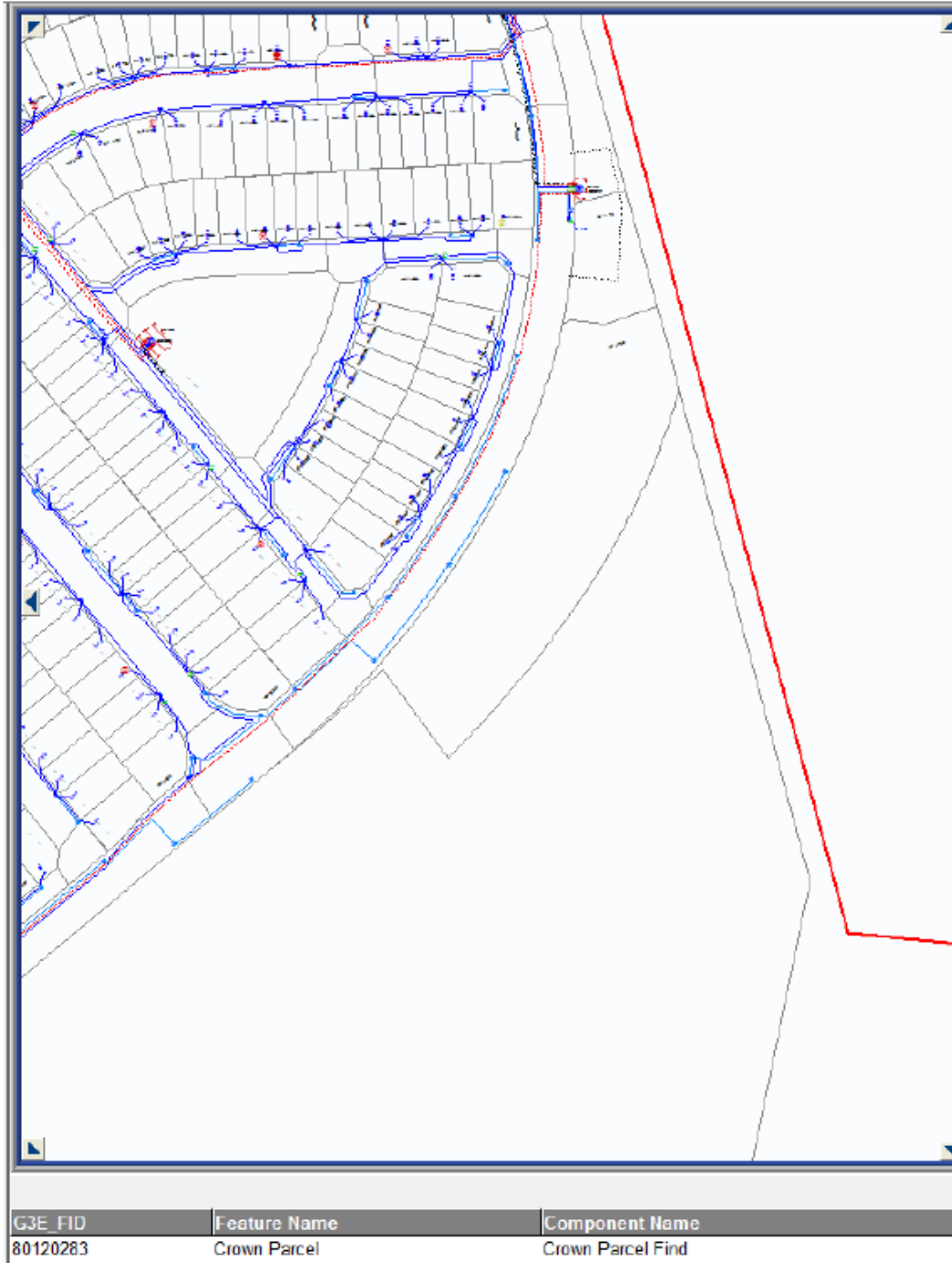
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ATTACHMENT 5 – NSW RURAL FIRE SERVICE

LIVERPOOL CITY COUNCIL
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All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: pes@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: DA-24/2017
Our Ref: D17/539
DA17022206149 MA

ATTENTION: Marcus Jennejohn

15 December 2017

Dear Sir/Madam

Integrated Development for 7//1065574 146 Newbridge Road Moorebank NSW 2170

I refer to your letter dated 16 February 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

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2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- Public road access shall comply with the performance criteria as outlined within section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- The proposed pedestrian access from the temporary turning head at the end of Road No. 1 to Newbridge Road shall be a secondary access for fire fighting resources until such time the link road connection to Davy Robinson Drive is completed.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

This bush fire safety authority is issued on the basis of further information supplied to the NSW RFS in response to our correspondence dated 29/6/2017.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Nika Fomin
Manager, Planning and Environment Services (East)

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

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**ATTACHMENT 6 – NSW NATURAL RESOURCE ACCESS
REGULATOR**

LIVERPOOL CITY COUNCIL
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Contact: Mohammed Ismail
Phone: 02 8838 7535
Fax: 02 8895 7501
Email: mohammed.ismail@dpi.nsw.gov.au
Our ref: 10 ERM2017/0179
Our file: 9055009
Your ref: DA2017/24

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

Attention: Marcus Jennejohn

6 June 2017

Dear Sir

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA2017/24

**Description of proposed activity: Stage one subdivision of one lot into three lots
stage two subdivision of two lots into twenty one lots bulk earthwork**

Site location: 148 Newbridge Road Moorebank

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

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- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Mohammed Ismail
Water Regulation Officer
Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast
NSW Department of Primary Industries – DPI Water

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General Terms of Approval
for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

| Number | Condition | File No: 9055009 |
|--|--|------------------|
| Site Address: | 148 Newbridge Road Moorebank | |
| DA Number: | DA2017/24 | |
| LGA: | Liverpool City Council | |
| Plans, standards and guidelines | | |
| 1 | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2017/24 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p> | |
| 2 | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p> | |
| 3 | <p>The consent holder must</p> <ul style="list-style-type: none"> (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water. | |
| 4 | <p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.</p> | |
| 5 | <p>The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.</p> | |
| 6 | <p>The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.</p> | |
| END OF CONDITIONS | | |

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**ATTACHMENT 7 – NSW ENVIRONMENT PROTECTION
AUTHORITY**

LIVERPOOL CITY COUNCIL
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24 February 2020



DOC19/593156
Sender's ref

Ms Kiersten Fishburn
Chief Executive Officer
Liverpool City Council
Liverpool NSW 2170

Attention: Mr Rodger Roppolo

Dear Ms Fishburn

**EPA Issue of General Terms of Approval for Staged torrens title subdivision
146 Newbridge Road, Moorebank, NSW, 2170 - DA-24/2017**

I refer to the development application DA-24/2017 and supporting information received by the NSW Environment Protection Authority (EPA) on 6 March 2017. Mirvac Homes (NSW) Pty Ltd (the proponent) propose to treat contaminated soil at Lot 7 DP 1065574, 146 Newbridge Road, Moorebank for the eventual redevelopment of the site for residential use. The treatment of contaminated soils at the site triggers EPA licensing requirements under category 15 in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act).

On 4 May 2018 the EPA issued Notice No. 1560508 refusing to issue general terms of approval under section 4.47 of the *Environmental Planning and Assessment Act 1979* the application.

The EPA notes that since 4 May 2018 Liverpool City Council has not determined DA-24/2017.

Following the EPA's decision on 4 May 2018 the EPA has received further information from the proponent. The EPA has since determined that it can remake its decision pending the submission and assessment of additional information from the proponent.

The additional information from the proponent has now provided sufficient information for the EPA to now make an adequate assessment of the proposal and has determined that it is able to issue general terms of approval for the proposal.

What work is the EPA issuing general terms of approval for ?

The EPA has assessed the remediation/contaminated soil treatment aspect of the proposal and has provided general terms of approval for this work at Attachment A. The EPA has not assessed whether the land will be suitable for residential development. Any assessment of the suitability of the site for the proposed landuse will need to be undertaken by Council.

The EPA has not assessed if the proposal will provide a stable platform for the proposed residential and associated infrastructure (such as telecommunication pits, pipelines for cables, gas and water supply lines). This should be assessed by structural engineers or similarly qualified persons. Council should be aware that any subsidence of the ground could also damage the gas mitigation controls

| | | | |
|-----------------------|---------------------|--------------------|--|
| Phone 131 555 | Fax +61 2 9995 5999 | PO Box A290 | 59-61 Goulburn St |
| Phone +61 2 9995 5555 | TTY 133 677 | Sydney South | Sydney NSW |
| (from outside NSW) | ABN 43 692 285 758 | NSW 1232 Australia | 2000 Australia |
| | | | info@epa.nsw.gov.au |
| | | | www.epa.nsw.gov.au |

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and allow gas to build up under the proposed residential structures. Should Council approve DA-24/2017 these issues will need to be addressed through conditions imposed by Council as part of the long-term management of the site and consideration should be given to the regulatory framework to ensure that the long term management of the site is maintained and the commitments provided by the proponent can be implemented and maintained, including after the EPA's environment protection licence has been surrendered.

Council should also consider how residential infrastructure such as underground cabling, gas and water mains will be protected from being damaged by potential subsidence or how potential gas migration into these structures/pits will be managed to prevent the build-up of gas in an enclosed space.

We note that as the EPA will not have an ongoing regulatory role for this proposal once the environment protection licence is surrendered, there is a need for clear responsibility of the ongoing management of this land with respect to gas generation and mitigation. The EPA recommends Council consider:

- what appropriate mechanisms need to be put in place to address potential gas generation and mitigation;
- to identify who should be responsible for managing these risks and protecting the community; and
- placing a note on the section 10.7 certificate detailing that the property is located over potentially gas generating fill and that the excavation of the land is restricted.

If Liverpool City Council decides to grant development consent for this proposal, the conditions in Attachment A must be incorporated into the consent. These general terms of approval relate to the works as proposed in the documents and information currently provided to the EPA. In the event that the development is modified by the proponent prior to the granting of consent, it will be necessary to consult with the EPA about the modified application before the Council considers issuing a development consent. This will enable the EPA to determine whether its general terms of approval need to be further updated considering the changes.

Environment Protection Licence

Should the development consent be granted the proponent will also need to make a separate application with all supporting information to the EPA to obtain an environment protection licence or vary the existing environment protection licence for the site. The environment protection licence must be granted prior to works that require a licence commencing on site.

Attachment B has conditions that will be made part of an environment protection licence should one be issued for this proposal. Council may also consider adding any of these conditions to the consent.

I would also like to advise the proponent that in accordance with Part 5.7A of the POEO Act and the Protection of the Environment Operations (General) Amendment (Pollution Incident Response Management Plans) Regulation 2012, a Pollution Incident Response Management Plan must be prepared and implemented prior to commencing any works authorised by an environment protection licence. This plan must be submitted with any application for an Environment Protection Licence.

Given the EPA's regulatory role in the proposed works and their connection with the foreshore, any proposed remediation of the foreshore should be completed in close consultation with the EPA and an EPA-accredited site auditor during both the development application stage, the carrying out of the contaminated soil treatment and the capping works.

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If you have any questions or wish to discuss this matter further, please contact Rob Hogan on (02) 9995 5760 or Trevor Wilson on (02) 9995 5646.

Yours sincerely

 12/7/2019

Greg Sheehy
Director Waste Compliance Section
Environment Protection Authority

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Attachment A – General Terms of Approval

The EPA recommends that the following conditions of consent are included for the proposed works:

Construction

1. Prior to commencing construction of the landfill cap, the applicant must engage a site auditor accredited under the *Contaminated Land Management Act 1997* (CLM Act) to review the Remediation Action Plan (RAP) and Landfill Closure Management Plan (LCMP) and issue a Section B site audit statement certifying that the site can be made suitable for the proposed land-use if remediated in accordance with the RAP and that the LCMP is appropriate for the purpose of managing the closure of the landfill in accordance with the NSW EPA *Environmental Guidelines – Solid Waste Landfills – Second Edition 2016*.
2. Site capping, construction quality assurance (CQA) reporting, and landfill gas monitoring must be undertaken by the applicant in accordance with the requirements of the Environment Protection Licence issued by the EPA for the works (if any), the LCMP and the RAP.
3. Following construction of the cap, the provision of the CQA report to the EPA and the collection of sufficient validation monitoring data, the applicant must complete capping completion / validation reporting to meet the LCMP/RAP and any conditions stated in the first Section B site audit statement referenced in condition 1 above.
4. Prior to commencement of construction of dwellings, the applicant must design building specific gas mitigation systems and engage a site auditor accredited under the CLM Act to issue a second Section B site audit statement certifying:
 - a. the building specific gas mitigation systems are appropriate for the purpose of protecting future users of the site from hazardous ground gases and the landfill cap construction;
 - b. validation reporting is satisfactory; and
 - c. the site has been remediated and managed in accordance with the approved RAP and LCMP.
5. Prior to commencement of construction of dwellings, and following the issue of the second site audit statement in condition 4 above, the applicant must finalise the Long Term Environmental Management Plan (LTEMP) and engage a site auditor accredited under the CLM Act to issue a third Section B site audit statement certifying that the LTEMP will be an effective means of ensuring:
 - the environment is protected;
 - both onsite and offsite users are not exposed to contamination remaining on the site;
 - and
 - the site remains suitable for the proposed use.
6. Following completion and testing of building-specific gas mitigation systems to validate the systems will protect future users of the site from hazardous ground gases, the applicant must engage a site auditor accredited under the CLM Act to issue a Section A2 site audit statement certifying suitability of the land for the proposed land use subject to compliance with the approved LTEMP.

Other

7. All reports submitted in relation to contaminated land management must be prepared, or reviewed and approved, by a 'certified consultant' who is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist

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Contaminated Site Assessment and Management (CPSS CSAM) scheme. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.

8. The following guidance, as relevant, should be considered when assessing contamination within the project footprint:
- NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059sampgdline.pdf
 - Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - The National Environment Protection (assessment of contamination) Measures 2013 as amended.
9. The applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.
10. The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)
11. The proponent must develop and implement a site-specific project website, prior to the commencement of works.
- This website must include but not be limited to:
- general information about the proposal
 - contact details
 - the premises' Pollution Incident Response Management Plan (PIRMP)
 - monitoring data, in accordance with section 66(6) of the *Protection of the Environment Operations Act 1997*.

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Attachment B – Conditions for the EPA Licence

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the Landfill Closure Management Plan (agreed version to be finalised with the EPA);
- Remediation Action Plan (as amended to ensure consistency with agreed LCMP)

A2. Fit and Proper Person

A2.1 The proponent must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, re-processing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L3.2 Condition **L3.1** only applies to the storage, treatment, processing, re-processing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

L3.3 The licensee must assess, classify and manage any waste generated at the premises in accordance with the NSW EPA's Waste Classification Guidelines, as in force from time to time.

L3.4 If waste is transported from the premises, the licensee must ensure that the waste is transported by a waste transporter authorised to transport such waste and that the waste is transported to a place that can lawfully accept the waste.

L3.5 Any material proposed to be classified as Excavated Natural Material (ENM) must be validated.

Hours of operation

L4.1 Work at the premises must only be conducted between 7am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and at no time on Sundays or Public Holidays.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Odour conditions may or may not be imposed for any licence provided, dependant on review of the Air Quality Management Plan as detailed in the Special Conditions of these General Terms of Approval.

O2. Dust - general

O2.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

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O2.2 Activities occurring in or on the premises must be carried out in a manner that will prevent or minimise dust generation and emissions from the site, including windblown and traffic generated dust.

O2.3 The licensee must ensure that trafficable routes and areas are clearly defined and stabilised.

O2.4 All trafficable areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise or prevent the generation, or emission from the premises, of wind-blown or traffic generated dust

O2.5 All vehicles leaving the site must pass through an operational wheel wash facility.

O2.6 The loads of all trucks must be securely fixed, covered, and sealed at all times, except during loading and unloading.

O3. Dust control

O3.1 The proponent must ensure that any vehicle or plant exiting an emissions control enclosure must be inspected. Where necessary, the vehicle or plant must be washed down or cleaned so that contaminated material is not tracked outside the enclosure.

O4. Stormwater/sediment control

O4.1 Prior to works commencing the proponent must prepare a comprehensive Water Management Plan (WMP). The WMP must include but not be limited to:

- a) soil erosion and sediment control measures for uncontaminated and remediated areas that comply with Managing Urban Stormwater – Soils and Construction, Volume 1.
- b) soil erosion and sediment control measures appropriate for a contaminated site that ensure stormwater from contaminated areas are transferred to the onsite water treatment plant and are not permitted to contaminate clean areas or discharge to waters.
- c) surface water controls around the perimeter of the site, such as diversion drains and an impermeable site perimeter control, designed to store greater than the largest rainfall event ever recorded in the local area.
- d) design calculations and sizing for all water diversion controls and sediment basin(s) on site.
- e) plan drawings showing the locations for soil erosion and sediment control practices for the site during all stages of remediation.
- f) written text detailing the installation, monitoring and maintenance requirements for all the soil erosion and sediment control practices.
- g) drawings of any engineering structures such as sediment basin(s) and water diversion structures, including design standards and management regimes to return the system to design capacity following rainfall events.

O5. Waste management

O5.1 The only waste material that is permitted to be applied to land at the premises is virgin excavated natural material (VENM).

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under *the Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- 1) in a legible form, or in a form that can readily be reduced to a legible form;
- 2) kept for at least 4 years after the monitoring or event to which they relate took place; and
- 3) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

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Reporting conditions

R1.1 The proponent must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the proponent must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

R2.1 The proponent must advise the EPA if the concentration of any parameter exceeds the applicable limit at any sampling point, within twenty-four (24) hours of receiving any final analytical results.

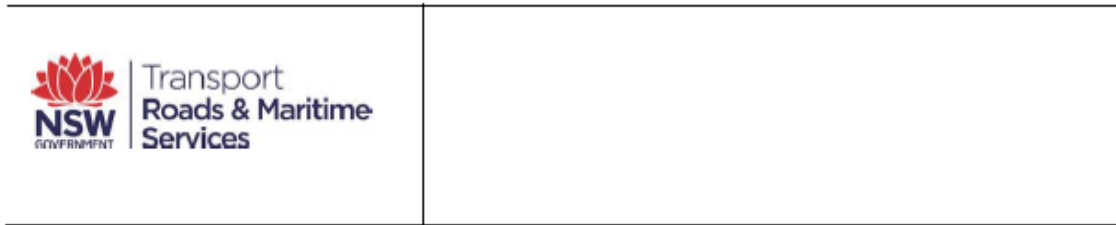
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ATTACHMENT 8 – NSW ROADS MARITIME SERVICES

LIVERPOOL CITY COUNCIL
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24 February 2020



30 August 2017

Our Reference: SYD17/00257/03 (A18739409)
Council Ref: DA-24/2017

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

Attention: Rodger Roppolo

Dear Sir/Madam,

**ADDITIONAL INFORMATION FOR STAGE 1 SUPRERLOT SUBDIVISION, STAGE 2
RESIDENTIAL SUBDIVISION AND INFRASTRUCTURE WORKS – 146 NEWBRIDGE ROAD,
MOOREBANK**

Reference is made to Council's correspondence dated 8 June 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the additional information and provides the following conditions to be included in any consent issued by Council:

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Newbridge Road boundary.
2. Access is denied across the property boundary to Newbridge Road. Service vehicles accessing the proposed northern raingarden are to not access Newbridge Road. The concrete maintenance access cannot be located within the Newbridge Road road reserve and is not to connect to the existing footpath.
3. The proposed right of carriageway easement over the existing left-in/left-out vehicular access to Newbridge Road is not supported and should be removed from the submitted plans.
4. The existing driveway on Newbridge Road is to be removed and replaced with kerb and gutter to match the existing, prior to the release of the Subdivision Certificate.

The removal of the existing vehicular access and reinstatement with kerb and gutter on Newbridge Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Roads and Maritime Services

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

www.rms.nsw.gov.au | 131 782

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Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the release of the Subdivision Certificate.

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

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

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

6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Newbridge Road.
7. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Newbridge Road during construction activities.
8. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
9. 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.

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

Yours sincerely



Rachel Cumming
Senior Land Use Assessment Coordinator
Network Sydney – West Precinct

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Attachment 3: LLPP Minutes (16/12/2019)

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16th December 2019

| | |
|----------------------------|--|
| ITEM No: | 1 |
| APPLICATION NUMBER: | DA-24/2017 |
| SUBJECT: | Stage 1: Subdivision of the site to create 3 superlots (being superlot 1, 2 and 3); Stage 2: Subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); site remediation works, bulk earthworks, road, and drainage and infrastructure construction and connect to services and pedestrian bridge. |
| LOCATION: | Lot 70 DP 1065574 146 NEWBRIDGE ROAD, MOOREBANK |
| OWNER: | Tanlane Pty Ltd |
| APPLICANT: | Mirvac Homes Pty Ltd |
| | |

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report. The Panel received representations from a representative of Mirvac, the applicant's planning consultant, and the applicant's flood engineer and geotechnical engineer.

The Panel sees merit in the proposed variation to the lot layout identified in the DCP. The Panel also concurs with the proposed means of managing contamination of the site as outlined in the draft conditions of development consent.

However, the Panel is concerned that Council may not have the authority to lawfully determine this application given that proposed lot 16 and various works (retaining walls, drainage and water quality pond) are located on either the RE1 or RE2 zoned portion on the development site. Whether Council can lawfully determine the application will depend on how proposed lot 16 and the proposed works are characterised for the purposes of zoning controls contained in LEP2008.

On one view, proposed lot 16 and the works in the RE1/RE2 zone are characterised as development for residential purposes which is prohibited in the RE1 and RE2 zones. On another view (put by the applicant's representative at the meeting), proposed lot 16 is capable of being used for private open space and the works can be characterised as ancillary to roads and private open space, which are all permitted with consent in the RE1 and RE2 zones.

The Panel considers there is sufficient uncertainty for the Panel to be satisfied that the application can be lawfully determined. The Panel recommends that Council require the applicant to provide legal advice for Council's consideration to explain how those components on the proposed development within the RE1 and RE2 zones are properly characterised and permitted with development consent.

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PAGE 2

16th December 2019

If the Panel is satisfied that the proposed development is permitted with development consent, the Panel remains concerned about the merits of the proposed variation to the minimum lot size in the RE2 zone in respect of proposed lot 16, particularly having regard to the objectives of the zone and development standards.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

That determination of DA-24/2017 for a stage subdivision being stage 1: subdivision of the site to create 3 superlots (being superlot 1, 2 and 3) and stage 2: subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); and associated site remediation works, bulk earthworks, and infrastructure pedestrian bridge be deferred to enable Council to consider legal advice on the permissibility of those components of the proposed development located within the RE1 and RE2 zones. A further report is then to be provided to the Panel for consideration.

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| | |
|------------------------------|--|
| Item no: | 2 |
| Application Number: | DA-995/2017 |
| Proposed Development: | Demolition of two (2) existing dwellings, construction of residential flat building with twenty two (22) units over five (5) storeys with basement carparking. |
| Property Address | 32 - 34 Mckay Avenue, Moorebank |
| Legal Description: | Lots 18 & 19 DP 236405 |
| Applicant: | Fab Siqueira Pty Ltd |
| Land Owner: | Mr William Bradley, Brad and Ainsley Thompson |
| Cost of Works: | \$5,755,970 |
| Recommendation: | Approve subject to conditions of consent |
| Assessing Officer: | Emmanuel Torres |

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-995/2017) seeking consent for the demolition of two (2) existing dwellings, construction of residential flat building with twenty two (22) units over five (5) storeys with basement carparking at 32 - 34 Mckay Avenue, Moorebank.

At its meeting dated 25 November 2019, the LLPP deferred the subject DA, which had previously sought consent for the construction of a residential flat building containing 23 units. The applicant had excluded some central corridors from their gross floor area (GFA) calculations to which the LPP were unsupportive. Resultantly, the LLP were of the view that the maximum floor space ratio (FSR) applicable to the site had been exceeded by the proposal and in the absence of a clause 4.6 written request to vary the FSR development standard the LLPP were unable to determine the application. The applicant was requested to address this issue. Outside of this matter the LPP were generally supportive of the application, noting some landscaping colour schedule amendments to improve the overall scheme.

On 11 December 2019, the applicant provided revised architectural and landscape plans that demonstrate consistency with the deferral items listed by the LLPP. Notably, the FSR is now consistent with the maximum and a clause 4.6 written request to vary a development standard is not required for consideration and assessment.

The application has 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. Based on the completed assessment and in view of the abovementioned amendments, pursuant

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to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979, it is recommended that the application be **approved**, subject to the imposition of conditions.

2. BACKGROUND

On 25 November 2019, DA-995/2017 for demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement car parking was presented to the LPP. The panel decided to defer determination and invited the applicant to do the following:

1. *Submit a written request addressing the matters in clause 4.6 of Liverpool LEP 2008 seeking a variation to the FSR development standard;*

Comment:

The applicant amended the architectural plans to comply with the maximum FSR requirement of 1.2:1 and as a result is not required to submit a clause 4.6 variation request. A comparison of the proposed FSR calculations before and after amendment are as follows:

Table 1: Comparative FSR calculations

| Element | Original Proposal | Amended plans |
|-------------------------------|--|---|
| Site Area 1,397m ² | | |
| FSR | <p>Proposed GFA = 1,676.39m² (See Note below)</p> <p>Proposed FSR = 1,846m²/1,397m² = 1.32 > 1.2; does not comply and therefore requires a cl 4.6 variation)</p> <p>Note: The GFA calculation excluded open area corridors on Levels 1-3. However, the Design Excellence Panel (DEP) comment of 17 May 2018 provides that extended open corridors should be included in the calculations. On this basis, the proposed FSR is recalculated as follows:</p> <p>Ground Level = 393.3m²</p> <p>Levels 1-3 = 1,179.9 (393.3m² x 3)</p> <p>Level 4 = 272.8m²</p> <p>Total GFA = 1,846m²</p> <p>Site Area =1,397m²</p> <p>.</p> | <p>Proposed GFA = 1,514m² (See Note below)</p> <p>FSR = 1676.39/1397 = 1.2 = 1.2:1</p> <p>Complies and therefore cl 4.6 variation is not required</p> <p>Note: This GFA calculation now includes open area corridors on Levels G,1,2,3 & 4 as per DEP comments. On this basis the proposed FSR is as follows:</p> <p>Ground Level = 365.1m²</p> <p>Levels 1-3 = 1,137m² (379 x 3)</p> <p>Level 4 = 187.1m²</p> <p>Total GFA = 1,689.2m²</p> <p>Site Area =1,397m²</p> <p>Proposed FSR = 1,689.2m²/1,397m² = 1.2 = 1.2;</p> |
| Residential Units | Total of 23 residential units. | Total of 22 residential units. |

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| | | |
|---------------|---|--|
| | Dwelling mix as follows: <ul style="list-style-type: none"> • 10 x 1 bedroom (43%) • 12 x 2 bedroom (52%) • 1 x 3 bedroom (5%) | Dwelling mix as follows: <ul style="list-style-type: none"> • 9 x 1 bedroom (41%) • 12 x 2 bedroom (54%) • 1 x 3 bedroom (5%) |
| Height | 15.45m max. | No changes |
| Storeys | Five (5) storeys | No changes |
| Front Setback | 5.6m | No changes |

As shown on the previous table, the FSR calculated from the revised plans is now compliant with the development standard, notwithstanding inclusion of the open corridor areas. Amendments include deletion of Unit 402, a 2 bedroom dwelling on Level 4 (Roof) and its replacement to a rooftop communal open space (COS). The west facing Unit 403, also found on the top floor has a reduced floor area as a consequence of its downgrade from 2 bedroom into 1 bed 1 bath + study unit (Figure1).

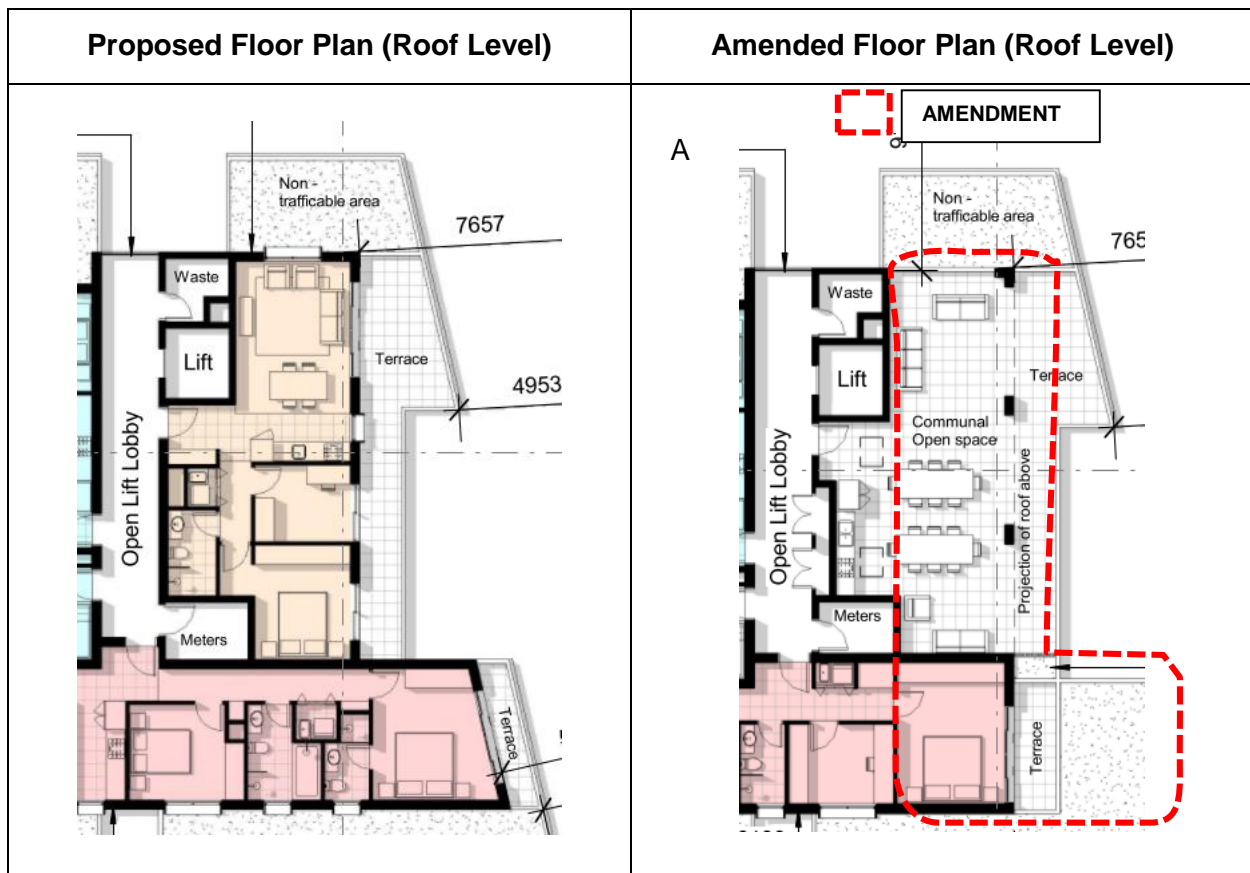


Figure 1: Level 4 (Rooftop) amendments

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2. Review the landscape plan to consider providing:

- a. more substantial trees (e.g. Water Gums) to the deep soil areas to the North and South of the basement;
- b. consider evergreen planting to the west for improved privacy and thermal performance outcomes;
- c. Street trees (following consultation with Council officers);

Comment:

The applicant amended the landscape plans to respond to the panel comments. As shown below, 3 new Callistemon viminalis trees are added to the existing tree on the road reserve (See Figure 2). In addition, additional tree planting has already been proposed to the front (south) and rear (north) setbacks and deep soil areas including Crepe myrtle, Native Frangipani, Watergum and Weeping Myrtle. Clusters of mass planting surround the building and collectively improve privacy and thermal performance. With regard to the side boundaries, 2 of the 3 proposed trees along the western boundary are evergreen (2 x Waterhouseia and One Crepe Myrtle) with evergreen shrubs capable of 3-4m mature height. Similarly, the eastern boundary is proposed to have 4 trees interspersed with shrubs and ground cover.

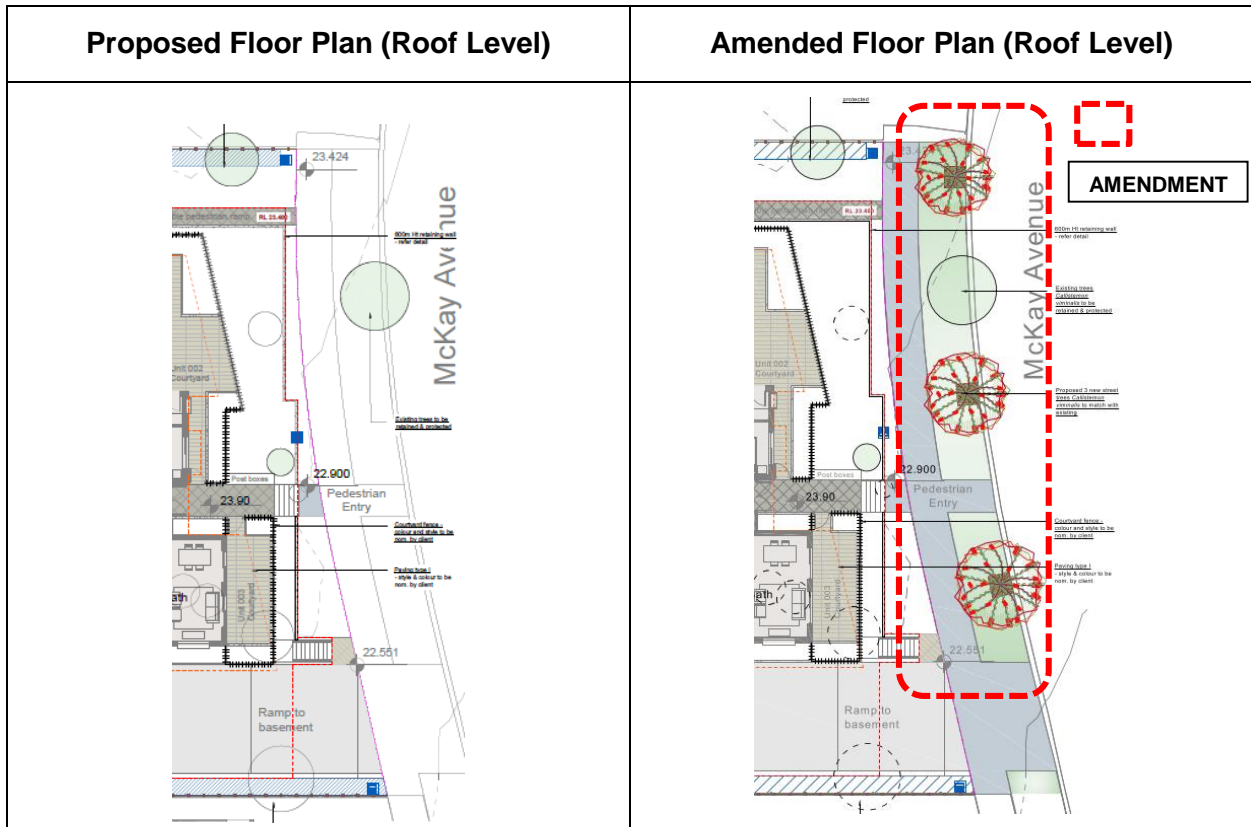


Figure 2: Tree planting along road reserve

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3. *The applicant be requested to review the colour scheme for the top level and provide shade structures/devices to reduce urban heat absorption;*

The applicant has provided an amended colour scheme for top level with the inclusion of a 'medium grey' shade to replace the charcoal finish. All windows and doors on the top level are protected with shade structures. Doors and windows will have a 700mm and 300mm deep awning, respectively.

3. 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 the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDGP 2008, and the relevant codes and policies of Council.

The development has been amended by the applicant to address the deferral matter listed by the LLPP at its meeting dated 25 November 2019.

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

9. RECOMMENDATION

That the Development Application DA-995/2017 be approved, subject to conditions of consent.

ATTACHMENTS:

Attachment 1: Minutes and Determination of the Liverpool Local Planning Panel Meeting (25 November 2019)

Attachment 2: Recommended conditions of consent

Attachment 3: Latest Architectural Plans

Attachment 4: Previous LLPP Report

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**Attachment 1: Minutes and Determination of the Liverpool Local
Planning Panel Meeting (25 November 2019)**



**MINUTES AND DETERMINATION OF THE
LIVERPOOL LOCAL PLANNING PANEL MEETING**

Monday 25th November 2019

Held at the
'Gold Room, Liverpool Library'
170 George Street
LIVERPOOL

Panel: Michael Mantei - (Chair)
Fiona Gainsford - Expert
Jason Perica - Expert
Daryl Hawker - Community Representative

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

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| | |
|----------------------------|---|
| ITEM No: | 1 |
| APPLICATION NUMBER: | DA-995/2017 |
| SUBJECT: | Demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking |
| LOCATION: | Lots 18 & 19 DP 236405 32 - 34 Mckay Avenue, Moorebank |
| OWNER: | Mr William Bradley, Brad and Ainsley Thompson |
| APPLICANT: | Fab Siqueira Pty Ltd |
| AUTHOR: | Emmanuel Torres |

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report.

The applicants and the applicant's architect attended the meeting to answer questions from the panel. Councillor Harle also addressed the panel.

The Panel is conceptually supportive of the development proposed, including its siting scale, setbacks and design. However the Panel also took the view that the central corridors are gross floor area (GFA) within the definition of that expression and should be excluded from GFA calculation.

Accordingly, a written request to vary the FSR standard is needed and has not been provided. Therefore the development application cannot be determined and the panel has decide to defer the application. The panel also considered additional landscaping in order to soften the northern elevation of the building and to provide improved amenity between sites. The panel also considered colours and materials.

VOTING NUMBERS:

DETERMINATION OF PANEL:

DA-995/2017 for demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking be deferred and the applicant be invited to:

1. submit a written request addressing the matters in clause 4.6 of Liverpool LEP 2008 seeking a variation to the FSR development standard;
2. review the landscape plan to consider providing:

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- a) more substantial trees (E.g. Water Gums) to the deep soil areas to the North and South of the basement;
 - b) consider evergreen planting to the west for improved privacy and thermal performance outcomes;
 - c) Street trees (following consultation with Council officers).
3. The applicant be requested to review the colour scheme for the top level and provide shade structures/devices to reduce urban heat absorption.
 4. The applicant is to provide the written request and amended plans if necessary, as soon as practicable.
 5. The panel will consider a revised report from Council officers following submission of the amended plans and written request, and determine the application electronically.

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Attachment 2: Recommended conditions of consent

Council has imposed the following conditions under the relevant planning instruments and policies.

A. THE DEVELOPMENT

Approved Plans

1. 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 Plans

| Plan Name | Plan Number | Date | Rev | Prepared By |
|---|--------------------|-------------|------------|------------------------|
| Site Plan | DA02 | 05/12/19 | P | Fab Siqueira Architect |
| Existing/Demolition Plan | DA03 | 05/12/19 | P | Fab Siqueira Architect |
| Ground Floor Plan | DA10 | 05/12/19 | P | Fab Siqueira Architect |
| Levels 1-3 Plan | DA11 | 05/12/19 | P | Fab Siqueira Architect |
| Level 4 Plan | DA12 | 05/12/19 | P | Fab Siqueira Architect |
| Basement 1 | DA13 | 05/12/19 | P | Fab Siqueira Architect |
| Unit 001, Unit 002 & Unit 003 | DA14 | 05/12/19 | P | Fab Siqueira Architect |
| Unit 004, Unit 005 & Units 101, 201 & 301 | DA15 | 05/12/19 | P | Fab Siqueira Architect |
| Units 102, 202 & 302 | DA16 | 05/12/19 | P | Fab Siqueira Architect |

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| | | | | |
|--|------|----------|---|---------------------------|
| Units 103,203 & 303 Units 104,204 & 304 | | | | |
| Units 105, 205 & 305 Unit 401 | DA17 | 05/12/19 | P | Fab Siqueira Architect |
| Unit 403 & 402 | DA18 | 05/12/19 | P | Fab Siqueira Architect |
| Roof Plan | DA19 | 05/12/19 | P | Fab Siqueira Architect |
| South Elevation | DA20 | 05/12/19 | P | Fab Siqueira Architect |
| North Elevation | DA21 | 05/12/19 | P | Fab Siqueira Architect |
| West Elevation | DA22 | 05/12/19 | P | Fab Siqueira Architect |
| East Elevation | DA23 | 05/12/19 | P | Fab Siqueira Architect |
| Streetscape Elevation | DA24 | 05/12/19 | P | Fab Siqueira Architect |
| Finishes | DA25 | 05/12/19 | P | Fab Siqueira Architect |
| Long Section 1 | DA26 | 05/12/19 | P | Fab Siqueira Architect |
| Long Section 2 | DA27 | 05/12/19 | P | Fab Siqueira Architect |
| Cross Section 1 | DA28 | 05/12/19 | P | Fab Siqueira Architect |
| Cross Section 2 | DA29 | 05/12/19 | P | Fab Siqueira Architect |
| Perspective | DA30 | 05/12/19 | P | Fab Siqueira |

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| | | | | |
|--|--|--|--|-----------|
| | | | | Architect |
|--|--|--|--|-----------|

(b) Landscape Plans

| | | | | |
|-------------------------------|---|----------|---|---------|
| Hardscape Plan | 1 | 28/11/19 | H | Concept |
| Landscape Plan (Ground Floor) | 2 | 28/11/19 | H | Concept |
| Landscape Plan (L4) | 3 | 13/05/19 | F | Concept |
| Section A-A & B-B | 4 | 30/04/19 | C | Concept |
| Specification & Detail | 5 | 30/04/19 | E | Concept |

(c) Stormwater Concept and Sediment and Erosion Control Plans

| Report Name | Date | Reference | Revision | Prepared By |
|--|----------|-----------|----------|----------------------------|
| Stormwater Drainage / Sediment Control Details | 02/10/19 | 2028-S1/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Ground Floor Drainage Plan) | 02/10/19 | 2028-S2/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (First, Second and Third Drainage Plan) | 02/10/19 | 2028-S3/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Fourth Drainage Plan) | 02/10/19 | 2028-S4/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Roof Drainage Plan) | 02/10/19 | 2028-S5/6 | C | John Romanous & Associates |

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|---|----------|-----------|---|----------------------------------|
| Stormwater Drainage / Sediment Control Details (Typical Rainwater Detail) | 02/10/19 | 2028-S6/6 | C | John Romanous & Associates |
|---|----------|-----------|---|----------------------------------|

(d) Reports

| Report Name | Date | Reference | Prepared By |
|---|----------------|-------------|--|
| Tree Management & Impact Assessment Report | 31/08/17 | Version 1.0 | Tarik Hussien AQF 5 Consulting Arborist |
| Traffic and Parking Impact Report | August 2018 | Version 1a | Motion Traffic Engineers |
| Carpark Certification | August 2018 | Version 1b | Motion Traffic Engineers |
| Construction Traffic Management Plan | April 2017 | Version 1a | ML Traffic Engineers |
| Waste Management Plan | 31/10/17 | - | - |

(e) BASIX certificate number 87062M_04, dated 25 October 2019 prepared by Eco Certificates Pty Ltd

Except where modified by the undermentioned conditions.

Amendments to Architectural & Landscape Plans and Waste Management Plan

2. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. These include the following:

(a) Amended Architectural & Landscape Plans to incorporate the following:

- Install window hoods to west facing bedroom windows of Units 004, 104, 204, 304 & 403 for solar attenuation and privacy as well as create depth and further articulation;
- Install screening from public view all utility services including AC units (designed by a mechanical engineer for continued efficient operation); and
- Amend Architectural & Landscape Plans to indicate the provision of an On-Site Detention (OSD) tank located under the ramp at the entry to the basement carparking.

(b) Amended Waste Management Plan to incorporate the following:

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- Details for a once a week collection to service the development, and the provision within the bin holding room for eight (8) 660 litre mobile garbage bins (4 x 660L general waste bins and 4 x 660L recycling bins);
- The 240L bins in the waste compartments on each floor level are designated as waste transfer bins only and will not be tipped to the waste truck or count towards the overall waste capacity. A bin lifter must be provided to tip the full 240L transfer bins into the 660L bins. The 240L transfer bins will not be provided by Council, these bins are the responsibility of the developer/strata to supply and maintain. Similarly, if bin hitches are required to facilitate the movement of the 660L bins, these hitches are the responsibility of the developer/strata to supply, install and maintain;
- Confirm the provision of a bin lifter to decant the 240L transfer bins into the 660L plus confirm the path by which the loaded bins will be transferred to the bin presentation area. If this is via the driveway ramp, a suitable bin tug or tractor must be used every time those bins are to be moved up or down the ramp;
- Confirm that the waste compartments on each residential level will have durable, washable wall and floor surfaces, adequate ventilation and lighting and signage supporting correct waste separation and disposal in each compartment. Confirm that these bins will be checked and emptied with a frequency that will ensure that the residents will have enough space to put their waste materials;
- Confirm that the strata and its representatives will maintain the cleanliness of the various waste aggregation and storage areas within the development. Confirm that the bulky waste storage area and any contents will be regularly checked, and ensure that residents are making required bookings for household waste removal and putting their materials out for collection the evening before the due date;
- Provide details are to be provided for how the bins are to be managed and how waste is to be collected from the loading /unloading area in the Basement, to avoid impacts of garbage collection on the street kerb, and the footpath immediately in front of the site; and
- Details how the garden waste will be removed and disposed off-site from the property by the appointed maintenance contractors as it is generated and Council will not be required to supply green (garden) waste bins or services to the property.

Comply with EP&A Act

3. 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

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commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Liverpool City Council.

Comply with NCC

4. 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).

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

6. 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*.

Section 7.11 Payment (Liverpool Contributions Plan 2009)

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7. As a consequence of this development, Liverpool City Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$55,586.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. Payment must be accompanied by the form.

The Contributions Plan may be inspected online at:

<https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>

Construction Certificates

8. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Building Work

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.

Site Development Work

10. 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.

Accessibility

11. 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.

Cladding

12. 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

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with the NCC and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the NCC for all products/systems proposed.

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.

Design Verification Statement

14. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA and should refer to the stamped plans. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Crime Prevention Through Environmental Design

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;

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- (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.

Street lighting

- 17. The existing street lighting at the proposed development frontage be replaced with LED light to Council and Endeavour Energy requirements.

S138 Roads Act – Minor Works in the public road

- 18. Prior to the issue of a Construction Certificate, a Section 138 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:
 - (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - (c) 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.

Retaining Walls on Boundary

- 19. 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.

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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

20. 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 Stormwater connection to Council gully pit and footpath construction to Mckay Avenue.

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.

Waste Materials

21. Details of the name and address of the facilities that the different types of waste materials coming from the demolition/excavation and construction stages of the project will be taken to, must be supplied in writing both to Council and to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Dilapidation Report Private Property (Excavations)

22. 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.

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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.

On-Site Detention

23. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous & Associates, reference number 2028-S1/6-S6/6, revision C dated 02/10/2019**. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

S68 Local Government Act – Stormwater drainage works

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

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

Stormwater Concept Plan

25. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous and Associates, reference number 2028-S1/6-S6/6, revision C and dated 02/10/19**.
- (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

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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.
- (d) Additional access grates shall be provided to the OSD tank for maintenance purposes.

Stormwater Discharge – Basement Car Parks

26. 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.

Dilapidation Report

27. A dilapidation report of all infrastructure fronting the development in McKay Avenue 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 10m either side of the development.

No loading on easements

28. 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

29. Prior to the issue of a Construction Certificate the PCA 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 with the LDGP 2008. The CC must be supported by:
- Specification & installation details of the stormwater pre-treatment system
 - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

Access, Car Parking and Manoeuvring

30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with

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the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Provide detailed plans indicating proposed driveway and car parking layout as shown on the stamped Architectural Plans including swept path analysis to parking and un-loading manoeuvres, sign posting and line markings and provision of safety measures as convex mirrors, bollards and the like. Markings should clearly identify the unit allocation for each car parking space with tandem layout designated to a single unit only.

The detailed plan is to be submitted to Council's Traffic and Transport section for review.

Balcony Balustrades and privacy screen design

31. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

Any privacy screens shown on the approved plans are to be designed to extend to a height of 1.5m from their immediate floor level, and are to be designed with fixed 45 degree upward angled louvres.

Balcony and courtyard window and door design

32. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings;
 - assist in the proportioning of elevations;
 - ensure maximum light to the interior of the dwellings; and
 - create a seamless relationship between the balcony / courtyard and the interior.

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

Provision of Services

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

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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.

34. 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.
35. 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.
36. 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.

37. 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.

C. PRIOR TO WORKS COMMENCING

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

38. 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.

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39. 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 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 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.

Residential Building Work

40. 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.
41. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

42. 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.
43. 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;

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- (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.

Site Notice Board

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

Sediment and Erosion Control Measures

45. 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

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

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Traffic Management Plan

47. 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.
48. 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

49. 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.

Hoarding

50. 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.

Craning

51. 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.

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Site Facilities

52. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
53. 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.

Return of Waste Bins

54. Prior to any works commencing, including demolition or site clearing, any residential waste bins that have been issued to 32 or 34 McKay Avenue Moorebank must be returned to Liverpool City Council. Ring 1300 26 2170 to notify Council when those waste bins are ready for collection and so that their removal can be noted.

Notification of Service Providers

55. 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 for more information.

Demolition Works

56. 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.
 - (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

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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.

Demolition Inspections

57. 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 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.

D. DURING CONSTRUCTION

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

Building Inspections

58. 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.
59. 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

60. 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

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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.

Notification/Principal Certifying Authority

61. 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 the excavation, and
 - (b) 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.
62. 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.
63. 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.
64. 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.

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Construction Waste

65. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder's site bins and/or skips.
66. 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.

Security Fence

67. 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.

Hours of Construction Work

68. 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

69. 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 Filling/Earthworks

70. 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.

Construction Noise

71. 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.
72. 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

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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

73. 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.
74. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
75. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
76. 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.
77. 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.
78. 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.
79. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
80. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
81. 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.

Waste Management Plan

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82. 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

83. 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

84. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Record Keeping of Imported Fill

85. 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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Unidentified Contamination

86. 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

87. 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.
88. 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 prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

89. 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.
90. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

91. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking

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Ventilation

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

External

93. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
94. The mailboxes are to be consistent with the design and colours and materials for the development.
95. 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.
96. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
97. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

98. 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.

Front fence and boundary fencing

99. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

Display of Street Numbers

100. 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.

Security and Safety

101. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
102. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.

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103. The underground car park is required to be locked with access to be provided to residents only.
104. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

105. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
106. 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.
107. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
108. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

Building/Compliance

109. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.
110. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

Cladding

111. 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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Fire Safety Certificate

112. 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

113. 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.

Lot Consolidation/Registration

114. Separate lots 18 & 19 of DP 236405 shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

Design Verification Statement

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

BASIX

116. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

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Landscaping

117. 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.

Liverpool City Council clearance – Roads Act/ Local Government Act

118. 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

119. 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 PCA.

Structural Engineer Certificate

120. 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

121. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (a) On-site detention 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,
 - 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-

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As-Executed drawings.

Restriction as to User and Positive Covenant

122. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property:

- (a) On-site detention system
- (b) Basement Carpark pump-out system:

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.

123. Prior to the issue of an Occupation Certificate, 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 on 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.

124. Prior to the Issue of an Occupation Certificate, if no provision is to be made in the waste storage area for green waste bins to store garden waste from the property, then the following restriction as to user shall be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

Basement Pump-out System

125. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:

- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
- (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
- (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the

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abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Roadworks

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

Footpaths

127. 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.

Rectification of Damage

128. 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.

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

Service Providers

129. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
130. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
131. 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.

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Garbage Services

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

Waste

133. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
134. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:
'The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.'
135. 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

Dilapidation Report

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

F. CONDITIONS RELATING TO USE

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

Car Parking / Loading

137. A total of thirty-nine (39) off street car parking inclusive of six (6) visitor and one (1) disabled spaces must be provided.
138. All parking areas shown on the approved plans must be used solely for this purpose.
139. 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.
140. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

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141. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

142. 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

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

Noise and Environmental Emissions

145. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
146. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
147. 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.

Waste Management

148. After the issue of the occupation certificate, but before occupation, Council must be contacted to arrange the delivery of the waste bins for the development. Please call Council on 1300 36 2170 to arrange for the delivery of the bins.
149. Council will supply all 660 litre waste bins, both general waste and recycling, that will be tipped to the Council contractor's waste trucks. The supply and maintenance of all 240 litre bins that are to be used as recycling transfer bins within the development are the responsibility of the developer, and thereafter, the strata proprietors. Similarly, if bin hitches are required to be fitted to the waste bins to facilitate the movement of the waste bins to the kerbside, the supply, fitting and maintenance of same are the responsibility of the developer/strata, and not Council.

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150. The 660 litre residential waste bins are to be presented for emptying to the kerbside of McKay Avenue. Bins are to be placed on the kerbside no earlier than the evening before collection and are to be placed back into the bin storage area as soon as possible, and not more than 24 hours after emptying. At all other times, these waste bins are to be kept in the residential waste storage room.

The cleaning and maintenance routine of the bin storage area as detailed in the approved waste management plan must be adhered to in the ongoing use of the building.

151. The bin tug or tractor provided as part of the equipment of the development by the developer must be used to transport the residential waste bins to the kerbside for emptying. Only individuals trained in the use of this item of equipment are to operate it.
152. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
153. 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.
154. 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.
155. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
156. The development is required to be serviced by a waste collection contractor, once in any one week.

Waste Storage Area

157. Any bin bays must be:
- (a) 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;
 - (b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (i) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (ii) A phone number to be displayed for arranging disposal of bulky items; and

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(iii) Maximum compaction ratio is 2:1.

Washing on Balconies

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

G. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- b) Under Sections 8.7 & 8.10 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 of determination.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.
- g) 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.
- h) "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 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

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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.

i) **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

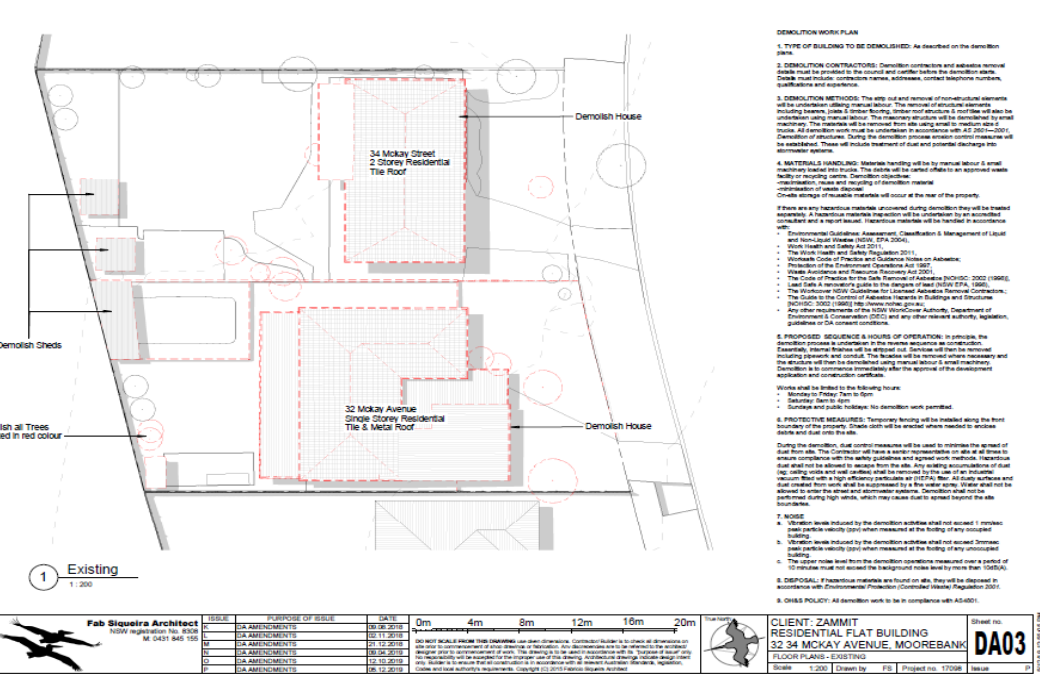
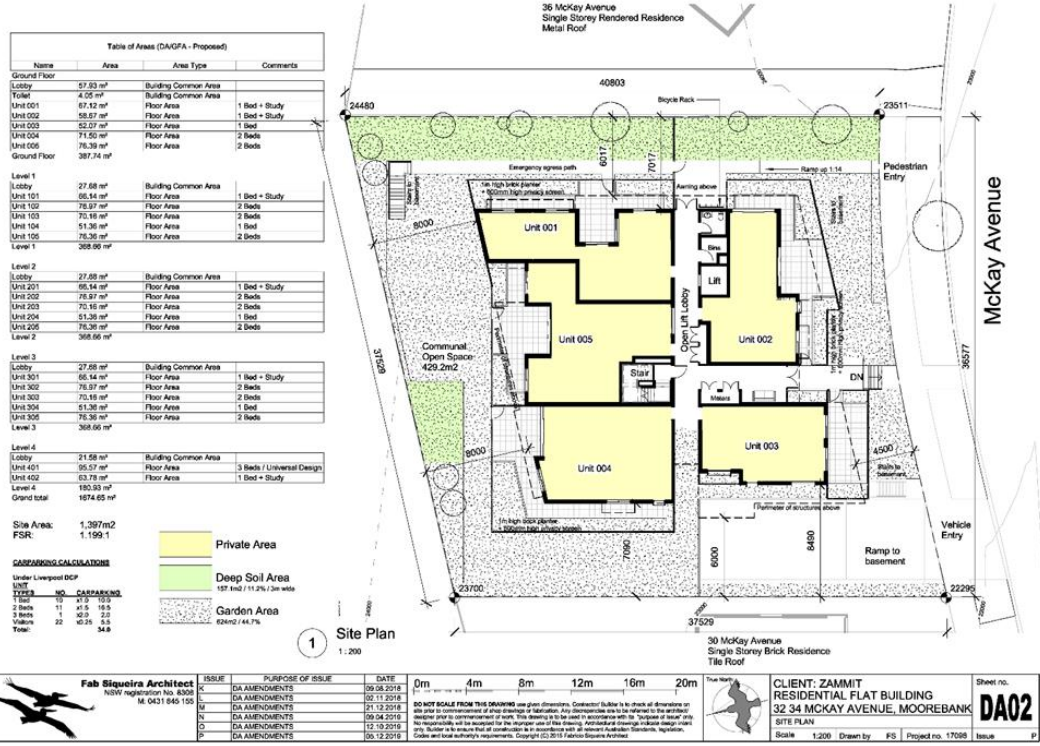
l) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

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

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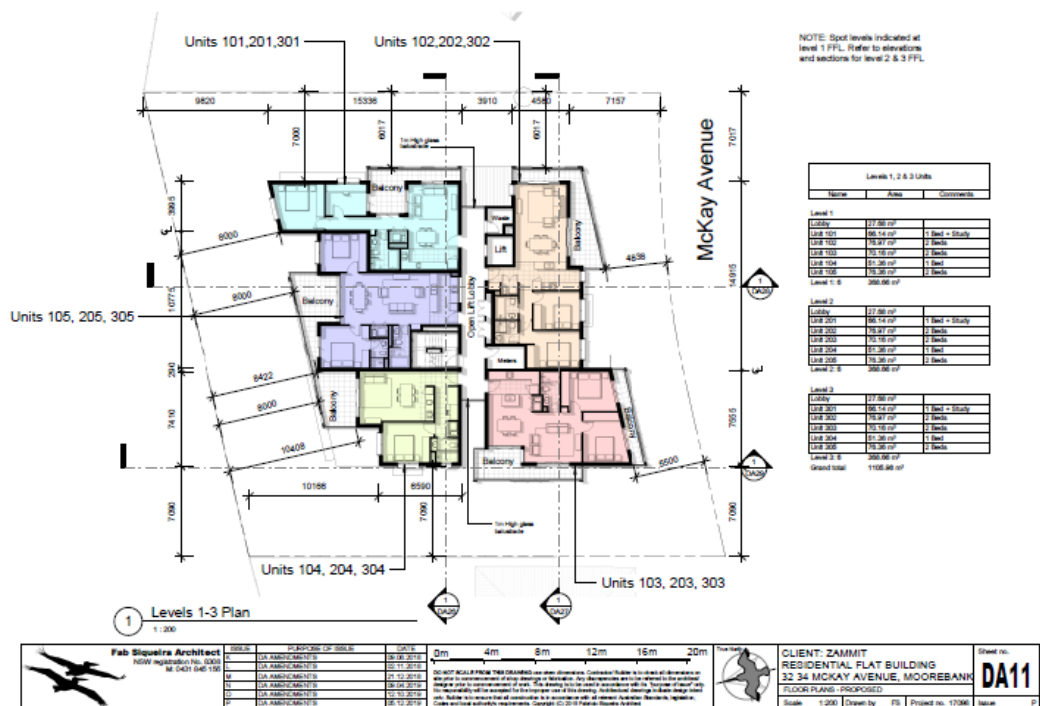
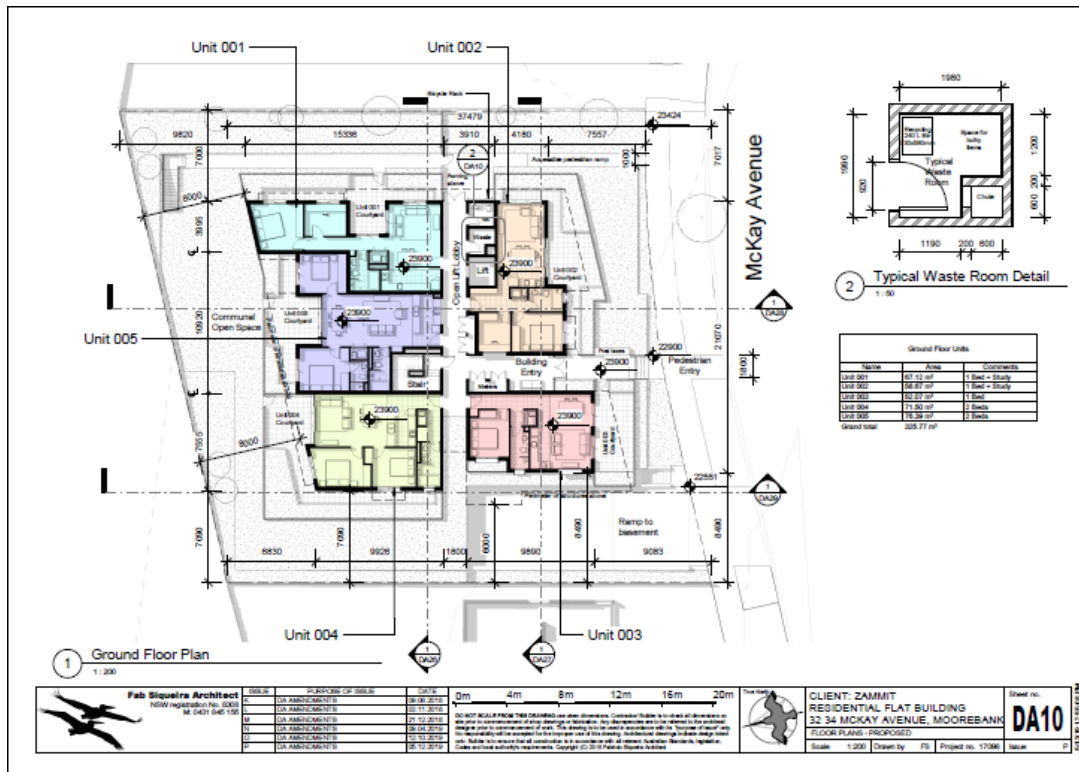
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Attachment 3: Latest Architectural Plans



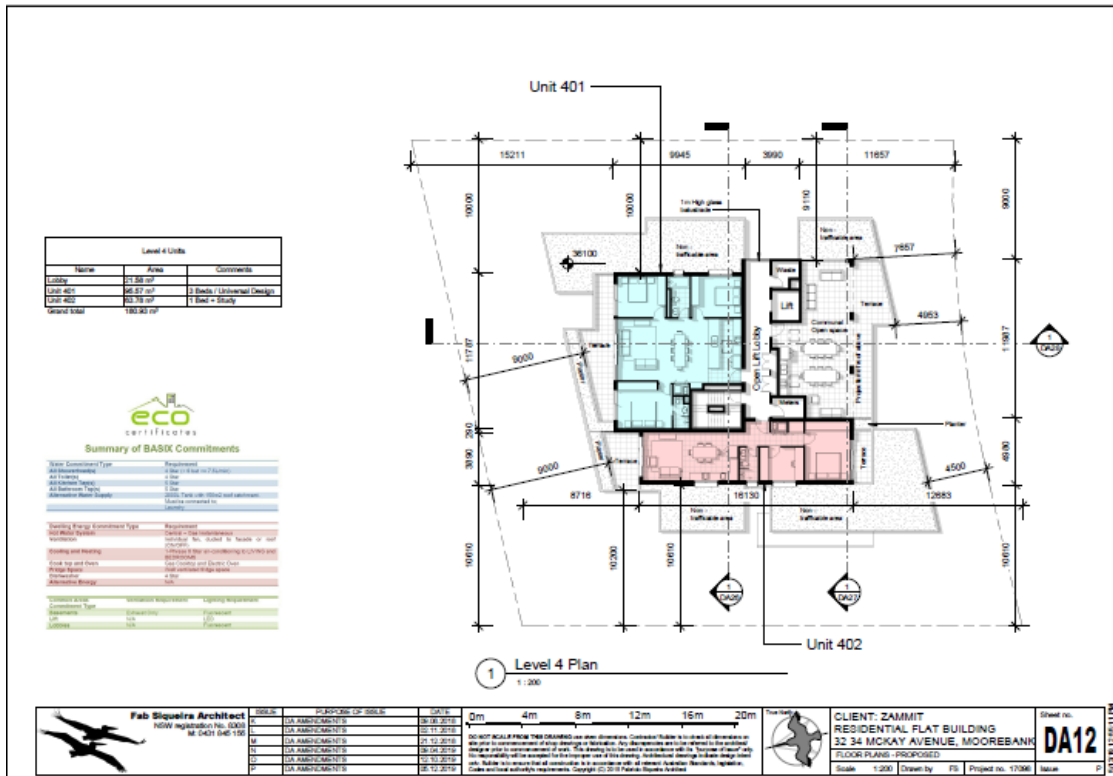
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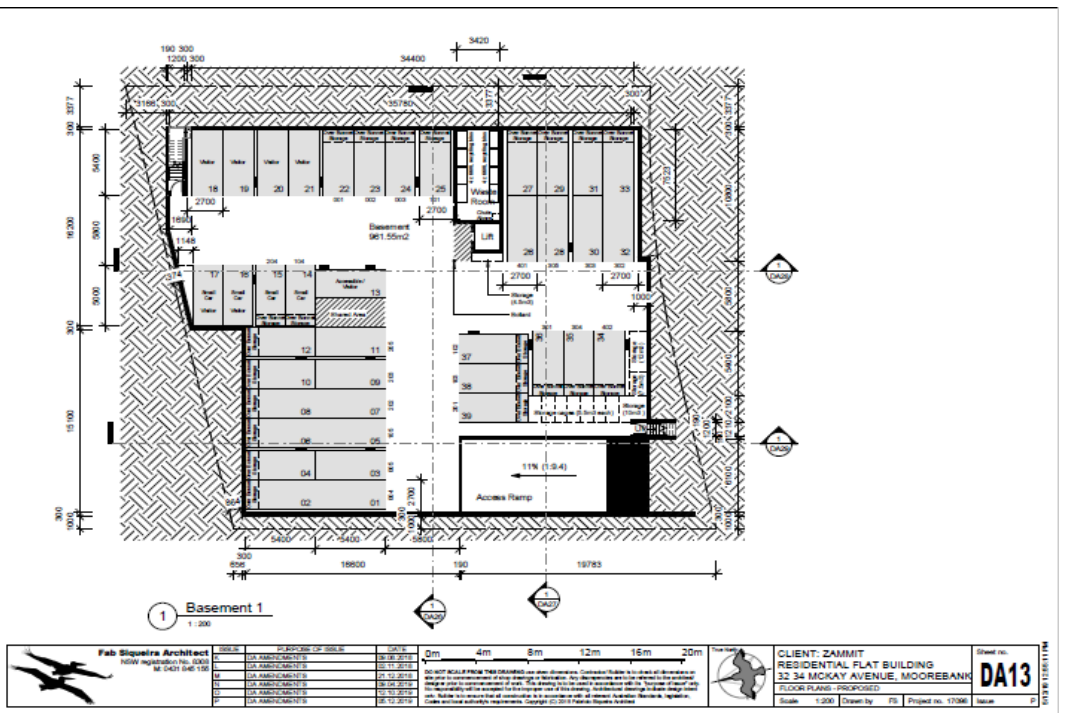


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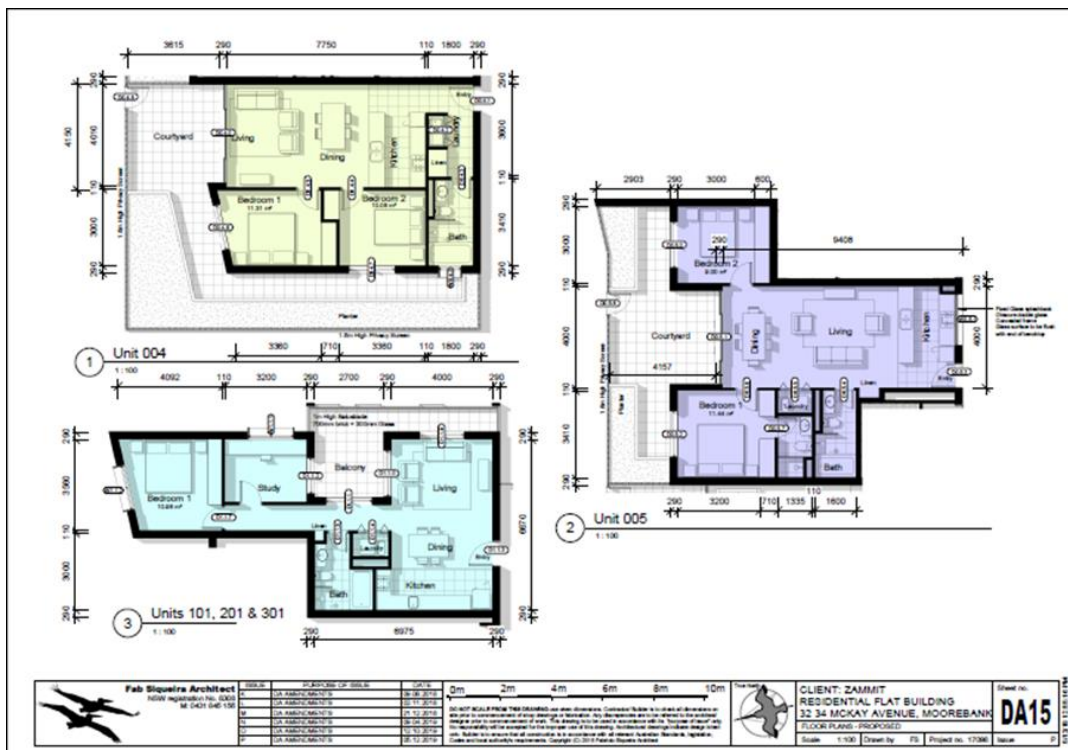
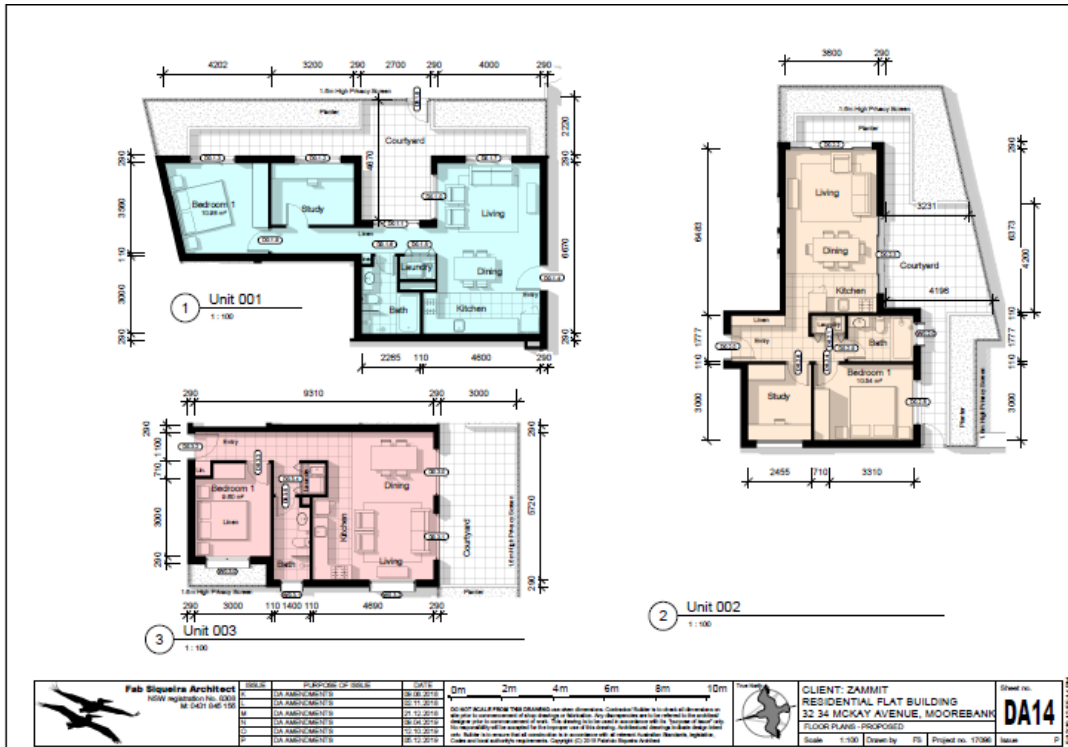
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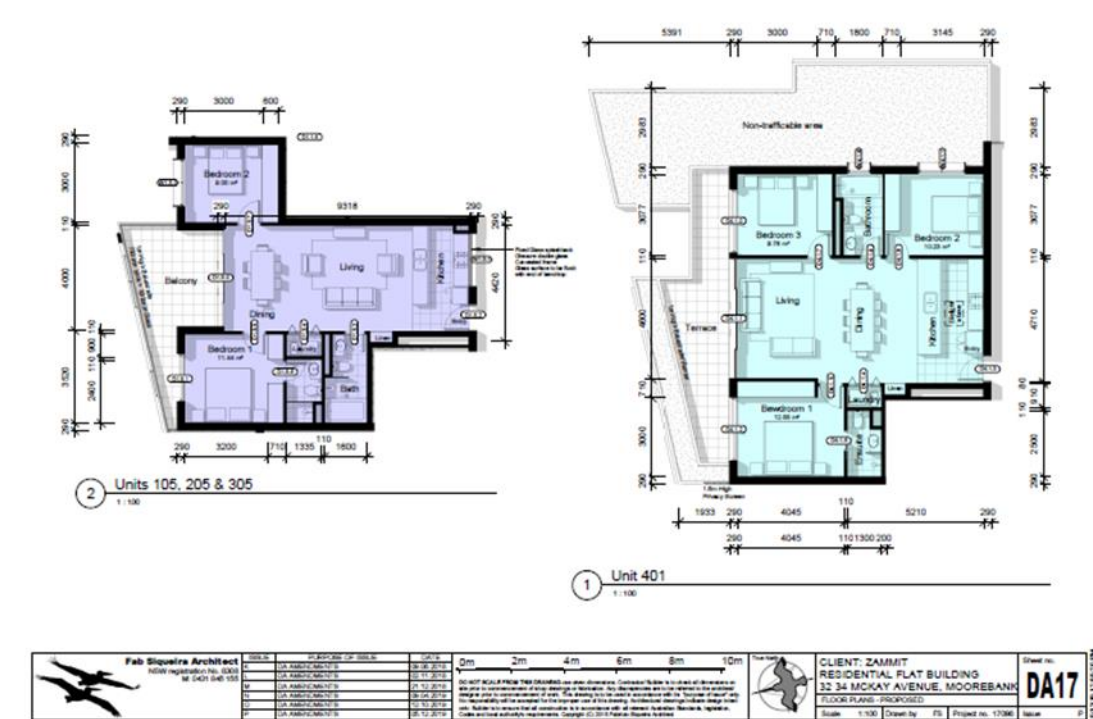
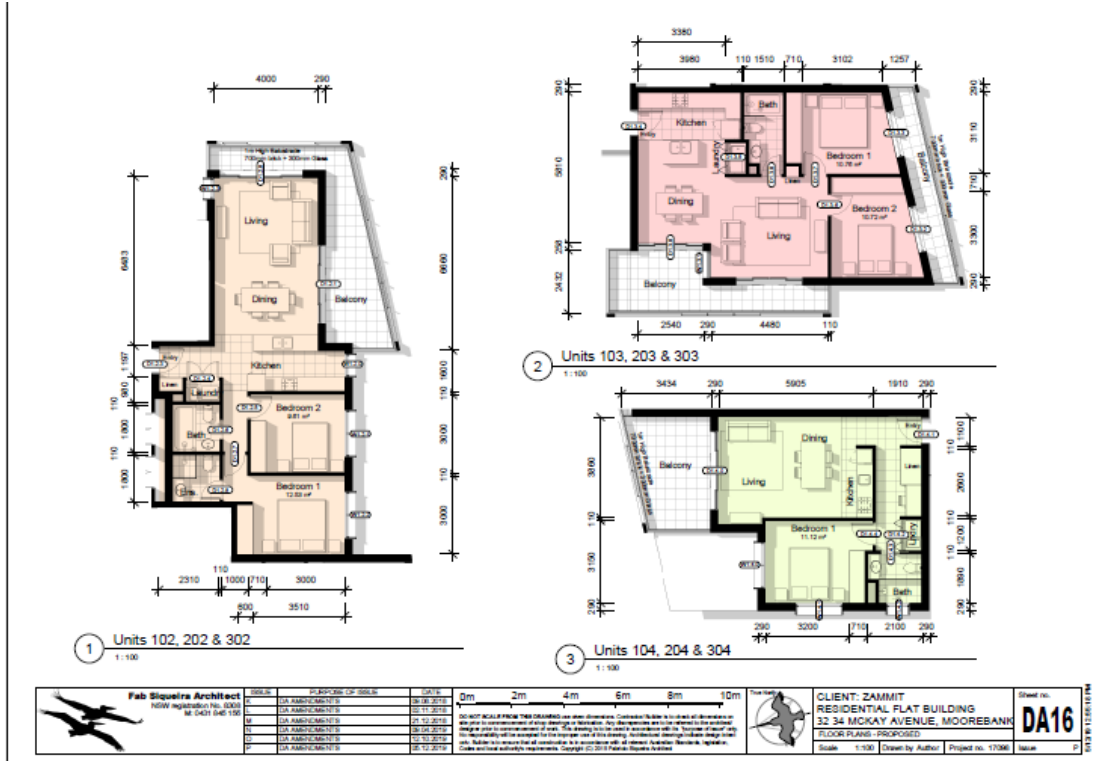
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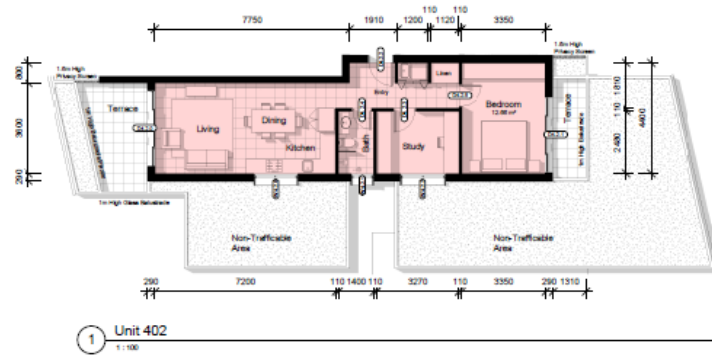
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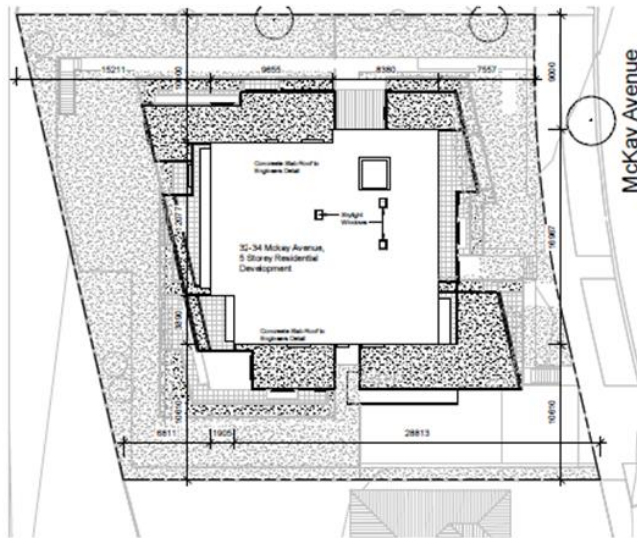
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| Fab Siqueira Architect <small>NSW registration no. 5303 M: 0421 646 153</small> | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>PURPOSE OF ISSUE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>APPROVALS</td> <td>20.12.2019</td> </tr> <tr> <td>02</td> <td>APPROVALS</td> <td>21.12.2019</td> </tr> <tr> <td>03</td> <td>APPROVALS</td> <td>22.12.2019</td> </tr> <tr> <td>04</td> <td>APPROVALS</td> <td>23.12.2019</td> </tr> <tr> <td>05</td> <td>APPROVALS</td> <td>24.12.2019</td> </tr> </tbody> </table> | NO. | PURPOSE OF ISSUE | DATE | 01 | APPROVALS | 20.12.2019 | 02 | APPROVALS | 21.12.2019 | 03 | APPROVALS | 22.12.2019 | 04 | APPROVALS | 23.12.2019 | 05 | APPROVALS | 24.12.2019 | | | CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32-34 MCKAY AVENUE, MOOREBANK FLOOR PLANS - PROPOSED | Sheet no. DA18 Scale: 1:100 Drawn by: FS Project no. 17396 Issue: P |
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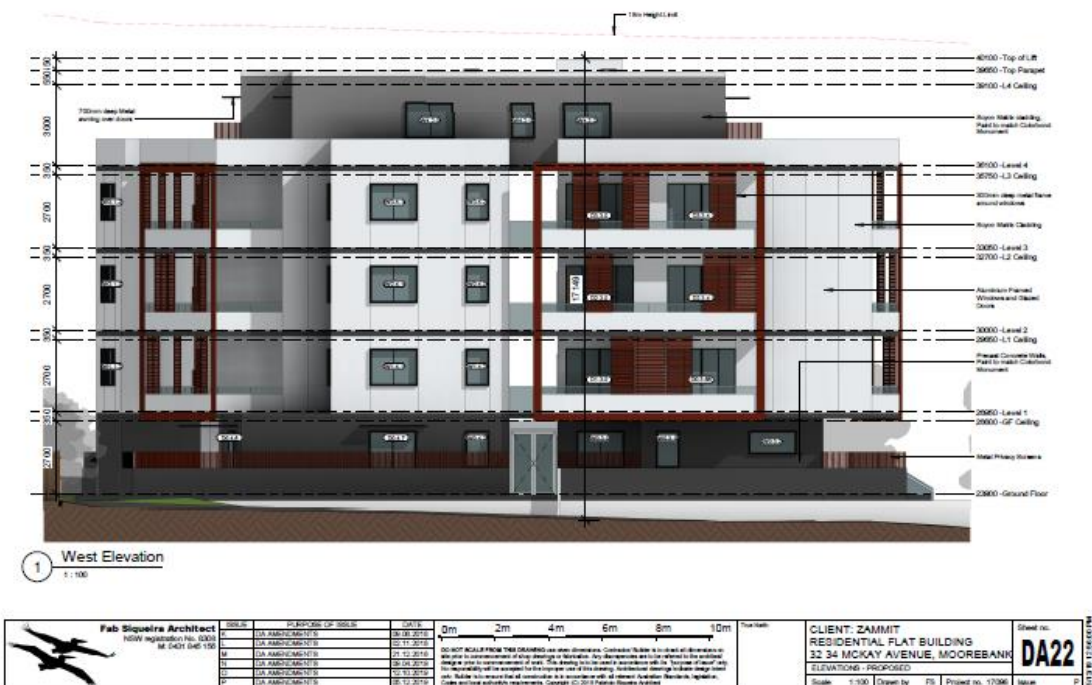
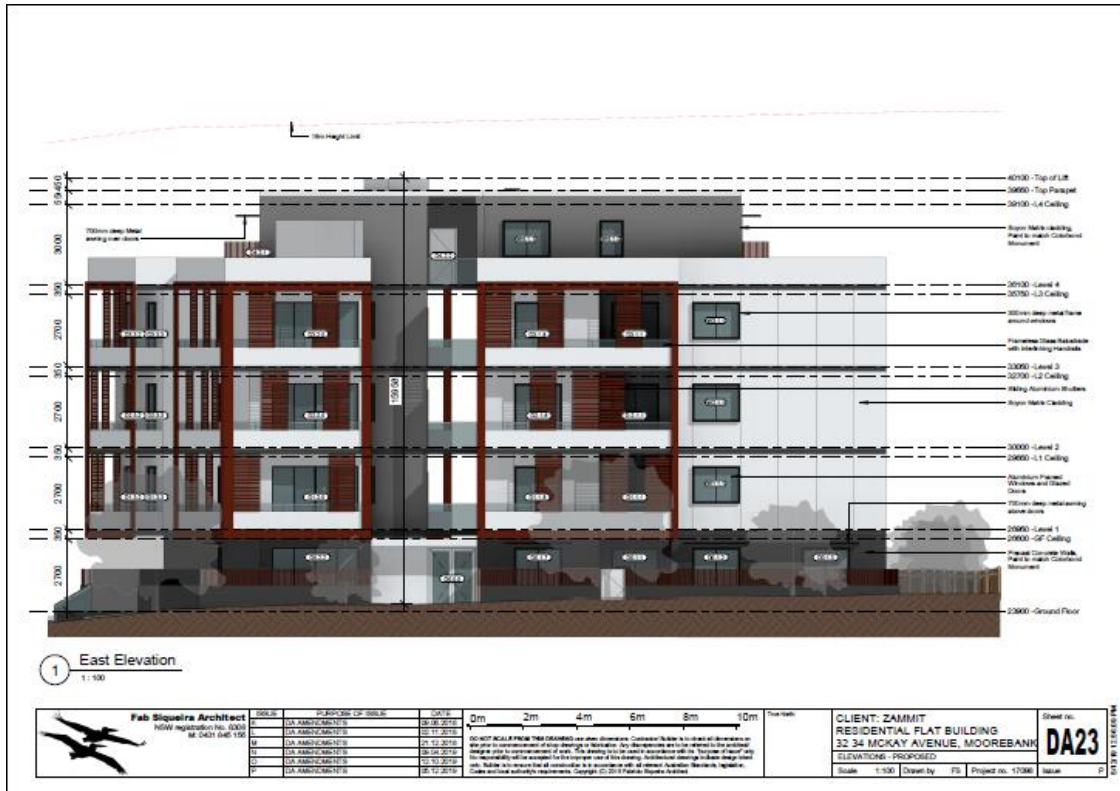
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24 February 2020



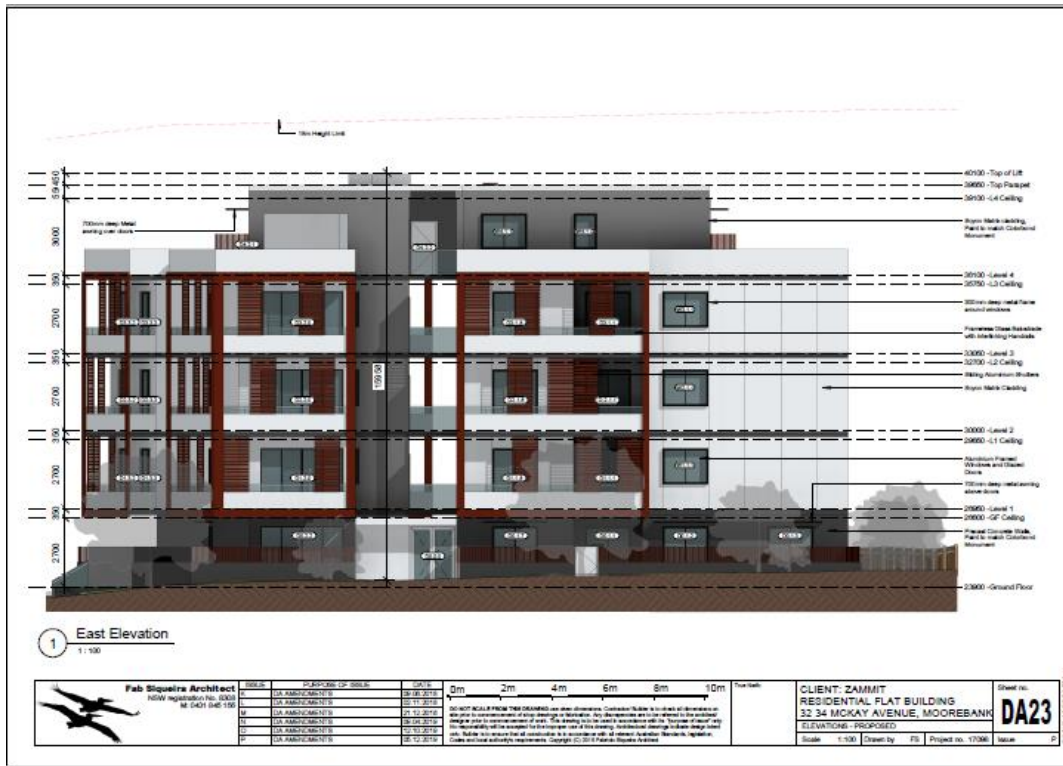
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24 February 2020



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24 February 2020



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1 Streetscape Elevation
1:200

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| <p>Fab Siqueira Architect NSW registration No. 6360 M. 0421 046 150</p> | REV. NO. | DESCRIPTION OF REV. NO. | DATE | <p>0m 4m 8m 12m 16m 20m</p> <p>The scale</p> | <p>CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32 34 MCKAY AVENUE, MOOREBANK ELEVATIONS - PROPOSED</p> | <p>Sheet no. DA24</p> |
| | 01 | LA AMB/2/AMB/17/15 | 20.08.2019 | | | |
| | 02 | LA AMB/2/AMB/17/15 | 22.11.2019 | | | |
| | 03 | LA AMB/2/AMB/17/15 | 21.12.2019 | | | |
| | 04 | LA AMB/2/AMB/17/15 | 20.02.2020 | | | |
| | 05 | LA AMB/2/AMB/17/15 | 12.11.2019 | | | |
| 06 | LA AMB/2/AMB/17/15 | 20.12.2019 | <p>DO NOT SCALE FROM THIS DRAWING as any dimensions. Contractors to refer to all dimensions on site plan to avoid misinterpretation of shop drawings. Materials to be selected in accordance with the approved shop drawings and to be consistent with the 'Approved Shop' drawings. Responsibility will be accepted for the proper use of this drawing. Intellectual design rights reserved. All rights reserved. All copyright is a copyright of Fab Siqueira Architect. All rights reserved. All dimensions are in millimeters. Copyright © 2019 Fab Siqueira Architect.</p> | <p>Scale: 1:200 Drawn by: FS Project no.: 17386 Issue: 6</p> | | |



Precast Concrete & Rendered Bayon Walls
Painted in Dulux Molek Grey



Precast Concrete Walls
Paint to match Colorbond Monument



Bayon Matrix cladding
Paint to match Colorbond Suftrist



Sliding Aluminum Shutters
In minor red colour



Frameless Glass Balustrades with
Interlocking Handrails



Aluminium Framed windows

| | | | | | | |
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| <p>Fab Siqueira Architect NSW registration No. 6360 M. 0421 046 150</p> | REV. NO. | DESCRIPTION OF REV. NO. | DATE | <p>0m 4m 8m 12m 16m 20m</p> <p>The scale</p> | <p>CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32 34 MCKAY AVENUE, MOOREBANK MATERIALS SCHEDULE</p> | <p>Sheet no. DA25</p> |
| | 01 | LA AMB/2/AMB/17/15 | 20.08.2019 | | | |
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| | 03 | LA AMB/2/AMB/17/15 | 21.12.2019 | | | |
| | 04 | LA AMB/2/AMB/17/15 | 20.02.2020 | | | |
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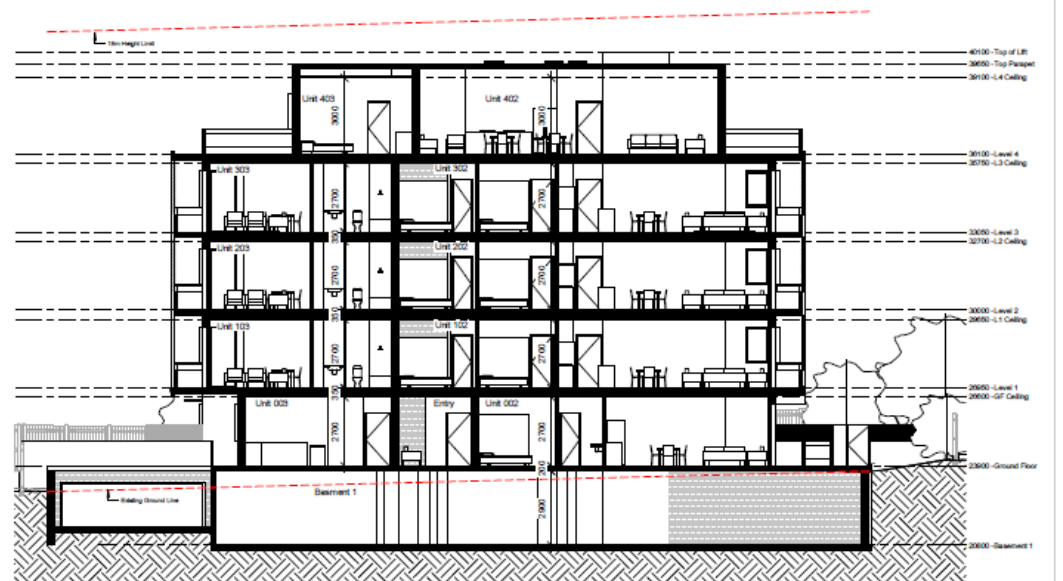
LOCAL PLANNING PANEL AGENDA

24 February 2020



1 Long Section 1

| <p>Fab Siqueira Architect Nº101 registration No. 0333 M: 0431 545 130</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION OF REVISE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>02</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>03</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>04</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>05</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>06</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> </tbody> </table> | NO. | DESCRIPTION OF REVISE | DATE | 01 | LA ARCHITECTURE | 26.12.2019 | 02 | LA ARCHITECTURE | 26.12.2019 | 03 | LA ARCHITECTURE | 26.12.2019 | 04 | LA ARCHITECTURE | 26.12.2019 | 05 | LA ARCHITECTURE | 26.12.2019 | 06 | LA ARCHITECTURE | 26.12.2019 | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>0m</th> <th>2m</th> <th>4m</th> <th>6m</th> <th>8m</th> <th>10m</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="text-align: center;">1:100</td> </tr> </tbody> </table> | 0m | 2m | 4m | 6m | 8m | 10m | 1:100 | | | | | | <p>© 2019 FAB SIQUEIRA ARCHITECT. ALL RIGHTS RESERVED. CONSULTATION OF THIS DRAWING IS FOR THE EXCLUSIVE USE OF THE CLIENT. ANY REPRODUCTION OR DISTRIBUTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF FAB SIQUEIRA ARCHITECT IS STRICTLY PROHIBITED. FAB SIQUEIRA ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY OTHER DAMAGES, ARISING FROM THE USE OF THIS DRAWING. FAB SIQUEIRA ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY OTHER DAMAGES, ARISING FROM THE USE OF THIS DRAWING.</p> | <p>CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32-34 MICKAY AVENUE, MOOREBANK</p> <p>SECTIONS - PROPOSED</p> <p>Scale: 1:100 Drawn by: FS Project no.: 17066 Issue: 0</p> | <p>Sheet no.: DA26</p> |
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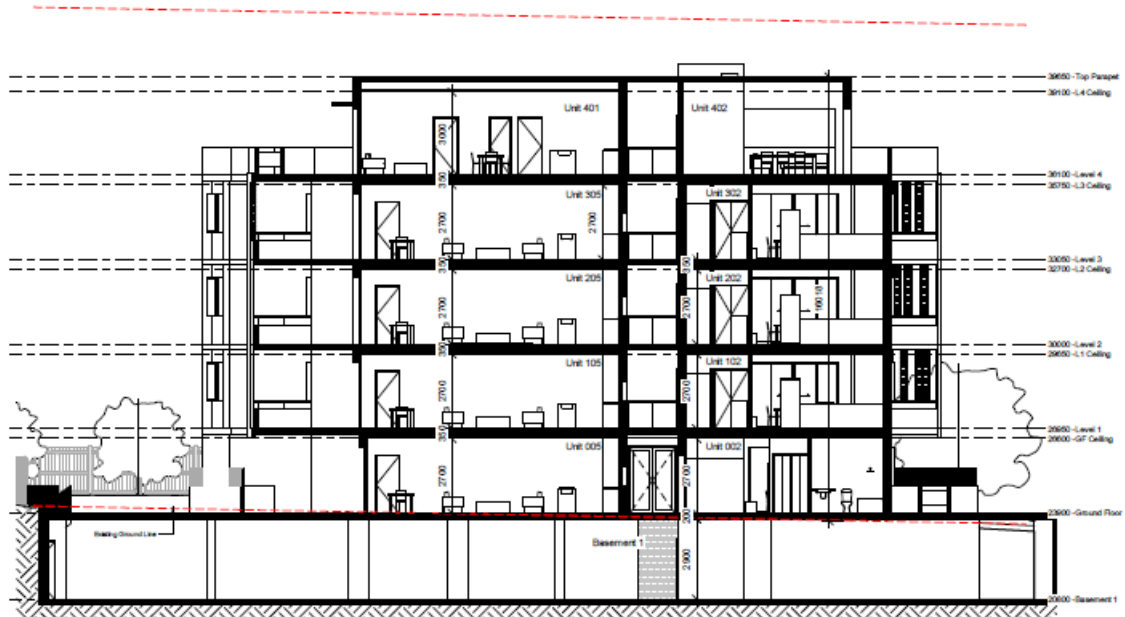


1 Long Section 2


| <p>Fab Siqueira Architect Nº101 registration No. 0333 M: 0431 545 130</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION OF REVISE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>02</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>03</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>04</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>05</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> <tr> <td>06</td> <td>LA ARCHITECTURE</td> <td>26.12.2019</td> </tr> </tbody> </table> | NO. | DESCRIPTION OF REVISE | DATE | 01 | LA ARCHITECTURE | 26.12.2019 | 02 | LA ARCHITECTURE | 26.12.2019 | 03 | LA ARCHITECTURE | 26.12.2019 | 04 | LA ARCHITECTURE | 26.12.2019 | 05 | LA ARCHITECTURE | 26.12.2019 | 06 | LA ARCHITECTURE | 26.12.2019 | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>0m</th> <th>2m</th> <th>4m</th> <th>6m</th> <th>8m</th> <th>10m</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="text-align: center;">1:100</td> </tr> </tbody> </table> | 0m | 2m | 4m | 6m | 8m | 10m | 1:100 | | | | | | <p>© 2019 FAB SIQUEIRA ARCHITECT. ALL RIGHTS RESERVED. CONSULTATION OF THIS DRAWING IS FOR THE EXCLUSIVE USE OF THE CLIENT. ANY REPRODUCTION OR DISTRIBUTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF FAB SIQUEIRA ARCHITECT IS STRICTLY PROHIBITED. FAB SIQUEIRA ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY OTHER DAMAGES, ARISING FROM THE USE OF THIS DRAWING. FAB SIQUEIRA ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY OTHER DAMAGES, ARISING FROM THE USE OF THIS DRAWING.</p> | <p>CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32-34 MICKAY AVENUE, MOOREBANK</p> <p>SECTIONS - PROPOSED</p> <p>Scale: 1:100 Drawn by: FS Project no.: 17066 Issue: 0</p> | <p>Sheet no.: DA27</p> |
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LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL AGENDA

24 February 2020



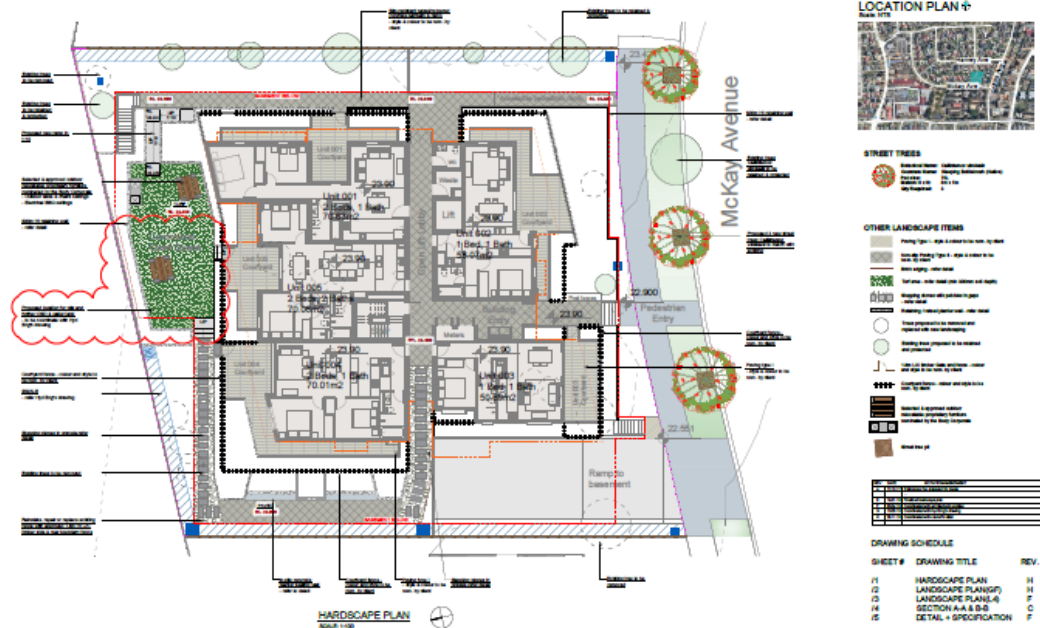
1 Cross Section 1
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|  Fab Siqueira Architect 105W Waterfront Way, 5003 St. 0421 846 158 | NO. 001 01.04.2019 | NO. 002 01.04.2019 | NO. 003 01.04.2019 | NO. 004 01.04.2019 | NO. 005 01.04.2019 | NO. 006 01.04.2019 | NO. 007 01.04.2019 | NO. 008 01.04.2019 | NO. 009 01.04.2019 | NO. 010 01.04.2019 | NO. 011 01.04.2019 | NO. 012 01.04.2019 | NO. 013 01.04.2019 | NO. 014 01.04.2019 | NO. 015 01.04.2019 | NO. 016 01.04.2019 | NO. 017 01.04.2019 | NO. 018 01.04.2019 | NO. 019 01.04.2019 | NO. 020 01.04.2019 |
| | CLIENT: ZAMMIT RESIDENTIAL FLAT BUILDING 32-34 MCKAY AVENUE, MOOREBANK SECTIONS - PROPOSED | | | | | | | | | | | | | | | | | | | |

DA28

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL AGENDA

24 February 2020



PROPOSED APARTMENT DEVELOPMENT
 32 & 34 MCKAY AVE, MOOREBANK NSW



Attachment 4: Previous LLPP Report

| | |
|------------------------------|--|
| Item no: | 1 |
| Application Number: | DA-995/2017 |
| Proposed Development: | Demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking. |
| Property Address | 32 - 34 Mckay Avenue, Moorebank |
| Legal Description: | Lots 18 & 19 DP 236405 |
| Applicant: | Fab Siqueira Pty Ltd |
| Land Owner: | Mr William Bradley, Brad and Ainsley Thompson |
| Cost of Works: | \$5,755,970 |
| Recommendation: | Approve subject to conditions of consent |
| Assessing Officer: | Emmanuel Torres |

2. EXECUTIVE SUMMARY

Council has received a Development Application (DA-995/2017) seeking consent for the demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking at 32 - 34 Mckay Avenue, Moorebank.

The site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was advertised/notified for a period of 14 days from 6 to 20 December 2017 in accordance with Liverpool Development Control Plan 2008. One submission was received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- waste disposal;
- increased population & traffic management;
- not in the public interest;
- adequate and appropriate trees and landscaping; and
- bulk and scale.

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 locality

The area is characterised by low density residential development. The site is located in Moorebank directly across the local public school (Nuwarra Public School) and approximately 100m from the Moorebank Library and Community Centre, 200m from the local shopping centre (Moorebank Plaza) and 850m to the nearest public high school (Moorebank High School) to the northeast. It is approximately 3.2 km from Liverpool Railway Station with access to connecting bus services.

The subject site is surrounded by single storey dwelling houses on large lots. The houses generally have deep front setbacks and sizeable back yards. An aerial photograph of the locality is provided below:



Figure 1 – View of the site from Mckay Avenue (Source: Geocortex)

2.2 The site

The subject site is identified as Lots 18 & 19 of DP 236405 and is located at 32-34 McKay Avenue, Moorebank. The location and zoning of the site is shown below in Figures 1 and 2. The subject site has a total land area of 1391.1m² with a frontage width 37.045m to McKay Avenue to the south. The side boundaries are 40.850m and 37.53m and to the east and west, respectively. The rear boundary is 37.53m.

The site slopes approximately 3.6% from its highest point on the rear northeast corner (24.48AHD) to the southwest corner at its lowest point (22.33 AHD).



Figure 2: No.32-34 Mckay Avenue (View from the street looking west)

3. BACKGROUND/HISTORY

The current DA was lodged on 20 November 2017. Prior to that, additional information was requested by Council for lack of complete documentation for the application to progress. Subsequently, a number of design changes occurred to respond DEP issues and comments from various Council departments.

The current plans are now updated to achieve design improvements in relation to a number of issues such as amenity, accessibility, floor plan layouts, setbacks, crime and prevention and car parking.

3.1 Design Excellence Panel

The application was considered by the Design Excellence Panel (DEP) on 17 May and 18 October 2018. In addition, two subsequent electronic reviews were conducted by the DEP with minutes provided for Review 1 on 18 December 2018 1 and Review 2 held on 8 February 2019.

A summary of the DEP comments and applicant’s responses or Council’s comments are outline in the following tables.

| 17 May 2018 DEP Meeting | |
|---|---|
| DEP Comments | Response |
| <i>The proposed 4.6m wide ramp connecting the 2 basement levels appears unworkable. Turning onto the ramp, transition and cars passing each other appears to be problematic. The applicant will need to demonstrate that the ramp design complies with the relevant Australian Standard. The applicant advised that a safety mirror will be introduced to the ramp to increase drivers’ visibility.</i> | The revised plans shows a relocated ramp with a width of 6m. A detailed cross section of the ramp was also provided with the proposed gradients. Council traffic engineer has reviewed the plans including access and car parking design and considered it to be acceptable. |
| <i>The Panel appreciates that the ADG encourages</i> | The revised plans were reviewed and the gross floor |

| <p><i>open corridors for light and ventilation purposes. Open corridors are supported by the Panel. There were discussions on whether open corridors should be included as floor area when calculating FSR. The Panel is of the view that extended open corridors should be included as floor area for the purposes of FSR calculation.</i></p> | <p>area calculations that included the open corridors and lift lobby areas as per the DEP's comment are as follows:</p> <p>Ground Level = 393.3m² Levels 1-3 = 1,179.9 (393.3m² x 3) Level 4 = 272.8m² Total GFA = 1,846m² Site Area = 1,397m² Proposed FSR = 1,846m²/1,397m² = 1.32 ></p> <p>Maximum FSR for the site is 1:1.2; the proposal provides 0.12 FSR or 167.64m² over the LLEP 2008 development standard.</p> <p><u>Council Comment</u></p> <p>The applicant did not adopt the calculation methodology proposed by the Panel as a result of a meeting with Council staff on 1 October 2019. The adopted methodology excludes the corridors and lift lobby areas. The reason being both ends of corridors from levels 1, 2, 3 and one end of Ground and Level 4 are not enclosed are excluded in GFA calculations.</p> <p>The revised calculations, excluding corridors provides the following:</p> <p>GFA = 1655.30/ Site area = 1397 = 1.185:1 FSR < 1:1.2 FSR. Complies.</p> <p>Notwithstanding comments from the DEP, Council is of the opinion that the FSR of the proposal is acceptable and achieves compliance with the LLEP 2008.</p> | | | | | | | | | | | | | | | | | | | | |
|--|--|------------------------------------|--------------------|--------------|--------------------|-----------------------|------|------|------|--------------------|----|----|----|--------------------|----|----|-----|-------------------------|----|----|----|
| <p><i>The Panel notes that the setbacks to the side and rear boundaries do not comply with the ADG on the top level (Level 4). A minimum of 9m setback to the outer balcony edges is required to the side and rear boundary in accordance with the ADG.</i></p> <p><i>The non-compliance with the ADG in respect to setbacks/building separation is problematic, in that it results in amenity issues with adjoining sites and for future residents of the subject proposal. The encroachment into the setback zone would require adjoining sites, if they were re-developed, to provide greater setback to comply with the required ADG building separation requirements. It is unreasonable to impose such condition upon adjoining sites.</i></p> | <p>The revised plans were reviewed and shows that all setbacks comply with the ADG.</p> <p><u>Comment</u></p> <p>The revised application now complies with all setback requirements in the ADG & LDGP as shown in the table below:</p> <table border="1" data-bbox="831 1496 1409 1966"> <thead> <tr> <th>Setback/ Building Separation</th> <th>Ground</th> <th>Level 1-3</th> <th>Level 4 Rooftop</th> </tr> </thead> <tbody> <tr> <td>Front = 5.5m (DCP)</td> <td>5.5m</td> <td>5.5m</td> <td>5.5m</td> </tr> <tr> <td>East = 6m (ADG)</td> <td>7m</td> <td>6m</td> <td>9m</td> </tr> <tr> <td>West = 6m (ADG)</td> <td>8m</td> <td>7m</td> <td>10m</td> </tr> <tr> <td>Rear/South = 9 (ADG)</td> <td>8m</td> <td>8m</td> <td>9m</td> </tr> </tbody> </table> | Setback/ Building Separation | Ground | Level 1-3 | Level 4 Rooftop | Front = 5.5m (DCP) | 5.5m | 5.5m | 5.5m | East = 6m (ADG) | 7m | 6m | 9m | West = 6m (ADG) | 8m | 7m | 10m | Rear/South = 9 (ADG) | 8m | 8m | 9m |
| Setback/ Building Separation | Ground | Level 1-3 | Level 4 Rooftop | | | | | | | | | | | | | | | | | | |
| Front = 5.5m (DCP) | 5.5m | 5.5m | 5.5m | | | | | | | | | | | | | | | | | | |
| East = 6m (ADG) | 7m | 6m | 9m | | | | | | | | | | | | | | | | | | |
| West = 6m (ADG) | 8m | 7m | 10m | | | | | | | | | | | | | | | | | | |
| Rear/South = 9 (ADG) | 8m | 8m | 9m | | | | | | | | | | | | | | | | | | |
| <p><i>The south facing units facing the street would</i></p> | <p>Achieves 91% or 21 of 23 Units as follows:</p> | | | | | | | | | | | | | | | | | | | | |

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| <i>have difficulties in achieving the required solar access of the ADG. Living rooms of some of the units may not provide sufficient solar access. The Panel questioned whether 70% of the apartments would receive the required ADG solar access. Design solutions may include the possibility of swapping the 3 south facing apartments with the rear units to improve solar access. The entry sequence to the building could be reduced if the apartments were flipped.</i> | Ground Floor = Units 001,002,003,004 & 005 Level 1 = Units 101, 103, 104, 105 Level 2 = Units 201, 202, 203, 204, 205 Level 3 = Units 301, 302, 303, 304, 305 Roof Level = Units 401 & 403 Revised plans achieves more than 70% |
| <i>The internal arrangements of some units do not adequately take advantage of solar access. They appear to have been designed as inboard units.</i> | Units have been rearranged to maximise the number of units facing north when compared to previous revisions. |
| <i>The egress path through the communal open space affects the usability and amenity of the Communal Open Space. COS should be consolidated into a large parcel that can be used for various activities. Potential to move the seating to the north-east corner rather than facing the POS of the rear unit.</i> | COS has been consolidated at the northern portion of the site as compared to a previous revision of the design. |
| <i>The extent of FC cladding along the sides of the building appears excessive and consideration should be given to introduce an alternative balance of materials and finishes to further enhance the appearance of the building.</i> | Amount of FC cladding has been reduced. |
| <i>Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.</i> | Design was amended to remove rendered walls. All façade materials now will be robust, low maintenance and high quality. |
| <i>The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.</i> | This comment refers to a superseded version of the plans. This has been addressed in later revisions of the plans. |
| <i>Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.</i> | The building has very standard construction with no unusual details. If required, this can be provided at CC stage by the use of a DA condition to ensure the execution of this requirement. |

The panel considered the scheme to be unacceptable and required a re-referral after the abovementioned comments were incorporated in the design. An electronic lodgement of the revised scheme was considered by the panel on 18 October 2018. A summary of the issues raised is outlined in the table below.

| 18 October 2018 DEP Meeting | |
|---|--|
| DEP Comments | Response |
| <i>Review the entry design. Provide equal (DDA compliant) access at the primary entry. Ensure weather protection is provided at the entry. The design should accommodate a lobby as part of</i> | DDA compliant main entry was provided at some point but changed by Council request. DDA compliant entry is provided at the secondary entry. Centrally located DDA compliant entry is |

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| <i>the arrival sequence. The entry should include be generous spaces that allows for easy access and the ability to wait in the space comfortably.</i> | impossible due to the slope of the land. |
| <i>Landscape Architecture design is of low quality. At the street edge. This impacts the private and public spaces and their relationship. 1:25 sections are required through the various thresholds to better understand the edge treatment relationship.</i> | An improved landscaping plan has been provided, including planter section details. |
| <i>Increase the planter width and relocate the visual screen / fence to maintain the privacy of the residents. Relocate the screen to the outside of the plantings area.</i> | Planters have been made wider and provided with screening. |
| <i>Review apartment layout to improve solar access and cross ventilation. Specifically review the arrangement of bedrooms and living spaces to ensure living spaces are receiving maximum solar access.</i> | Bedrooms and living spaces have been rearranged to maximise solar access to living areas. |
| <i>Review the detailing for the external cladding. The wrong detailing can result in a poor visual outcome. Ensure the interface between materials is detail of where each material meets is carefully considered and well detailed well.</i> | Façade aesthetics have been improved. |
| <i>Examine a different balustrade design particularly at the lower levels to provide for privacy – glass results in privacy issues.</i> | Balustrade is now solid up to 700mm in high, with glass only above that point to improve privacy. |
| <i>Reduce the unnecessary building articulation, separation of the building uses and open space with better internal planning. Simple layout reconfigurations will result in a much better planned (designed) building.</i> | Open spaces between units have been deleted. |
| <i>Increase the size of the windows on the eastern building façade design.</i> | Those windows have been increased. |
| <i>The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.</i> | Floor-to-Floor height is now 3050mm as requested. |
| <i>Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.</i> | The building has very standard construction with no unusual details. If required, this can be provided at CC stage by the use of a DA condition to ensure the execution of this requirement. |

| DEP Electronic Review 1 – Received on 18 December 2018 | |
|--|---|
| DEP Comments | Response |
| <i>The entry sequence reflects the Panel's suggestion, it is poorly executed. There are conflicts with escape stairs from the basement and the balcony/courtyard to Unit</i> | Entry sequence has been redesigned to remove the mentioned conflicts. |

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| <p><i>002.he entry sequence should be better defined, appropriately landscaped and of a width more suitable to the principal entry to the building rather than an escape path It would be preferable for the existing courtyard to the eastern side of Unit 002 to be deleted and for Basement exit stair to be relocated elsewhere.</i></p> | |
| <p><i>Have concerns about the bin room location immediately adjacent to the entry sequence. It is not clear whether the series of bin rooms on each level provide for a chute or whether waste is to be stored in each of the bin rooms. It would be useful to understand how the proposed waste system will operate.</i></p> | <p>The design has been amended and the bin room is not located adjacent to the main entry anymore. However, it is located close to the secondary entry which is convenient for waste collection. A detail of the room has been provided indicating the use of a chute.</p> |
| <p><i>DA16 – poor relationship between bedroom and bathroom particularly given that Unit 104/204/304 are one-bedroom apartments and the current plan would require a very circuitous route from bedroom to bathroom. The opportunity to provide direct access from Bedroom to Bathroom should be explored. Also note that Bedroom 1 dimension is 2510 against the ADG requirement of 3000.</i></p> | <p>Access to bathrooms in those units has been simplified and is now closer to the bedroom. Bedroom dimensions have been increased.</p> |
| <p><i>DA17 – Unit 401 appears to be deficient, with Bedroom 1 effective depth less than the ADG requirement of 3000.</i></p> | <p>Bedroom 1 in unit 401 has now 3m width when excluding the wardrobe</p> |
| <p><i>DA34 – Strata Plans do not appear to reflect Ground Floor lobby area which is shown to be “exterior area”. DA35 and DA36 Strata Plans do not appear to extend and provide for access to the bin rooms given that the common area appears to stop short of the doorways to the bin rooms.</i></p> | <p>Council Comment Strata approval no longer sought.</p> |
| <p><i>There are no supporting landscape plans which would have highlighted the lack of an appropriate entry sequence from the street to the principal entry. The landscape plans would also be helpful to clarify the relationship between Private Open Space and Communal Open Space.</i></p> | <p>Amended landscaping plan has been provided.</p> |

| <p>DEP Electronic Review 2 – Received on 8 February 2019</p> | |
|--|--|
| <p>DEP Comments</p> | <p>Response</p> |
| <p><i>Entry sequence is improved and amenity around main entrance enhanced to a satisfactory level. Landscaping has greatly improved this and must be mandated in any approval conditions that may apply to a future consent.</i></p> | <p>Please provide a DA condition to ensure compliance with Landscaping requirements.</p> |
| <p><i>The Panel is still concerned about the bin storage facility inside the main entrance and expect the anticipated use and impacts of this to be explained and resolved with LCC planning team during DA assessment.</i></p> | <p>The design has been amended and the bin room is not located adjacent to the main entry anymore. However, it is located close to the secondary entry which is convenient for waste collection. A detail of the room has been provided indicating the use of a chute.</p> |
| <p><i>Landscape plans provided are satisfactory with some clear thinking around front boundary treatment and privacy to street frontage. See first bullet point above. All planter box details must incorporate set downs in slabs to prevent failure in future.</i></p> | <p>Set down construction details can be provided at CC stage as part of the structural engineering drawings. Please provide a DA condition to ensure this.</p> |

In general, the external detailing of the facades relies heavily on applied, lightweight and painted surfaces. We encourage council to condition a high level of quality in the delivery of these proposed finishes to prevent deterioration and onerous maintenance burdens on future resident

DA condition to ensure high quality materials.

In its final review (Review 2), the Panel deemed the proposal to be acceptable.

4. DETAILS OF THE PROPOSAL

The development application is for the demolition of existing structures and construction of a five (5) storey residential flat building containing 23 residential units above basement parking as shown on the figure below.



Figure 3 – Site Plan and Street Elevation (Source: Fab Siqueira Architect)

Details of the proposal are provided as follows:

| Element | Proposed |
|-------------------|--|
| Site Area | 1,397m ² |
| FSR | Site area=1397 Proposed GFA = 1,676.39m ² FSR = 1676.39/1397 = 1.2 = 1.2:1 Note: GFA excludes open area corridors on Levels 1-3. |
| Residential Units | Total of 23 residential units. Dwelling mix as follows: <ul style="list-style-type: none"> • 10 x 1 bedroom (43%) • 12 x 2 bedroom (52%) • 1 x 3 bedroom (5%) |
| Height | 15.45m max. |
| Storeys | Five (5) storeys |

| | |
|--------------------|--|
| Front Setback | 5.6m |
| Side Setbacks | Ground to Level 2 (upto 10m in height) = 6m Levels 3 & 4 = (10m and above) = 9m |
| Rear Setback | 8.0m |
| Car parking spaces | 39 Basement parking spaces including: Two (2) disabled spaces Six (6) visitor spaces |

Building Form and Design

The building outline is appropriately set back from the site boundaries with the frontage designed to align with the curvature of the property boundary. In effect, the front elevation is articulated by a combination of varied wall planes punctuated by balconies and well-proportioned window openings. Use of contrasting material finishes, colours and geometry.

Communal Open Space (COS) and Landscaping

Communal Open Space (COS) is located at the rear of the site elevated 450mm above the ground floor level. This north oriented space has an area of 429.2m² (30%) and is accessible to the residents from the street frontage and the side lobby entry through a 1m wide footpath that runs along the eastern side of the building. It features a turfed outdoor open space, seating areas and BBQ facilities.

Planting incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety. Landscaping is also provided within the front setback of the site including fencing, paving and street trees.

Access and Parking

The proposal includes construction of a driveway to the basement level with direct access from Mackay Avenue at the western end of the site. The proposed development includes one level of basement car parking incorporating the following:

- 39 residential parking spaces (including 10 tandem spaces, 3 visitors parking and 1 disabled parking);
- Waste room;
- Residential storage areas; and
- The main pedestrian access to the development is provided via a separate walkway from McKay Avenue to the mid portion of the residential flat building entry leading to the lift lobby. Another pedestrian entry is provided along the eastern boundary via an accessible compliant ramp.

Landscaping

The development includes landscaping of the site which includes large and small plantings within deep soil zones and plantings with planter boxes.

Materials and finishes

The proposal includes painted precast concrete, composite cladding, aluminium sliding shutters, privacy screens and windows and doors to create a palette of colours and finishes

that are compatible with other developments within the locality and provides a contemporary building design that would be consistent with the future desired image of the area.

Site Servicing Facilities

The development proposes to drain the site via an On-Site Detention (OSD) basin located to the front of the site below the basement ramp.

A garbage storage room is proposed in the basement level. Transfer of bins for collection on the street can be carried out by a lift serving the basement and all floors of the building.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1: Controls applying to all development
 - Part 3.7: Residential Flat Buildings In the R4 Zone (Outside Liverpool City Centre)

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the subject development.

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.

The DA was accompanied by a Design Verification Statement. The statement provided a full assessment of the proposed development against the Design Quality Principles and the ADG.

Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and how they have been addressed by the applicant in the design:

| DESIGN QUALITY PRINCIPLE (DQP) | HOW IS THE DQP ADDRESSED IN THIS CASE? | |
|--|--|------|
| <p>PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p> | <p>The subject property is located in an area undergoing transition, so the appropriate context to be assessed is not only the existing situation, but especially the desired future character of the area.</p> <p>Most existing buildings in the neighbouring properties consist of small scale single and double storey dwellings.</p> <p>There is also a school across the road, which appears to be only single storey. Based on current planning controls, it is expected that future development will be of significantly larger scale.</p> <p>The streetscape and private properties in the area include large landscaped areas.</p> <p>The proposed residential unit sizes meet the area's housing demand.</p> | Yes. |
| <p>PRINCIPLE 2: BUILT FORM AND SCALE</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p> | <p>The proposed building will achieve a scale, bulk and height that will not have unreasonable impact on existing buildings in the vicinity and will be appropriate to the desired future character of the street.</p> <p>Building alignments, proportions, articulations and building elements will positively contribute to the streetscape. The progressive setbacks will assist in reducing bulk, and generous landscaped setbacks, including the planting proposed to the terraces will allow the proposed building to blend with its surroundings. The quality of materials will help integrate the aesthetics of the building with the streetscape.</p> <p>The proposed building have a good integration and definition with the street, with an easily identifiable entry.</p> | Yes |
| <p>PRINCIPLE 3: DENSITY</p> | <p>The apartments are all of good size and amenity, including solar access to most private</p> | Yes |

| | | |
|--|--|------------|
| <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>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.</i></p> | <p>open spaces and living rooms in mid-winter. All units have all internal rooms of a size large enough to allow the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies, courtyards and terraces with space for landscaping and leisure.</p> <p>The density is compatible with council's controls and will be appropriate for the near future requirements of the area.</p> <p>Public infrastructure, transport, access to jobs, community facilities and parks are readily available in the vicinity.</p> | |
| <p>PRINCIPLE 4: SUSTAINABILITY</p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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.</i></p> | <p>All units have good access to sunlight and cross ventilation. Heating, cooling and insulation will be provided as required by the Basix certificate.</p> <p>The building will have a secluded area for garbage bins with easy access to collection services.</p> <p>The proposed site design allow a large deep soil area around the building for planting. The courtyards and terraces will also be landscaped which will be an integral part of the architecture of this building.</p> <p>The proposal also addresses social and economic issues by increasing the availability of housing to satisfy the market's needs and creating jobs during construction works and in the long term with the maintenance of the building.</p> | <p>Yes</p> |
| <p>PRINCIPLE 5: LANDSCAPE</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> | <p>Landscaping is an integral part of the architecture of this proposal. The design provides deep soil space around the building for planting and landscaping over the courtyards and terraces of some residential units.</p> | <p>Yes</p> |
| <p>PRINCIPLE 6: AMENITY</p> <p><i>Good design positively influences internal and</i></p> | <p>The apartments are all of good size and amenity, including solar access to the majority of private open spaces and living rooms in mid</p> | <p>Yes</p> |

| | | |
|---|---|------------|
| <p><i>external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>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.</i></p> | <p>winter. All units have all internal rooms of a size large enough to allow the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies, courtyards and terraces with space for landscaping and leisure.</p> <p>All units have good access to sunlight, cross ventilation and storage spaces. Visual privacy to the adjoining properties has been achieved through a combination of the separation distances, shading and landscaping. The construction will comply with BCA's requirements in terms of acoustic privacy.</p> <p>The building also includes provision for a lift which will allow accessibility for persons of limited mobility.</p> <p>Amenity of neighbours will not be compromised. The design minimises overshadowing, which affects mostly the street towards the south. Overlooking has been addressed by the provision of privacy screens, large setbacks and orienting the habitable rooms either towards the front or to the rear.</p> | |
| <p>PRINCIPLE 7: SAFETY</p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>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.</i></p> | <p>The new residential building will have a security door to the main access and the carpark will have security gate.</p> <p>The public and private spaces are well defined with a covered, well lit buffer area at the main entry. All entries are clearly defined.</p> <p>The position of the residential units will allow for passive surveillance.</p> | <p>Yes</p> |
| <p>PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p> | <p>The building provides a mix of apartment sizes and types for different demographics, living needs and household budgets. There will be 1, 2 and 3 bedroom units. Ground floor units will have large courtyards, and top floor units will have large terraces.</p> <p>The ground floor will include a large landscaped communal open space.</p> | <p>Yes</p> |

| | | |
|---|--|------------|
| <p>PRINCIPLE 9: AESTHETICS</p> <p><i>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.</i></p> <p><i>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.</i></p> | <p>The design achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials and integrated landscaping.</p> <p>The visual appearance of the building responds to the planning controls, future and existing context, maintains existing street alignments and levels of landscaping.</p> <p>The overall design of the proposal has been supported by Council's DEP.</p> | <p>Yes</p> |
|---|--|------------|

The design proposal represents a visually appealing scheme, with a design that is representative of the desired future character of the neighbourhood.

The proposal will set a high standard of the quality for residential development in Moorebank and will have positive social and economic impacts due to the provision of higher density housing. The design will also provide large landscaped areas.

All envisaged environmental impacts have been carefully addressed to resolve any issues that were raised during the assessment process. The well-balanced nature of the proposal will help it to rest comfortably in its surroundings and will improve the visual appeal of the streetscape.

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

| Development Standard | Proposed | Complies | | | | | | | | |
|--|---|----------|-------------|------|-------------|----|----|-------|------|------------|
| 2F Building Separation | | | | | | | | | | |
| <p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (c. 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Note: <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> | <p>The proposed setbacks are as follows:</p> <p><u>Up to four storeys (Level 3)</u></p> <table border="1" data-bbox="767 1473 1203 1585"> <tr> <td>Rear</td> <td>East</td> <td>West</td> <td>Front (DCP)</td> </tr> <tr> <td>8m</td> <td>7m</td> <td>7.09m</td> <td>5.5m</td> </tr> </table> <p>All building elements comply.</p> | Rear | East | West | Front (DCP) | 8m | 7m | 7.09m | 5.5m | <p>Yes</p> |
| Rear | East | West | Front (DCP) | | | | | | | |
| 8m | 7m | 7.09m | 5.5m | | | | | | | |

| Development Standard | Proposed | Complies | | | | | | | | |
|--|---|------------|-------------|------|-------------|----|-----|-----|------|------------|
| <p>Five to eight storeys (12m to 25m)</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: <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> | <p>The proposed setbacks are as follows:</p> <p><u>Five (Level 4) to eight storeys</u></p> <table border="1" data-bbox="767 398 1203 510"> <thead> <tr> <th>Rear</th> <th>East</th> <th>West</th> <th>Front (DCP)</th> </tr> </thead> <tbody> <tr> <td>9m</td> <td>10m</td> <td>11m</td> <td>5.5m</td> </tr> </tbody> </table> <p>All building elements comply.</p> | Rear | East | West | Front (DCP) | 9m | 10m | 11m | 5.5m | <p>Yes</p> |
| Rear | East | West | Front (DCP) | | | | | | | |
| 9m | 10m | 11m | 5.5m | | | | | | | |
| 3A Site analysis | | | | | | | | | | |
| <p><i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</i></p> | <p>A site analysis plan was prepared to inform the design.</p> | <p>Yes</p> | | | | | | | | |
| 3B Orientation | | | | | | | | | | |
| <p><i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><i>Overshadowing of neighbouring properties is minimised during mid-winter</i></p> | <p>The proposed RFB has been designed to address McKay Avenue. The design makes good use of the northerly aspect rear of the site.</p> | <p>Yes</p> | | | | | | | | |
| 3D Communal and public open space | | | | | | | | | | |
| <p><i>Communal open space has a minimum area equal to 25% of the site</i></p> <p><i>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)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p> <p><i>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</i></p> | <p>Required communal open space = 349.25m² (1,397 m² x 25%).</p> <p>Proposal provides a communal open space area of 429.2m² or (429.2/1397) = 30% >25%.</p> <p>The communal open space is orientated to the north of the site and achieves the required solar access.</p> <p>Communal open space is of sufficient size and configuration to allow variety of activities and choices regarding the use of sunny or shady locations depending on different times of the year.</p> | <p>Yes</p> | | | | | | | | |
| 3E Deep soil zones | | | | | | | | | | |
| <p><i>7% of the site area is to be for Deep Soil zone.</i></p> | <p>The proposed deep soil area is 157.1m² or (157.1/1397) = 11.2% > 7%</p> | <p>Yes</p> | | | | | | | | |

| Development Standard | Proposed | Complies | | | | | | | | | | | | |
|--|--|-------------------------------|---------------------|----------------------------|-----------------|-----------------------------------|--------------------------|------------------------------|-----------------------|-----------------------|----------------------------|------------|---|------------|
| 3F Visual Privacy | | | | | | | | | | | | | | |
| <p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="223 465 726 801"> <thead> <tr> <th data-bbox="231 477 395 589">Building Height</th> <th data-bbox="403 477 568 589">Habitable Rooms and Balconies</th> <th data-bbox="576 477 718 589">Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 600 395 656">Up to 12m (4 storeys)</td> <td data-bbox="403 600 568 656">6m</td> <td data-bbox="576 600 718 656">3m</td> </tr> <tr> <td data-bbox="231 667 395 723">12m to 25m (5-8 storeys)</td> <td data-bbox="403 667 568 723">9m</td> <td data-bbox="576 667 718 723">4.5m</td> </tr> <tr> <td data-bbox="231 734 395 790">Over 25m (9+ storeys)</td> <td data-bbox="403 734 568 790">12m</td> <td data-bbox="576 734 718 790">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 | <p>Building separation complies as discussed above.</p> | <p>Yes</p> |
| 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 | | | | | | | | | | | | |
| 3G Pedestrian Access and Entries | | | | | | | | | | | | | | |
| <p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p> | <p>The revised plans provides 2 pedestrian building access points. The main entrance is located in the mid portion of the ground floor level with direct access from the street footpath to the internal foyer and circulation corridor.</p> <p>The other entry is located to the mid portion of the eastern façade and provides an accessible ramp and entry to the building.</p> | <p>Yes</p> | | | | | | | | | | | | |
| 3H Vehicle Access | | | | | | | | | | | | | | |
| <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p> | <p>Separate vehicle and pedestrian access are provided and located to achieve safety by minimizing circulation conflict points.</p> | <p>Yes</p> | | | | | | | | | | | | |
| 3J Bicycle and Car Parking | | | | | | | | | | | | | | |
| <p>3J-1. 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>3J-2. Parking and facilities are provided for other modes of transport</p> <p>3J-3. Car park design and access is safe and secure</p> <p>3J-4. Visual and environmental impacts of underground car parking are minimised</p> <p>3J-5. Visual and environmental impacts of on-grade car parking are minimised</p> | <p>Car parking has been provided according to the DCP requirements</p> <table border="1" data-bbox="762 1626 1185 1984"> <thead> <tr> <th data-bbox="770 1637 994 1704">Bedroom type/ unit area</th> <th data-bbox="1002 1637 1177 1704">Required spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="770 1715 994 1771">1/1br or <65m²</td> <td data-bbox="1002 1715 1177 1771">1br = 10x1 = 10</td> </tr> <tr> <td data-bbox="770 1783 994 1850">1/5/2br or >65-110 m²</td> <td data-bbox="1002 1783 1177 1850">2br = 12x1.5 = 18</td> </tr> <tr> <td data-bbox="770 1861 994 1917">2x3br or > 110m²</td> <td data-bbox="1002 1861 1177 1917">3br = 1 x 3br x 2 = 2</td> </tr> <tr> <td data-bbox="770 1928 994 1984">Visitors</td> <td data-bbox="1002 1928 1177 1984">1 in 4 units = 23/4 = 5.75</td> </tr> </tbody> </table> <p>Total car parking required = 36.5 or 37 spaces</p> | Bedroom type/ unit area | Required spaces | 1/1br or <65m ² | 1br = 10x1 = 10 | 1/5/2br or >65-110 m ² | 2br = 12x1.5 = 18 | 2x3br or > 110m ² | 3br = 1 x 3br x 2 = 2 | Visitors | 1 in 4 units = 23/4 = 5.75 | <p>Yes</p> | | |
| Bedroom type/ unit area | Required spaces | | | | | | | | | | | | | |
| 1/1br or <65m ² | 1br = 10x1 = 10 | | | | | | | | | | | | | |
| 1/5/2br or >65-110 m ² | 2br = 12x1.5 = 18 | | | | | | | | | | | | | |
| 2x3br or > 110m ² | 3br = 1 x 3br x 2 = 2 | | | | | | | | | | | | | |
| Visitors | 1 in 4 units = 23/4 = 5.75 | | | | | | | | | | | | | |

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|--|---|----------------------------------|----|---------------|--------------|--|--|-----|----------|------------|-----|---|----|-----|---|----|-----|---|------------|-----|---|------------|------------|--|--|-------------------|--------------|---------------------|-------------------|---|------------------------------|-------------------|---|----------------|-------------------|---|----------------|-------------------|---|----------------------------------|---------|--|--|-----|---|----------|-----|----------|----|-----|---|----------|--|
| <p>3.J-6 <i>Visual and environmental impacts of above ground enclosed car parking are minimised</i></p> | <table border="1" data-bbox="778 304 1217 1211"> <thead> <tr> <th>Unit</th> <th>Br</th> <th>Carpark space</th> </tr> </thead> <tbody> <tr> <td colspan="3">Ground Floor</td> </tr> <tr> <td>001</td> <td>1+ study</td> <td>01 & 02(T)</td> </tr> <tr> <td>002</td> <td>1</td> <td>21</td> </tr> <tr> <td>003</td> <td>1</td> <td>22</td> </tr> <tr> <td>004</td> <td>2</td> <td>03 & 04(T)</td> </tr> <tr> <td>005</td> <td>2</td> <td>05 & 06(T)</td> </tr> <tr> <td colspan="3">Levels 1-3</td> </tr> <tr> <td>101 201 301</td> <td>1br study</td> <td>+ 23 39 37</td> </tr> <tr> <td>102 202 302</td> <td>2</td> <td>24 09 & 10(T) 32&33(T)</td> </tr> <tr> <td>103 203 303</td> <td>2</td> <td>25 38 36</td> </tr> <tr> <td>104 204 304</td> <td>1</td> <td>14 15 35</td> </tr> <tr> <td>105 205 305</td> <td>2</td> <td>07&08(T) 11&12(T) 30&31(T)</td> </tr> <tr> <td colspan="3">Level 4</td> </tr> <tr> <td>401</td> <td>3</td> <td>28&29(T)</td> </tr> <tr> <td>402</td> <td>1+ study</td> <td>34</td> </tr> <tr> <td>403</td> <td>2</td> <td>26&27(T)</td> </tr> </tbody> </table> <p data-bbox="762 1240 1233 1330">Thirty nine (39) spaces are provided inclusive of 1 disabled parking space and 10 spaces in tandem.</p> <p data-bbox="762 1361 1233 1514">The applicant has provided the parking space allocation table above which demonstrates that each of the 10 tandem spaces are allocated to a single corresponding individual Unit.</p> <p data-bbox="762 1545 1233 1635">All car parking are provided in a basement. There are no above ground carparking spaces.</p> <p data-bbox="762 1666 1233 1756">There is room in the basement for bicycle parking and capacity for motorcycle parking to be provided.</p> | Unit | Br | Carpark space | Ground Floor | | | 001 | 1+ study | 01 & 02(T) | 002 | 1 | 21 | 003 | 1 | 22 | 004 | 2 | 03 & 04(T) | 005 | 2 | 05 & 06(T) | Levels 1-3 | | | 101 201 301 | 1br study | + 23 39 37 | 102 202 302 | 2 | 24 09 & 10(T) 32&33(T) | 103 203 303 | 2 | 25 38 36 | 104 204 304 | 1 | 14 15 35 | 105 205 305 | 2 | 07&08(T) 11&12(T) 30&31(T) | Level 4 | | | 401 | 3 | 28&29(T) | 402 | 1+ study | 34 | 403 | 2 | 26&27(T) | |
| Unit | Br | Carpark space | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground Floor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 001 | 1+ study | 01 & 02(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 002 | 1 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 003 | 1 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 004 | 2 | 03 & 04(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 005 | 2 | 05 & 06(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Levels 1-3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 101 201 301 | 1br study | + 23 39 37 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 102 202 302 | 2 | 24 09 & 10(T) 32&33(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 103 203 303 | 2 | 25 38 36 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 104 204 304 | 1 | 14 15 35 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 105 205 305 | 2 | 07&08(T) 11&12(T) 30&31(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 401 | 3 | 28&29(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 402 | 1+ study | 34 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 403 | 2 | 26&27(T) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4A Solar and Daylight Access</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Development Standard | Proposed | Complies |
|---|---|------------|
| <p>1. <i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i></p> <p><i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</i></p> | <p>The proposed development currently provides 21 of 23 units or 91% receiving sufficient solar access as follows:</p> <p>Ground Floor = (Units 001,002, 003,004 & 005) Level 1 = Units 101, 103, 104, 105 Level 2 = Units 201, 202, 203, 204, 205 Level 3 = Units 301, 302, 303, 304, 305 Roof Level = Units 401 & 403.</p> | <p>Yes</p> |
| <p>2. <i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</i></p> | <p>Less than 2/23 units or 8% units receive no direct sunlight between 9am – 3pm on the winter solstice.</p> | <p>Yes</p> |
| <p>4A-2 <i>Daylight access is maximised where sunlight is limited</i></p> <p>Objective 4A-3 <i>Design incorporates shading and glare control, particularly for warmer months</i></p> | <p>The site provides appropriate solar access to apartments given the orientation of the site.</p> <p>The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.</p> | <p>Yes</p> |
| <p>4B Natural Ventilation</p> | | |
| <p>4B-3 <i>The number of apartments with natural ventilation is maximised to create a comfortable environment for residents</i></p> <p>1. <i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</i></p> <p>2. <i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</i></p> | <p>The site analysis contained within the architectural plans illustrates that prevailing winds originate from the north east.</p> <p>Natural ventilation is maximised through a design that encourages corner units and cross-through apartments.</p> <p>A total of 78% (18 of 23) apartments achieve natural cross ventilation.</p> <p>One cross-through apartment (Unit 403) exceeds the depth of 18m, when measured glass line to glass line. However, the unit has openings to the side boundaries to achieve maximum natural ventilation.</p> | <p>Yes</p> |
| <p>4C Ceiling Heights</p> | | |

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|---|--|--------------------------|----------------|--------------------------|----------------------|---------|----------------------|---------|----------------------|---------|----------------------|---------|----------------------|------------|---|-------|-----|---|-------|-----|---|-------|------------|--|--|-------------|---------|-------|-------------|---|-------|-------------|---|-------|-------------|---|-------|-------------|---|-------|---------|--|--|-----|---|-------|-----|----------|-------|-----|---|-------|------------|
| <p>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.</p> | <table border="1"> <thead> <tr> <th data-bbox="762 315 890 400">Floor level</th> <th data-bbox="898 315 1233 400">Ceiling Height</th> </tr> </thead> <tbody> <tr> <td data-bbox="762 400 890 450">Ground</td> <td data-bbox="898 400 1233 450">26600 - 23900 = 2700</td> </tr> <tr> <td data-bbox="762 450 890 499">Level 1</td> <td data-bbox="898 450 1233 499">29650 - 26950 = 2700</td> </tr> <tr> <td data-bbox="762 499 890 548">Level 2</td> <td data-bbox="898 499 1233 548">32700 - 30000 = 2700</td> </tr> <tr> <td data-bbox="762 548 890 598">Level 3</td> <td data-bbox="898 548 1233 598">35750 - 33050 = 2700</td> </tr> <tr> <td data-bbox="762 598 890 647">Level 4</td> <td data-bbox="898 598 1233 647">38800 - 36100 = 2700</td> </tr> </tbody> </table> | Floor level | Ceiling Height | Ground | 26600 - 23900 = 2700 | Level 1 | 29650 - 26950 = 2700 | Level 2 | 32700 - 30000 = 2700 | Level 3 | 35750 - 33050 = 2700 | Level 4 | 38800 - 36100 = 2700 | <p>Yes</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Floor level | Ceiling Height | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground | 26600 - 23900 = 2700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 1 | 29650 - 26950 = 2700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 2 | 32700 - 30000 = 2700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 3 | 35750 - 33050 = 2700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 4 | 38800 - 36100 = 2700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4D Apartment Size and Layout</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> | <table border="1"> <thead> <tr> <th data-bbox="762 797 930 860">Unit</th> <th data-bbox="938 797 1066 860">Br</th> <th data-bbox="1074 797 1233 860">Unit Area m²</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="762 860 1233 898">Ground Floor</td> </tr> <tr> <td data-bbox="762 898 930 931">001</td> <td data-bbox="938 898 1066 931">1+study</td> <td data-bbox="1074 898 1233 931">67.12</td> </tr> <tr> <td data-bbox="762 931 930 965">002</td> <td data-bbox="938 931 1066 965">1</td> <td data-bbox="1074 931 1233 965">60.46</td> </tr> <tr> <td data-bbox="762 965 930 999">003</td> <td data-bbox="938 965 1066 999">1</td> <td data-bbox="1074 965 1233 999">52.07</td> </tr> <tr> <td data-bbox="762 999 930 1032">004</td> <td data-bbox="938 999 1066 1032">2</td> <td data-bbox="1074 999 1233 1032">71.50</td> </tr> <tr> <td data-bbox="762 1032 930 1066">005</td> <td data-bbox="938 1032 1066 1066">2</td> <td data-bbox="1074 1032 1233 1066">76.39</td> </tr> <tr> <td colspan="3" data-bbox="762 1066 1233 1099">Levels 1-3</td> </tr> <tr> <td data-bbox="762 1099 930 1178">101,201,301</td> <td data-bbox="938 1099 1066 1178">1+study</td> <td data-bbox="1074 1099 1233 1178">66.14</td> </tr> <tr> <td data-bbox="762 1178 930 1234">102,202,302</td> <td data-bbox="938 1178 1066 1234">2</td> <td data-bbox="1074 1178 1233 1234">78.49</td> </tr> <tr> <td data-bbox="762 1234 930 1290">103,203,303</td> <td data-bbox="938 1234 1066 1290">2</td> <td data-bbox="1074 1234 1233 1290">70.16</td> </tr> <tr> <td data-bbox="762 1290 930 1346">104,204,304</td> <td data-bbox="938 1290 1066 1346">1</td> <td data-bbox="1074 1290 1233 1346">51.36</td> </tr> <tr> <td data-bbox="762 1346 930 1402">105,205,305</td> <td data-bbox="938 1346 1066 1402">2</td> <td data-bbox="1074 1346 1233 1402">76.36</td> </tr> <tr> <td colspan="3" data-bbox="762 1402 1233 1435">Level 4</td> </tr> <tr> <td data-bbox="762 1435 930 1469">401</td> <td data-bbox="938 1435 1066 1469">3</td> <td data-bbox="1074 1435 1233 1469">95.67</td> </tr> <tr> <td data-bbox="762 1469 930 1503">402</td> <td data-bbox="938 1469 1066 1503">1+ study</td> <td data-bbox="1074 1469 1233 1503">58.23</td> </tr> <tr> <td data-bbox="762 1503 930 1536">403</td> <td data-bbox="938 1503 1066 1536">2</td> <td data-bbox="1074 1503 1233 1536">84.59</td> </tr> </tbody> </table> <p>Habitable rooms are provided with windows of sufficient glass areas.</p> | Unit | Br | Unit Area m ² | Ground Floor | | | 001 | 1+study | 67.12 | 002 | 1 | 60.46 | 003 | 1 | 52.07 | 004 | 2 | 71.50 | 005 | 2 | 76.39 | Levels 1-3 | | | 101,201,301 | 1+study | 66.14 | 102,202,302 | 2 | 78.49 | 103,203,303 | 2 | 70.16 | 104,204,304 | 1 | 51.36 | 105,205,305 | 2 | 76.36 | Level 4 | | | 401 | 3 | 95.67 | 402 | 1+ study | 58.23 | 403 | 2 | 84.59 | <p>Yes</p> |
| Unit | Br | Unit Area m ² | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground Floor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 001 | 1+study | 67.12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 002 | 1 | 60.46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 003 | 1 | 52.07 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 004 | 2 | 71.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 005 | 2 | 76.39 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Levels 1-3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 101,201,301 | 1+study | 66.14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 102,202,302 | 2 | 78.49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 103,203,303 | 2 | 70.16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 104,204,304 | 1 | 51.36 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 105,205,305 | 2 | 76.36 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 401 | 3 | 95.67 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 402 | 1+ study | 58.23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 403 | 2 | 84.59 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

24 February 2020

| Development Standard | Proposed | | | | Complies |
|---|--|-----------|--------------------------------|---|--------------|
| <p>4D-2 Environmental performance of the apartment is maximised. Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.7m x 2.5 = 6.75m)</p> <p>Note : For single aspect open plans with combined living, dining and kitchen = 8m</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> | Unit | Br | Depth (m) | Comply | Yes by merit |
| | Ground Level | | | | |
| | 001 | 2 | 7 (open) | Yes | |
| | 002 | 1 | 8.15 (open + side window) | Yes | |
| | 003 | 1 | 5.8 | Yes | |
| | 004 | 2 | 7.5 (open) | Yes | |
| | 005 | 2 | 9 (open) | No but provided with high window along hallway | |
| | Typical Level 1 to Level 3 | | | | |
| | 101,20 1,301 | 2 | 7.1 (open) | Yes | |
| | 102,20 2,302 | 2 | 8.22 (open but w/ side window) | Yes | |
| | 103,20 3,303 | 2 | 5.7 | Yes | |
| | 104,20 4,304 | 1 | 5.9 | Yes | |
| | 105,20 5,305 | 2 | 9.2 | No but provided with high window along hallway | |
| | Level 4 | | | | |
| | 401 | 3 | 9m | No but provided with wider windows | |
| | 402 | 1 | 6.3m | Yes | |
| | 403 | 2 | 8.6m (Open) | Yes | |
| | <p>There are 5 dwellings despite having open plan layout have over 8m depth. However these have been mitigated by wider windows and introduction of windows on the corridor side to increase natural light penetration into the units.</p> | | | | |

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

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| Development Standard | Proposed | | | | Complies | |
|---|--|------------------------|---|--|--------------|--|
| <p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> | Unit | Br 1 m ² | Br 2 m ² | Comply | Yes by merit | |
| | Ground Level | | | | | |
| | 001 | 3.8x3.4 = 12.9 | N/A | Width less than 3m | | |
| | 002 | 3.x3.31 = 9.93 | N/A | No. Less than 10 m ² | | |
| | 003 | 3 x 3 = 9 | N/A | No | | |
| | 004 | 3.36x3 = 10.08 | 3.36 x = 10.08 | Yes | | |
| | 005 | 3.4 x 3 = 10.2 | 3.4 x 3 = 10.2 | Yes | | |
| | Typical Level 1 to Level 3 | | | | | |
| | 101, 201, 301 | 3.492 x 3.96 = 13.82 | 3.2 x 3.96 = 12.672 | Yes | | |
| | 102, 202, 302 | 3.4 x 3.1 = 10.54 | 3.3 x 3 = 9.9 | Yes | | |
| | 103, 203, 303 | 3.1 x 3 = 10.23 | 3.6 x (2.8 + 3.6/2) = 11.52 | Yes | | |
| | 104, 204, 304 | 3.2 x 3.15 = 10.08 | N/A | Yes | | |
| | 105, 205, 305 | 3 x 3.69 = 11.67 | 3.52 x 3 = 10.56 | Yes | | |
| | Level 4 | | | | | |
| | 401 | 4.045 x 3 = 12.135 | 3.077x 3.145 = 9.67 3.077x 3 = 9.231 | Yes | | |
| | 402 | 3x3=9 | N/A | Yes | | |
| | 403 | 3.5x3=10.5 | 3 x 3 =9 | Yes | | |
| | <p>The non-compliances are minimal. Units 002 & 003 have an area deficit of upto 1m².</p> | | | | | |

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

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| Development Standard | Proposed | | | | Complies | | | | | | | | | | | | | | | | | |
|--|---|------------------|----------------|---------------|----------|--------|-----------------|---|-----------|-----------------|----|-----------|------------------|----|-----------|------------------|------|--|--|--|--|-----|
| <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p> | Unit | Br | Width m | Comply | Yes | | | | | | | | | | | | | | | | | |
| | Ground Level | | | | | | | | | | | | | | | | | | | | | |
| | 001 | 1 | 3.96m | Yes | | | | | | | | | | | | | | | | | | |
| | 002 | 1 | 3.6m | Yes | | | | | | | | | | | | | | | | | | |
| | 003 | 1 | 4.69m | Yes | | | | | | | | | | | | | | | | | | |
| | 004 | 2 | 4.15m | Yes | | | | | | | | | | | | | | | | | | |
| | 005 | 2 | 4.0m | Yes | | | | | | | | | | | | | | | | | | |
| | Typical Level 1 to Level 3 | | | | | | | | | | | | | | | | | | | | | |
| | 101,201,301 | 1 | 3.96m | Yes | | | | | | | | | | | | | | | | | | |
| | 102,202,302 | 2 | 4m | Yes | | | | | | | | | | | | | | | | | | |
| | 103,203,303 | 2 | 7m | Yes | | | | | | | | | | | | | | | | | | |
| | 104,204,304 | 1 | 4.01m | Yes | | | | | | | | | | | | | | | | | | |
| | 105,205,305 | 2 | 4.02m | Yes | | | | | | | | | | | | | | | | | | |
| | Level 4 | | | | | | | | | | | | | | | | | | | | | |
| | 401 | 3 | 4.71m | Yes | | | | | | | | | | | | | | | | | | |
| | 402 | 2 | 6.2m | Yes | | | | | | | | | | | | | | | | | | |
| | 403 | 2 | 4.12m | Yes | | | | | | | | | | | | | | | | | | |
| | 4E Private Open Space and Balconies | | | | | | | | | | | | | | | | | | | | | |
| | <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="223 1395 702 1675"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4m</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 ² | - | 1 bedroom | 8m ² | 2m | 2 bedroom | 10m ² | 2m | 3 bedroom | 12m ² | 2.4m | | | | | Yes |
| | | Dwelling Type | Minimum Area | Minimum Depth | | | | | | | | | | | | | | | | | | |
| Studio | | 4m ² | - | | | | | | | | | | | | | | | | | | | |
| 1 bedroom | | 8m ² | 2m | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | | 10m ² | 2m | | | | | | | | | | | | | | | | | | | |
| 3 bedroom | | 12m ² | 2.4m | | | | | | | | | | | | | | | | | | | |
| Typical Level 1 to Level 3 | | | | | | | | | | | | | | | | | | | | | | |
| 101,201,301 | | 3.8 | 15 | Yes | | | | | | | | | | | | | | | | | | |
| 102,202,302 | | 2.7 | 17.9 | Yes | | | | | | | | | | | | | | | | | | |
| 103,203,303 | | 2.44 | 17.6+13.9 | Yes | | | | | | | | | | | | | | | | | | |
| 104,204,304 | | 2.45 | 12.7 | Yes | | | | | | | | | | | | | | | | | | |
| 105,205,305 | | 3.95 | 14.5 | Yes | | | | | | | | | | | | | | | | | | |
| Level 4 | | | | | | | | | | | | | | | | | | | | | | |
| 401 | | 2.7 | 17.9 | Yes | | | | | | | | | | | | | | | | | | |
| 402 | 3.25 | 22.8 | Yes | | | | | | | | | | | | | | | | | | | |
| 403 | 3.2 | 10 +4.6 | Yes | | | | | | | | | | | | | | | | | | | |

| Development Standard | Proposed | Complies | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|----------------------------------|--------------------------------|---------------------|-----------|-----------------|-----------|-----------------|-----------|------------------|--|------------|-----|-----|----|------|-----|-----|----|------|-----|-----|-------|----|-----|-----|------|------|-----|------------|
| <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p> | <table border="1"> <thead> <tr> <th data-bbox="762 353 874 416">Unit</th> <th data-bbox="882 353 994 416">Depth m</th> <th data-bbox="1002 353 1114 416">Area m²</th> <th data-bbox="1121 353 1233 416">Comply</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="762 421 1233 454">Ground Level</td> </tr> <tr> <td data-bbox="762 459 874 510">001</td> <td data-bbox="882 459 994 510">5.2m</td> <td data-bbox="1002 459 1114 510">25.1</td> <td data-bbox="1121 459 1233 510">Yes</td> </tr> <tr> <td data-bbox="762 515 874 566">002</td> <td data-bbox="882 515 994 566">3m</td> <td data-bbox="1002 515 1114 566">27.6</td> <td data-bbox="1121 515 1233 566">Yes</td> </tr> <tr> <td data-bbox="762 571 874 622">003</td> <td data-bbox="882 571 994 622">3m</td> <td data-bbox="1002 571 1114 622">15.7</td> <td data-bbox="1121 571 1233 622">Yes</td> </tr> <tr> <td data-bbox="762 627 874 678">004</td> <td data-bbox="882 627 994 678">3.95m</td> <td data-bbox="1002 627 1114 678">30</td> <td data-bbox="1121 627 1233 678">Yes</td> </tr> <tr> <td data-bbox="762 683 874 734">005</td> <td data-bbox="882 683 994 734">4.5m</td> <td data-bbox="1002 683 1114 734">23.8</td> <td data-bbox="1121 683 1233 734">Yes</td> </tr> </tbody> </table> | Unit | Depth m | Area m ² | Comply | Ground Level | | | | 001 | 5.2m | 25.1 | Yes | 002 | 3m | 27.6 | Yes | 003 | 3m | 15.7 | Yes | 004 | 3.95m | 30 | Yes | 005 | 4.5m | 23.8 | Yes | <p>Yes</p> |
| Unit | Depth m | Area m ² | Comply | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground Level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 001 | 5.2m | 25.1 | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 002 | 3m | 27.6 | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 003 | 3m | 15.7 | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 004 | 3.95m | 30 | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 005 | 4.5m | 23.8 | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4F Common Circulation and Spaces</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>The maximum number of apartments off a circulation core on a single level is eight</p> | <p>There is no more than 3, 4 or 5 units off any single service core.</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p> | <p>Not Applicable.</p> | <p>N/A</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Common circulation spaces promote safety and provide social interaction between residents</p> | <p>Corridors off lifts on all levels are linear and open to the outside. This allows straight sign lines and provides light and air into this common area.</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4G Storage</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="223 1395 683 1585"> <thead> <tr> <th data-bbox="231 1400 391 1456">Dwelling Type</th> <th data-bbox="406 1400 675 1456">Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 1460 391 1489">Studio</td> <td data-bbox="406 1460 675 1489">4m³</td> </tr> <tr> <td data-bbox="231 1494 391 1523">1 bedroom</td> <td data-bbox="406 1494 675 1523">6m³</td> </tr> <tr> <td data-bbox="231 1527 391 1556">2 bedroom</td> <td data-bbox="406 1527 675 1556">8m³</td> </tr> <tr> <td data-bbox="231 1561 391 1590">3 bedroom</td> <td data-bbox="406 1561 675 1590">10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p> | Dwelling Type | Storage Size Volume | Studio | 4m ³ | 1 bedroom | 6m ³ | 2 bedroom | 8m ³ | 3 bedroom | 10m ³ | <p>Additional storage areas are provided in individual units.</p> <p>There is a total of 23 (2.5m x 0.5m) bonnet storage areas above car parking spaces in basement level.</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | |
| Dwelling Type | Storage Size Volume | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Studio | 4m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 bedroom | 6m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | 8m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom | 10m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4H Acoustic Privacy</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Noise transfer is minimised through the siting of buildings and building layout</p> | <p>No acoustic report was submitted. Appropriate noise mitigation measures will be implemented.</p> | <p>Yes, subject to condition</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p> | | | <p>4K Apartment Mix</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4K Apartment Mix</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Development Standard | Proposed | Complies |
|--|---|----------|
| <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i> | The proposed unit mix is: <ul style="list-style-type: none"> • 9 x 1 bedroom (39%) • 13 x 2 bedrooms (56%) • 1 x 3 bedrooms (5%) Different sized units are satisfactorily distributed over different levels. | Yes |
| <i>The apartment mix is distributed to suitable locations within the building</i> | | |
| 4L Ground Floor Apartments | | |
| <i>Street frontage activity is maximised where ground floor apartments are located.</i> | The main and direct entry to the building is through the mid - section of the street frontage. The entry provides individual access to Ground Floor Units 002 & 003 that address the street. | Yes |
| <i>Direct street access should be provide to ground floor apartments.</i> | | |
| <i>Design of ground floor apartments delivers amenity and safety for residents</i> | Balconies of Units 002 & 003 are above the street level and provide good surveillance. | |
| | The proposal includes landscaping at ground level to provide visual interest. | |
| | Fences and pathways clearly delineate areas of public and private open space. | |
| 4M Facades | | |
| <i>Building facades provide visual interest along the street while respecting the character of the local area</i> | The overall design clearly defines the ground floor level, the mid-section defined by levels 1-3 and the top level which is setback further from the side and rear boundaries. | Yes |
| <i>Building functions are expressed by the facade</i> | | |
| 4N Roof Design | | |
| <i>Roof treatments are integrated into the building design and positively respond to the street</i> | The flat roof design echoes the horizontality of the building elements | Yes |
| <i>Opportunities to use roof space for residential accommodation and open space are maximised</i> | | |
| <i>Roof design incorporates sustainability features</i> | | |
| | The roof space is not proposed to be used for any other purpose. | |
| 4O Landscape Design | | |
| <i>Landscape design is viable and sustainable</i> | The development is in accordance with these objectives. | Yes |
| <i>Landscape design contributes to the streetscape and amenity</i> | | |
| 4P Planting on Structures | | |

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| Development Standard | Proposed | Complies |
|---|---|----------|
| <i>Appropriate soil profiles are provided</i> | The development is in accordance with these objectives. | Yes |
| <i>Plant growth is optimised with appropriate selection and maintenance</i> | | |
| <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i> | | |
| 4Q Universal Design | | |
| <i>Universal design features are included in apartment design to promote flexible housing for all community members</i> | Unit 401 is nominated to have universal design features. | Yes |
| <i>A variety of apartments with adaptable designs are provided</i> | | |
| <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i> | | |
| 4R Adaptive Reuse | | |
| <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i> | The DA is for the development of a new building and not the adaptive reuse of an existing building. | N/A |
| <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i> | | |
| 4S Mixed Use | | |
| 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. | N/A |
| Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents | | |
| 4T Awnings and Signage | | |
| <i>Awnings are well located and complement and integrate with the building design</i> | Not Applicable. | N/A |
| <i>Signage responds to the context and desired streetscape character</i> | | |
| 4U Energy Efficiency | | |

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| Development Standard | Proposed | Complies |
|--|--|----------------|
| <i>Development incorporates passive environmental design</i> | The development is in accordance with these objectives. Sliding sun screens are included on balconies to provide passive shading. Good cross ventilation is provided as part of the development. | Yes |
| <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i> | | |
| <i>Adequate natural ventilation minimises the need for mechanical ventilation</i> | | |
| 4V Water Management and Conservation | | |
| <i>Potable water use is minimised</i> | Potable water use is minimised in accordance with BASIX water efficiency targets and water efficient devices will be provided in accordance with the requirements of the BASIX Certificate. | Yes |
| <i>Urban stormwater is treated on site before being discharged to receiving waters</i> | The storm water concept plan for the development has been reviewed by Council's Land Development Engineers who have raised no objections to the proposed development subject to conditions. | Yes |
| <i>Flood management systems are integrated into site design</i> | Not Applicable. | Not Applicable |
| 4W Waste Management | | |
| 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. | Yes |
| Domestic waste is minimised by providing safe and convenient source separation and recycling | | |
| 4X Building Maintenance | | |
| <i>Building design detail provides protection from weathering</i> | The development is in accordance with these objectives. | Yes |
| <i>Systems and access enable ease of maintenance</i> | | |
| <i>Material selection reduces ongoing maintenance costs</i> | | |

Based on the above assessment, the proposed development satisfy the design criteria.

(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 the above SEPP, Council must consider:

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

| Clause 7 - Contamination and remediation to be considered in determining development application | Comment |
|---|--|
| <i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i> | |
| <i>(a) it has considered whether the land is contaminated, and</i> | It is unlikely the land is contaminated as it is an existing residentially zoned allotment. |
| <i>(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</i> | The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records. |
| <i>(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.</i> | The land does not require remediation. |

The applicant submitted a preliminary site investigation conducted by Alliance Geotechnical Pty Ltd. On 32-34 McKay Avenue (Lots 18 & 19 DP 236405) dated 26 April 2018, found that historical owners from registered since 1924 comprised individuals and a company called Rodlin Pty Ltd.

This investigation revealed that based on land title ownership, potential for land contamination activities to have been undertaken on the site, specifically poultry farming to the northern portion.

However, aerial imagery did not indicate a potential land contaminating activities to have been undertaken on the site.

The report concluded the following:

- The potential for contamination to be present on the site as a result of past and current land use activities, is considered low;

- The site is considered suitable (in the context of land contamination) for the proposed land use setting; and
- Further investigation, management and/or remediation (in the context of land contamination) is considered not warranted.

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.

(e) 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 and report has been submitted with the development.

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

(f) 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.

(g) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 pursuant to the High Density Residential under Liverpool (LLEP) 2008 LLEP 2008. An extract of the zoning map is provided in Figure 3 below.



Figure 3: Zoning Map (source: Geocortex)

(ii) Permissibility

The proposed development is appropriately defined by the standard instrument as residential flat building (RFB) which is identified as permitted land use with consent within R4 Zone under the Liverpool Local Environment Plan 2008. An RFB is defined as follows:

“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

(iii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are:


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


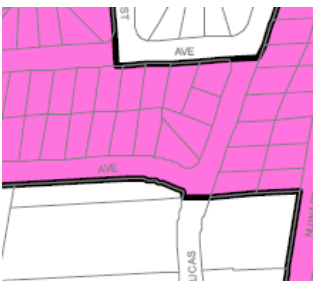
The proposed development satisfies the objectives of the R4 zone in that:

- It will provide for housing needs within a high density residential environment. While established development around the site consists of low density residential development; the area has been zoned for high density residential development and it is therefore envisioned that any redevelopment be in a form that establishes the higher density of residential buildings and other uses that are permitted in that zone;
- It will contain a mix of different sized units providing a variety of housing opportunities in a high density form;
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents;
- The site is within close proximity to required services and facilities required to support higher density development including public transport, shops, schools and employment opportunities; and
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

(ii) Principal Development Standards

The following principal development standards of LLEP2008 apply to the proposal:

| Development Provision | Requirement | Proposed | Complies |
|--|--|--|----------|
| 2.7 Demolition | The demolition of a building or work may be carried out only with development consent. | Demolition is proposed as part of the development. | Yes |
| 4.1 Minimum Subdivision Lot Size | Minimum lot size of 1000m ² | The combined area =1391.1m ² | Yes |
| 4.3 Height of Building (Height of buildings map – Sheet HOB-014) P = 18m | The maximum building height permitted on the subject land is 18 metres on the Heights of Buildings map.  | The proposed maximum building height is 17.149m including the lift overrun. | Yes |
| 4.4 Floor Space Ratio (Floor space ratio map – sheet FSR-014) P=1:1.2 | The permitted FSR for the site is 1:2:1 under LLEP2008 | FSR proposed gross floor area, excluding basements and open area corridors along levels 1-3 is as follows: GFA = 1676.39/1397 = 1.2 = 1.2:1 | Yes |

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| 7.14 Minimum building street frontage | Development consent must not be granted to development, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres. | Site provides 36.577m to MacKay Avenue | Yes |
| 6.5 Public Utility Infrastructure | Public utility infrastructure must be available | As a established residential area, public utilities are available. | Yes |
| 7.7 Acid sulfate soils | Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. | The site is not identified in the map to be affected by acid sulphate soils. | N/A |
| Schedule 1 Additional permitted uses Use of certain land at Moorebank in Zone R4 (Key Sites Map – sheet KYS-014) |  (1) This clause applies to land shown coloured pink on the Key Sites Map. (2) Development for the purposes of entertainment facilities and restaurants or cafes is permitted with consent if it is part of a mixed use development that contains multi dwelling housing | N/A | N/A |

As demonstrated in the above compliance table, the proposed development is consistent with the provisions of LLEP 2008.

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

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

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

(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 3.7 – Residential Flat Buildings in the R4 Zone*.

The development is found to achieve full compliance with the provisions of the LDCP 2008 as outlined in the following table.

| Controls | Comment | Complies |
|--|--|----------|
| PART 1 - GENERAL CONTROLS FOR ALL DEVELOPMENT | | |
| Section 2. Tree Preservation | Removal of garden trees to be replaced as per landscape plan. | Yes |
| Section 3. Landscaping and Incorporation of Existing Trees | The proposed landscape area is 524.2 m ² or 37.5% of site area which is over the 25% required in the ADG. | Yes |
| Section 4. Bushland and Fauna Habitat Preservation | N/A | N/A |
| Section 5. Bush Fire Risk | N/A | N/A |
| Section 6. Water Cycle Management | The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development subject to conditions. | Yes |
| Section 7. Development Near a Watercourse | Subject site is not near a watercourse or river. | N/A |
| Section 8. Erosion and Sediment Control | Plans submitted. Condition will be attached to any consent. | Yes |
| Section 9. Flooding Risk | Subject site is not flood affected. | N/A |
| Section 10. Contaminated Land Risk | Site not recognised as being contaminated. | N/A |
| Section 11. Salinity Risk | The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development subject to conditions. | Yes |
| Section 12. Acid Sulphate Soils | Site is not affected by Acid Sulphate Soils. | N/A |
| Section 13. Weeds | No identifiable noxious weeds are on site. | N/A |
| Section 14. Demolition of Existing Development | Existing detached dwelling houses to be demolished at the site. | Yes |
| Section 15. On Site Sewage Disposal | Site is connected to water and sewer services. Sydney Water approval is required for new and upgraded connections. | N/A |
| Section 16. Aboriginal Archaeology | No items identified. | N/A |
| Section 17. Heritage and Archaeological Sites | Not a heritage item or site. | N/A |
| Section 18. Notification of Applications | Application was notified in accordance with DCP. One submission was received and the issues raised are | Yes |

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| Controls | Comment | Complies |
|---|---|----------|
| | considered in this report. | |
| Section 19. Used Clothing Bins | N/A | N/A |
| Section 20. Car Parking and Access | ADG (3J Bicycle and Car Parking) requires 37 car parking and 39 are provided. | Yes |
| Section 21. Subdivision of Land and Buildings | No subdivision proposed by this DA. | N/A |
| Section 22. and Section 23 Water Conservation and Energy Conservation | Proposed development has provided a BASIX Certificate which meets the required Water Efficiency target. Proposed development has provided a BASIX Certificate which meets the required Energy Efficiency and Thermal Comfort targets. | Yes |
| Section 25. Waste Disposal and Re-use Facilities | Waste management facilities are provided on site. Conditions are imposed to provide a revised Waste Management Plan. | Yes |
| Section 21. Subdivision of Land and Buildings | No subdivision is proposed. | N/A |
| Section 26 Outdoor Advertising and Signage | N/A | N/A |
| Section 27. Social Impact Assessment | It is considered that the proposed development is generally consistent with the objectives of Chapter 27 of Part 1 LDCP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good amenity provided by the proposed development, proximity to shopping services and transport and access to community facilities and services and job opportunities. | Yes |

| Controls | Comment | Comply |
|--|--|--------|
| Part 3.7 – Residential Flat Buildings in the R4 Zone | | |
| Frontage and Site Area Minimum frontage of 24m | A frontage of 36.577m is provided. | Yes |
| Site Planning | | |
| The building should relate to the site's topography with minimal earthworks, except for basement car parking. | Other than excavation the basement level under the footprint of the building, minimal earthworks are proposed. A geo-technical report has been provided that confirms that excavation can be undertaken on the site. | Yes |
| Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design | Application is accompanied by a BASIX certificate. | Yes |
| Site layout should provide safe pedestrian, cycle and vehicle access to and from the street. | Safe access is provided by the segregation of vehicular and pedestrian entrances. | Yes |

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| Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity. | The development is in accordance with the objectives of the zone. The 5 storey structure is setback at the top most level to reduce bulk and scale. | Yes |
| Storm water from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council storm water system. Where storm water drains directly to the street, there may also be a need to incorporate on-site detention of storm water where street drainage is inadequate | This aspect has been reviewed by Council's Development Engineering officers, who have recommended approval subject to conditions. | Yes |
| The development will need to satisfy the requirements of State Environmental Planning Policy No 65— Design Quality of Residential Flat Development | The amended plans demonstrate compliance with SEPP 65. | Yes |
| Setbacks | | |
| Front Setback Front building setback of 5.5m is required from the street. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m | A front setback of 5.6m is provided to the building. | Yes |
| | There is an encroachment of 1m by the courtyard into the front setback. | Yes |
| Side Setback Boundary to land in R4 zone: 3m building setback required for a building height up to 10m Boundary to land in R4 zone: 8m building setback required for a building height up greater 10m. | A 6m side setback is provided to the building for a height of 10m (Ground to Level 2) | Yes |
| | A 9m setback is provided to the building for the upper storeys (levels 3 & 4). Level 3 building height is more than 10m and should be setback by 8m however, SEPP 65 Section 2F applies. Level 3 complies | Yes |
| Rear Setback Boundary to land in R4 zone: 8m building setback required for all building heights | Rear setbacks provided for all levels is 8m and 9m. | Yes |
| Landscaped Area and Private Open Space | | |
| Landscaped area A minimum of 25% of the site area shall be landscaped area. Site area = 1397m ² Required Landscape area = 349.25 m ² | Proposed = 524.2 (37.5%) > 25% | Yes |

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| <p>Front setback landscaped area</p> <p>A minimum of 50% of the front setback area shall be landscaped area.</p> | <p>Front setback area = 205m²</p> <p>Minimum required = 102.5 m² (50%)</p> <p>Proposed = 138.4 m² (67.9%)</p> | Yes |
| <p>Optimise landscaped area</p> <p>Optimise the provision of consolidated landscaped area within a site by:</p> <ul style="list-style-type: none"> - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. | <p>Landscaped areas are generally consolidated within the front, rear and side setbacks.</p> | Yes |
| <p>Plant variety</p> <p>Promote landscape health by supporting for a rich variety of vegetation type and size</p> | <p>A variety of native plant species are provided.</p> | Yes |
| <p>Communal open space</p> <p>Provide communal open space, which is appropriate and relevant to the context and the building's setting.</p> | <p>Communal open space is provided to the rear which maximizes the north aspect of the site.</p> | Yes |
| <p>Provide range of activities</p> <p>Where communal open space is provided, facilitate its use for the desired range of activities by:</p> <ul style="list-style-type: none"> - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking. | <p>The communal open space is well located and varied. The design provides a range of options for use.</p> | Yes |
| <p>Location of POS</p> <p>Locate open space to increase the potential for residential amenity.</p> | <p>The communal open space is located to the rear of the site and is accessible to residents via pathways along the east side boundary.</p> | Yes |
| <p>POS provision</p> <p>Private open space shall be provided as follows:</p> <ul style="list-style-type: none"> - 10m² for a dwelling size less than 65m² - 12m² for a dwelling size over 65m² | <p>Private open space requirements are provided in accordance with the requirements of the ADG.</p> | Yes |

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| <p>Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.</p> | <p>Private courtyards are provided for units on the ground floor.</p> | <p>Yes</p> |
| <p>Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.</p> | <p>The POS acts as an extension of the internal living rooms.</p> | <p>Yes</p> |
| <p>Private open space should be clearly defined for private use.</p> | <p>The POS is clearly defined.</p> | <p>Yes</p> |
| <p>Building Design, Style and Streetscape</p> | | |
| <p>Building Appearance and Streetscape</p> <p>Objectives of the controls are as follows:</p> <p>a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.</p> <p>b) To promote high architectural quality in residential flat buildings.</p> <p>c) To ensure that new developments have facades which define and enhance the public domain and desired street character.</p> <p>d) To ensure that building elements are integrated into the overall building form and facade design.</p> | <p>The composition of building elements, materials, textures and colours is satisfactory.</p> <p>The building addresses ADG requirements and is in keeping with the likely future character of the area in terms of height, bulk, scale, built form and roof design.</p> <p>The proposed building is highly articulated and designed to suit the site.</p> | <p>Yes</p> |
| <p>Roof Design</p> <p>Objectives of the controls are:</p> <p>a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;</p> <p>b) To integrate the design of the roof into the overall facade, building composition and desired contextual response;</p> <p>c) To increase the longevity of the building through weather protection.</p> | <p>The proposed roof design contributes positively to the design of the building.</p> | <p>Yes</p> |
| <p>Building Entry</p> <p>Objectives of the controls are:</p> <p>a) To create entrances which provide a desirable residential identity for the development.</p> <p>b) To orient the visitor.</p> <p>c) To contribute positively to the streetscape and building facade design.</p> | <p>The main entry is centrally located which among other considerations:</p> <ul style="list-style-type: none"> • Provide a desirable residential frontage and identity to the building. • Contribute to the street activation | <p>Yes</p> |
| <p>Balconies</p> <p>Objectives of the controls are:</p> <p>a) To ensure that balconies contribute</p> | <p>Balconies are integrated into the architectural form of the development and will complement the facade and are fit for purpose.</p> | <p>Yes</p> |

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| <p>positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.</p> | | |
| <p>Daylight Access Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.</p> | <p>The previous table (ADG - 4A Solar and Daylight Access) shows that the proposed development provides 21 units of 23 or 91% receiving sufficient solar access and does not comply with the required 70%.</p> | <p>Yes</p> |
| <p>Internal Design Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.</p> | <p>The amended design shows that the living spaces and identified numerical deficiencies to the ADG standard have been rectified including minimum room sizes, solar access, habitable room depths and the like.</p> | <p>Yes</p> |
| <p>Ground Floor Dwellings Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.</p> | <p>Ground floor units that adjoin the street are provided with direct street access and contribute to the activation, surveillance and front façade treatment that interacts with the street.</p> | <p>Yes</p> |
| <p>Security Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.</p> | <p>The entrance to the building is clearly defined and identifiable from the street. This contributes to causal surveillance opportunities in addition to the balconies already provided.</p> | <p>Yes</p> |
| <p>Natural Ventilation Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms</p> | <p>All units (100%) are capable of natural ventilation.</p> | <p>Yes</p> |

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| <p>with direct access to fresh air and to assist in promoting thermal comfort for occupants.</p> <p>b) To provide natural ventilation in non-habitable rooms, where possible.</p> <p>c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</p> | | |
| <p>Building Layout</p> <p>Objectives of the controls are:</p> <p>a) To provide variety in appearance.</p> <p>b) To provide increasing privacy between dwellings within the building.</p> <p>c) To assist with flow through ventilation.</p> <p>d) To improve solar access.</p> | <p>Generally, the proposed building layout with an open common linear corridor optimise natural light and ventilation.</p> | <p>Yes</p> |
| <p>Storage Areas</p> <p>A secure storage space is to be provided for each dwelling with a minimum volume of 8m³ (minimum dimension 1m²). This must be set aside exclusively for storage as part of the basement or garage.</p> | <p>Storage spaces are provided within individual units in addition to storage areas proposed in the basement.</p> | <p>Yes</p> |
| <p>Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.</p> | <p>Storage areas within the basement will be adequately lit.</p> | <p>Yes</p> |
| <p>Landscaping and Fencing</p> | | |
| <p>Landscaping</p> <p>Objectives of the controls are:</p> <p>a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.</p> <p>b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.</p> <p>c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p> | <p>The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.</p> | <p>Yes</p> |
| <p>Fence height</p> | <p>Details to be provided.</p> | <p>TBA</p> |

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|---|---|-------|
| Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence. | | |
| Surveillance Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas. | Details to be provided. | TBA |
| Transparency The front fence must be 30% transparent. | Details to be provided. | TBA |
| Fence materials Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. | Details to be provided. | TBA |
| Height at side boundary front of setback The maximum height of side boundary fencing within the setback to the street is 1.2m. | Details to be provided. | TBA |
| Boundary fences Boundary fences shall be lapped and capped timber or metal sheeting. | Details to be provided. | . TBA |
| Car Parking and Access | | |
| Visitor parking Visitor car parking shall be clearly identified and may not be stacked car parking. | Visitor parking for 4 cars are in the basement. | Yes |
| Visitor parking location Visitor car parking shall be located between any roller shutter door and the front boundary. | Visitors will also have the option to park in the street but in any case, entry to the building will require passing security doors. | Yes |
| Separation of access Pedestrian and driveways shall be separated. | Pedestrian and driveways are separated. | Yes |
| Accommodate removalist Driveways shall be designed to accommodate removalist vehicles. | On-street parking is available for removalist vehicles. The driveway width accommodates two cars passing and provides for better safety and visibility if unencumbered by other purposes. | Yes |
| Vehicular entrance Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street. | The proposed driveway is the best option in this case. | Yes |
| Underground parking Give preference to underground parking | Underground parking is provided. | Yes |
| Pedestrian Access Objectives of the controls are: a) To promote residential flat | The main pedestrian entry is now clearly defined from the street as it is located to the mid portion of the front façade. | Yes |

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| development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts. | Another pedestrian entry to the eastern side of the building provides a compliant disabled access ramp. | |
| Amenity and Environmental Impact | | |
| Overshadowing Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space. | Shadow diagrams of the proposed development have been prepared for 21 June (winter solstice). The shadow diagrams shows that the main impact will be on McKay Street to the south. | Yes |
| Privacy Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space. | Consideration has been given to privacy having regard to disparity in permitted height and density compared to the height and density of existing development. While it is recognised that initially there will be potential for existing residents to feel they are being overlooked and for new RFB residents to feel they are visually exposed, the expectations of various residents are expected to change as the locality transitions from low to high density. In the meantime, it is considered that the design of the proposed development has given appropriate consideration to preserving residential privacy. | Yes |
| Acoustic Impact Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings. | As discussed previously within this report, no acoustic report was submitted. Appropriate noise mitigation measures will be implemented. | Yes, to be conditioned |
| Site Services | | |
| Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained. | All required site services will be provided to the site and maintained. | Yes |

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008.

6.4 Section 4.15(1)(a)(iia) - Planning Agreement or any Draft Planning Agreement

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 National Construction Code NCC and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

6.6 Section 4.15(1)(a)(v) - Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

N/A

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

(a) Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development which is not an over-development and is consistent with the desired future built character of the locality.

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

Natural Environment

The proposed development requires the removal of at least 4 trees and retention of 3 existing small to medium sized trees which are unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna. The proposed landscape plan shows appropriate planting of at least 15 new medium to large sized trees and establishment of vegetation within the setbacks.

(b) 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.

The development is considered beneficial to the community for its attempt to increase housing variety in the locality by providing a diverse unit mix. The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

The short term positive economic impacts development that result from construction spending and employment opportunities generated during the construction phase are generally recognised. Other, more enduring impacts should come as the local population increases and use local shopping and services.

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

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

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

(a) Internal Referrals

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

| DEPARTMENT | COMMENTS |
|------------------------------|------------------------------------|
| Traffic | No objection subject to conditions |
| Waste Management | No objection subject to conditions |
| Natural Environment | No objection |
| Environmental Health | No objection subject to conditions |
| Land Development Engineering | No objection subject to conditions |

(b) Community Consultation

The proposal was notified for a period of 14 days from December 6 to 20 in accordance with LDCP 2008. One submission was received in response to the public consultation process. The key issues raised in the submissions relate to the following:

| Issues | Comments |
|--|--|
| Waste Disposal | |
| The submission makes the observation that there will be an increase in rubbish bins from 2 to 27 bins. It was also noted that there will be an increased in noise, identified bin storage area and placement of bins during collection days. The projected number of bins presented on the street kerb will impact on the number of street parking availability. | <p>The revised waste management plan submitted by the applicant was reviewed by Council which considered that it can be conditioned so as to meet the objectives on waste disposal including the following commitments /conditions proposed by the applicant:</p> <ul style="list-style-type: none"> The waste storage area for the waste bins is to be 2.7 metres in height and to be 7.5 metres deep by 3.4 metres wide, giving a total floor area of 25.5 square metres sufficient to store the required bins; The standard features included in the waste storage room will be as per the requirements of the Liverpool DCP 2008, Section 25, 'Waste Disposal and Re-use Facilities'; The waste bins will be moved to the kerbside for emptying by means of a bin tug or tractor; A bin lifter is to be supplied to tip the 240 litre recycling bins to be placed in the waste compartments on each level into the 660 |

| | |
|---|---|
| | <p>litre recycling bins which will then be tipped into the Council contractor's waste truck;</p> <ul style="list-style-type: none"> All bin path gradients from the ground floor of the building to the kerbside collection point will be no greater than 7% and determined that. A weekly bin collection service will be provided for the proposed development. Bins will be stored in the basement at other times. <p>The proposed development was accompanied by an acoustic assessment report which considered the impact of local noise sources on the units and the potential impact of the new residential flat building on the existing aural environment. The report concluded that all potential acoustic issues can be managed to comply with published guidelines and that the development will not cause a noise nuisance.</p> |
| <p>Increased population</p> | |
| <p>The submission claims that if the proposal were extrapolated across the R4 zone there will be overpopulation and infrastructure cannot possibly cope. There are not enough schools, child care and bus service to cater for the increased population. There will be impact on amenity and property values.</p> | <p>The proposed development has been assessed by Council's development engineers and it is considered that drainage and stormwater can be satisfactorily handled for the site. Sydney Water has identified that it will deal with water and sewer connections at Construction Certificate stage. Construction of the proposed development will include liaison with the responsible energy providers and will include appropriate street lighting. It is considered that adequate infrastructure is available or will be provided to service the proposed development.</p> <p>With regards to the character of development, the proposal will present a different character to the existing single and two storey dwellings. However, the locality is Zoned R4 high density residential development and the proposed development meets the expectations and parameters of the R4 zone. Sites in nearby Lucas Avenue and Nuwarra Road are starting to provide an expression of the character of buildings proposed under the R4 zone. The proposed development is considered to provide a quality expression of high density development in accordance with the R4 zone.</p> |
| <p>Increased traffic and traffic management plan</p> | |
| <p>The objection claims that the submitted traffic report was flawed and assumptions used were incorrect. The objector noted that a traffic management plan was not submitted with the application particularly how to deal with concrete trucks and pumps during concrete pours.</p> | <p>The application was accompanied by a traffic report which was referred to Council's Traffic Engineering Unit for review.</p> <p>Both concur that the surrounding road network has the capacity to accommodate the increased traffic generated by the development.</p> |

| | |
|---|--|
| A traffic management plan should be requested as a condition of consent. | |
| Not in the public interest | |
| The objector claims that the ultimate test for whether the proposal is within the public interest in addition to the above is objections received from the community. | Noted. |
| Landscaping | |
| The uploaded landscape plan in the website is blank. There should be adequate and appropriate trees provided to soften the harsh apartment building. | A landscape plan has since been submitted by the applicant. This was supported by DEP and Council's tree officer. |
| Bulk and Scale | |
| The bulk and scale is completely inappropriate and contrary to the existing residential area, existing development and is completely incompatible with the existing area. The proposal does not at all blend with the existing streetscape. | As a residential flat building, the proposed development will present a very different character to the existing single storey dwellings currently in McKay Avenue. However, the locality is zoned R4 enable a higher and denser built form and the proposed development meets these expectations and parameters. The proposed development is considered to provide a quality expression of high density development in accordance with the R4 zone. |

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

The proposed development is consistent with the zoning of the land and would represent a quality development for the suburb. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution 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 \$56,945.

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 the applicable State Environmental Planning Policies, 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 approved subject to the imposition of conditions.

9. RECOMMENDATION

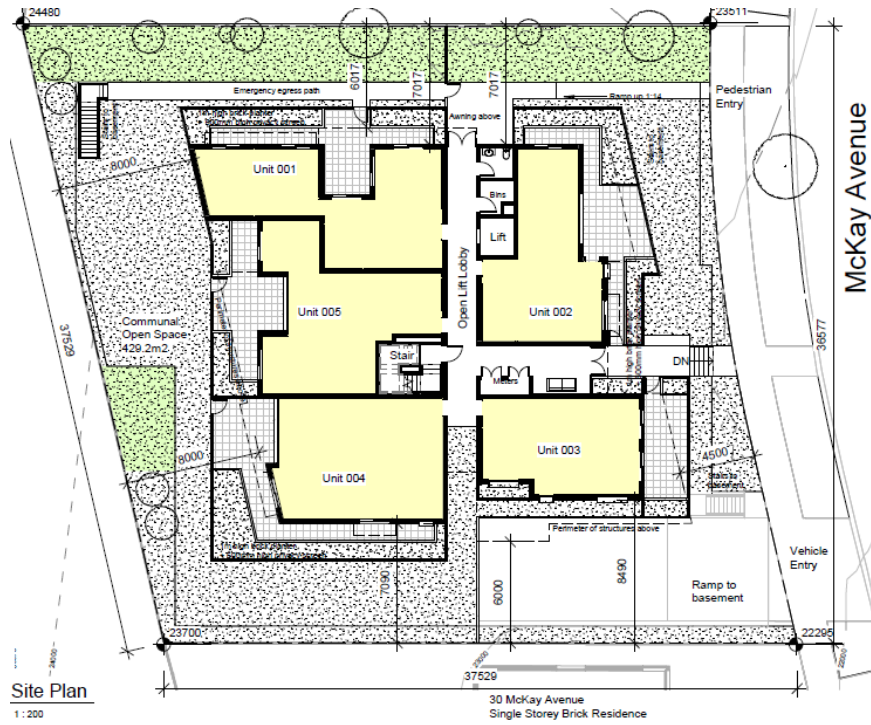
That the Development Application DA-995/2017 be approved, subject to conditions of consent.

10. ATTACHMENTS

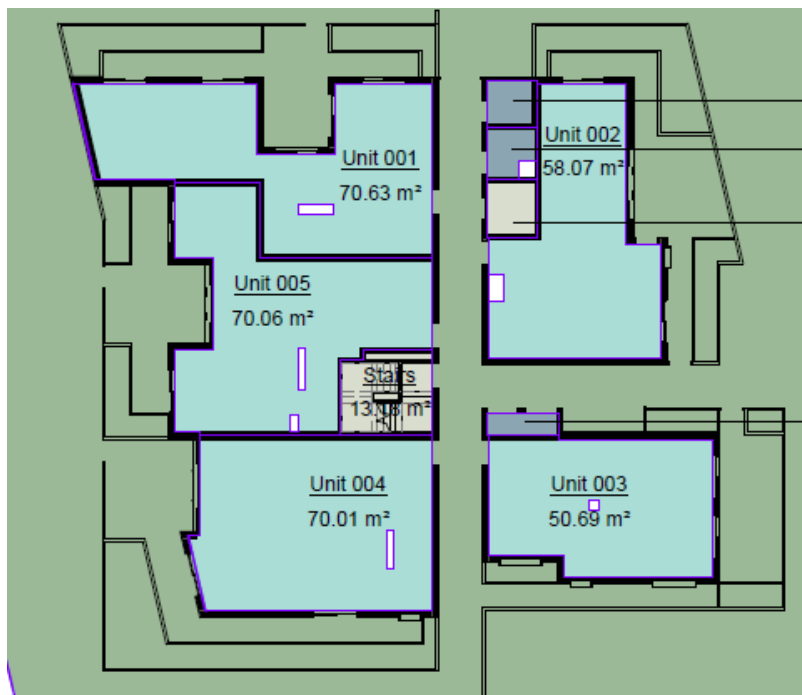
Attachment 1: Plans of the Proposal

Attachment 2: Recommended conditions of consent

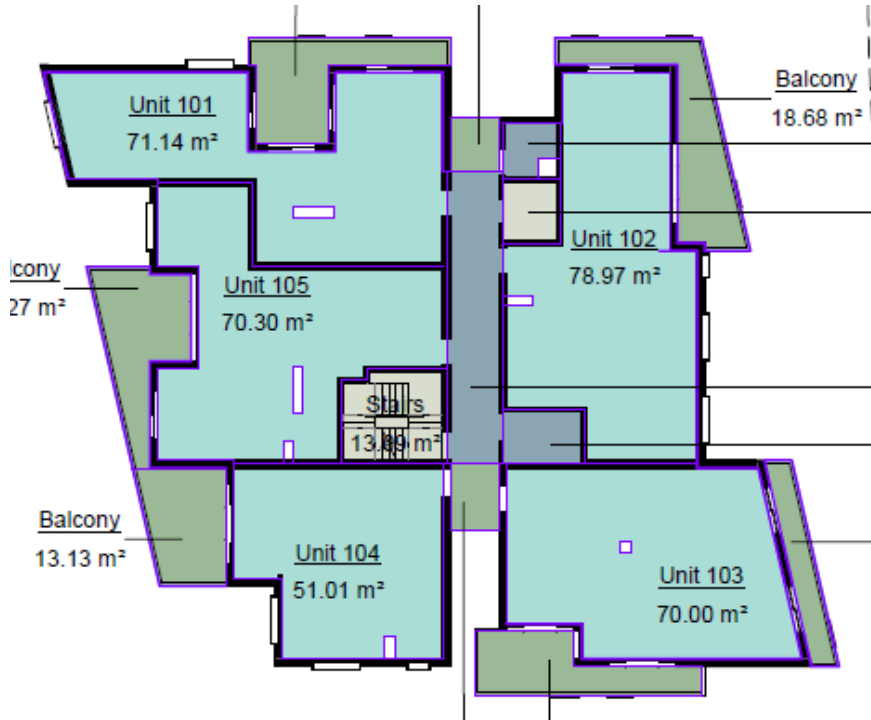
Attachment 1: Plans of the Proposal



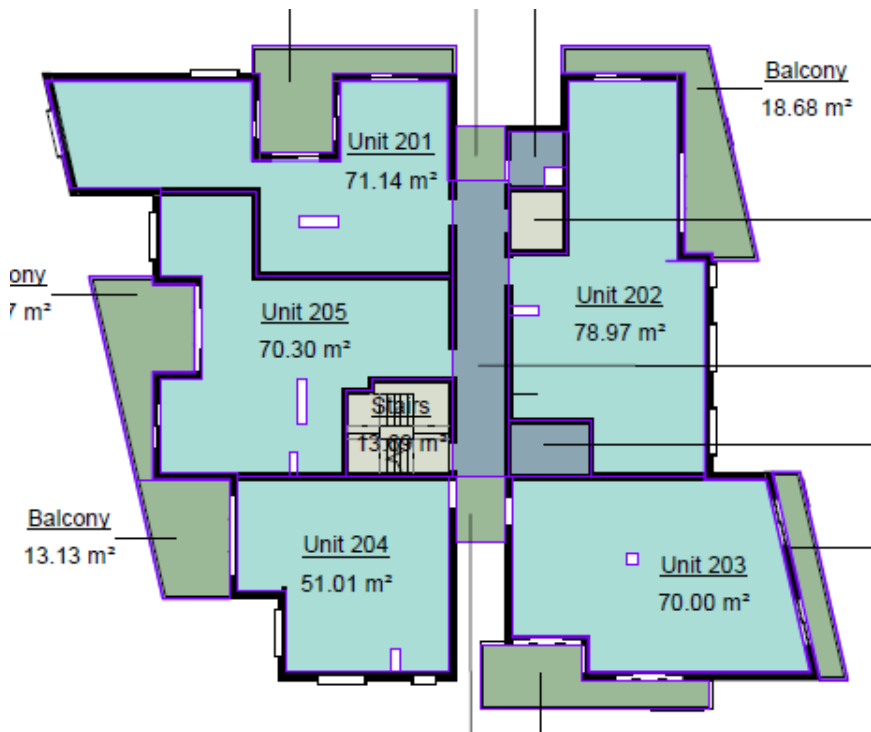
Site Plan
1:200
Site Plan



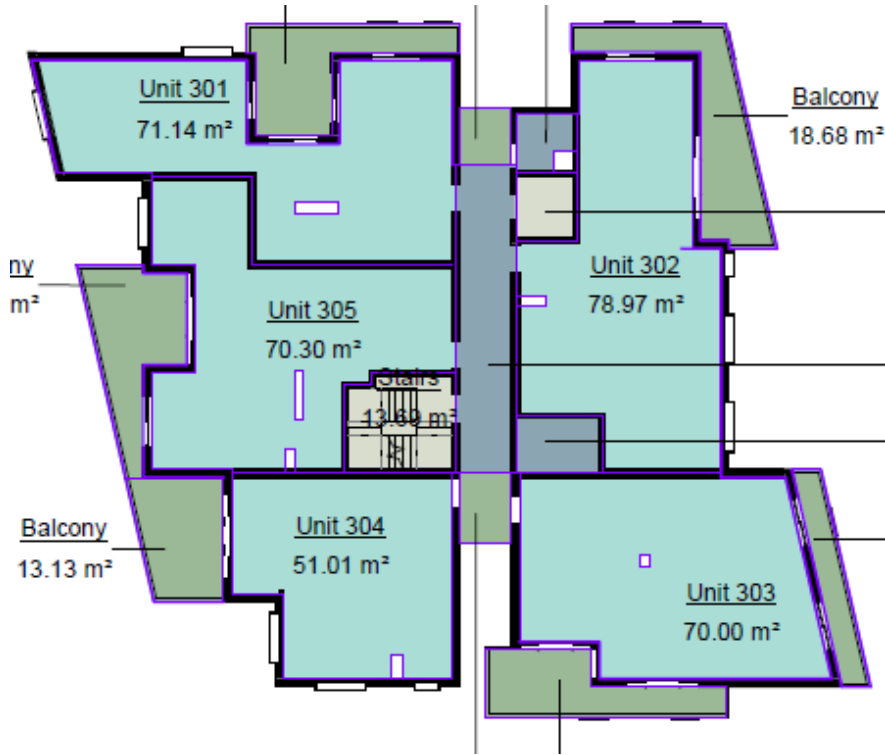
Ground Floor Plan



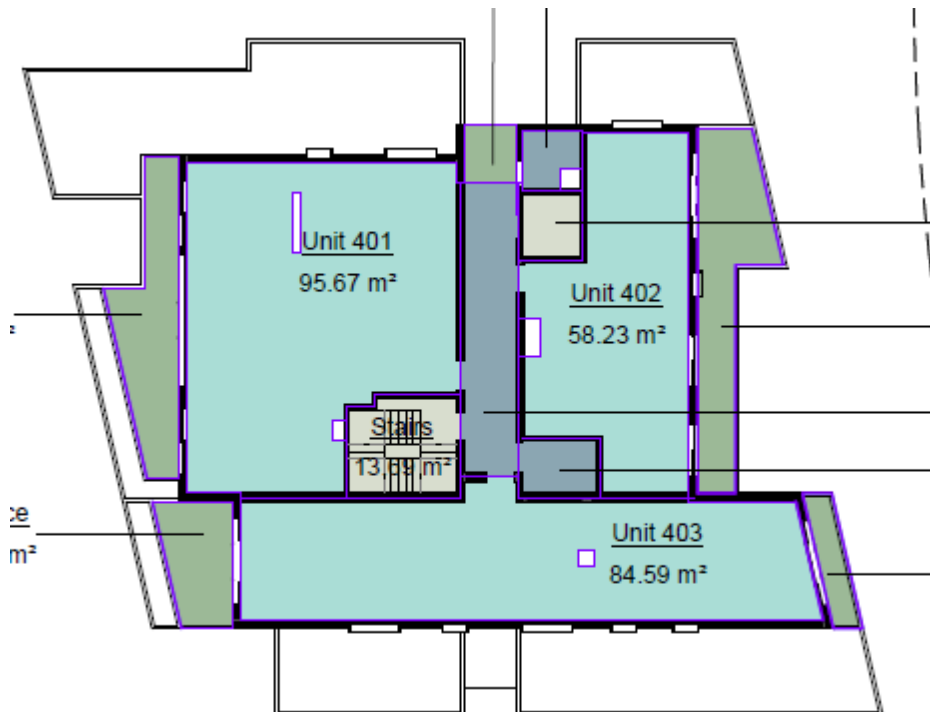
Level 1 Floor Plan



Level 2 Floor Plan



Level 3 Floor Plan



Level 4 Floor Plan



Streetscape Elevation (South)



Perspective View (from southeast corner)

Attachment 2: Recommended conditions of consent

Council has imposed the following conditions under the relevant planning instruments and policies.

A. THE DEVELOPMENT**Approved Plans**

159. 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 Plans

| Plan Name | Plan Number | Date | Rev | Prepared By |
|--|-------------|----------|-----|------------------------|
| Site Plan | DA02 | 12/10/19 | O | Fab Siqueira Architect |
| Existing/Demolition Plan | DA03 | 12/10/19 | O | Fab Siqueira Architect |
| Ground Floor Plan | DA10 | 12/10/19 | O | Fab Siqueira Architect |
| Levels 1-3 Plan | DA11 | 12/10/19 | O | Fab Siqueira Architect |
| Level 4 Plan | DA12 | 12/10/19 | O | Fab Siqueira Architect |
| Basement 1 | DA13 | 12/10/19 | O | Fab Siqueira Architect |
| Unit 001, Unit 002 & Unit 003 | DA14 | 12/10/19 | O | Fab Siqueira Architect |
| Unit 004, Unit 005 & Units 101, 201 & 301 | DA15 | 12/10/19 | O | Fab Siqueira Architect |
| Units 102, 202 & 302 Units 103,203 & 303 Units 104,204 & 304 | DA16 | 12/10/19 | O | Fab Siqueira Architect |
| Units 105, 205 & 305 Unit 401 | DA17 | 12/10/19 | O | Fab Siqueira Architect |
| Unit 403 & 402 | DA18 | 12/10/19 | O | Fab Siqueira Architect |
| Roof Plan | DA19 | 12/10/19 | O | Fab Siqueira Architect |
| South Elevation | DA20 | 12/10/19 | O | Fab Siqueira Architect |

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| North Elevation | DA21 | 12/10/19 | O | Fab Siqueira Architect |
| West Elevation | DA22 | 12/10/19 | O | Fab Siqueira Architect |
| East Elevation | DA23 | 12/10/19 | O | Fab Siqueira Architect |
| Streetscape Elevation | DA24 | 12/10/19 | O | Fab Siqueira Architect |
| Finishes | DA25 | 12/10/19 | O | Fab Siqueira Architect |
| Long Section 1 | DA26 | 12/10/19 | O | Fab Siqueira Architect |
| Long Section 2 | DA27 | 12/10/19 | O | Fab Siqueira Architect |
| Cross Section 1 | DA28 | 12/10/19 | O | Fab Siqueira Architect |
| Cross Section 2 | DA29 | 12/10/19 | O | Fab Siqueira Architect |
| Perspective | DA30 | 12/10/19 | O | Fab Siqueira Architect |

(b) Landscape Plans

| | | | | |
|-------------------------------|---|----------|---|---------|
| Hardscape Plan | 1 | 13/05/19 | G | Concept |
| Landscape Plan (Ground Floor) | 2 | 13/05/19 | G | Concept |
| Landscape Plan (L4) | 3 | 13/05/19 | F | Concept |
| Section A-A & B-B | 4 | 30/04/19 | C | Concept |
| Specification & Detail | 5 | 30/04/19 | E | Concept |

(c) Stormwater Concept and Sediment and Erosion Control Plans

| Report Name | Date | Reference | Revision | Prepared By |
|--|----------|-----------|----------|----------------------------|
| Stormwater Drainage / Sediment Control Details | 02/10/19 | 2028-S1/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Ground Floor Drainage Plan) | 02/10/19 | 2028-S2/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (First, Second and Third Drainage Plan) | 02/10/19 | 2028-S3/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Fourth Drainage Plan) | 02/10/19 | 2028-S4/6 | C | John Romanous & Associates |

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| Stormwater Drainage / Sediment Control Details (Roof Drainage Plan) | 02/10/19 | 2028-S5/6 | C | John Romanous & Associates |
| Stormwater Drainage / Sediment Control Details (Typical Rainwater Detail) | 02/10/19 | 2028-S6/6 | C | John Romanous & Associates |

(d) Reports

| Report Name | Date | Reference | Prepared By |
|--|-------------|-------------|---|
| Tree Management & Impact Assessment Report | 31/08/17 | Version 1.0 | Tarik Hussien AQF 5 Consulting Arborist |
| Traffic and Parking Impact Report | August 2018 | Version 1a | Motion Traffic Engineers |
| Carpark Certification | August 2018 | Version 1b | Motion Traffic Engineers |
| Construction Traffic Management Plan | April 2017 | Version 1a | ML Traffic Engineers |
| Waste Management Plan | 31/10/17 | - | - |

(e) BASIX certificate number 87062M_04, dated 25 October 2019 prepared by Eco Certificates Pty Ltd

Except where modified by the undermentioned conditions.

Amendments to Architectural & Landscape Plans and Waste Management Plan

160. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. These include the following:

(c) Amended Architectural & Landscape Plans to incorporate the following:

- Install window hoods to west facing bedroom windows of Units 004, 104, 204, 304 & 403 for solar attenuation and privacy as well as create depth and further articulation;
- Install screening from public view all utility services including AC units (designed by a mechanical engineer for continued efficient operation); and
- Amend Architectural & Landscape Plans to indicate the provision of an On-Site Detention (OSD) tank located under the ramp at the entry to the basement carparking.

(d) Amended Waste Management Plan to incorporate the following:

- Details for a once a week collection to service the development, and the provision within the bin holding room for eight (8) 660 litre mobile garbage bins (4 x 660L general waste bins and 4 x 660L recycling bins);
- The 240L bins in the waste compartments on each floor level are designated as waste transfer bins only and will not be tipped to the waste truck or count towards the overall waste capacity. A bin lifter must be provided to tip the full 240L transfer bins into the 660L bins. The 240L transfer bins will not be provided by Council, these bins are the responsibility of the developer/strata to supply and maintain. Similarly, if bin hitches are required to facilitate the movement of the 660L bins, these hitches are the responsibility of the developer/strata to supply, install and maintain;
- Confirm the provision of a bin lifter to decant the 240L transfer bins into the 660L plus confirm the path by which the loaded bins will be transferred to the bin presentation area. If this is via the driveway ramp, a suitable bin tug or tractor must be used every time those bins are to be moved up or down the ramp;
- Confirm that the waste compartments on each residential level will have durable, washable wall and floor surfaces, adequate ventilation and lighting and signage supporting correct waste separation and disposal in each compartment. Confirm that these bins will be checked and emptied with a frequency that will ensure that the residents will have enough space to put their waste materials;
- Confirm that the strata and its representatives will maintain the cleanliness of the various waste aggregation and storage areas within the development. Confirm that the bulky waste storage area and any contents will be regularly checked, and ensure that residents are making required bookings for household waste removal and putting their materials out for collection the evening before the due date;
- Provide details are to be provided for how the bins are to be managed and how waste is to be collected from the loading /unloading area in the Basement, to avoid impacts of garbage collection on the street kerb, and the footpath immediately in front of the site; and
- Details how the garden waste will be removed and disposed off-site from the property by the appointed maintenance contractors as it is generated and Council will not be required to supply green (garden) waste bins or services to the property.

Comply with EP&A Act

161. 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 Liverpool City Council.

Comply with NCC

162. 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:
- (c) Complying with the Deemed to Satisfy Provisions; or
 - (d) 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).

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

164. 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:
- (d) Damage Inspection Fee;
 - (e) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
 - (f) 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*.

Section 7.11 Payment (Liverpool Contributions Plan 2009)

165. As a consequence of this development, Liverpool City Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$56,945.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. Payment must be accompanied by the form.

The Contributions Plan may be inspected online at:

<https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>

Construction Certificates

166. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Building Work

167. 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.

Site Development Work

168. 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.

Accessibility

169. 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.

Cladding

170. 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 and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the NCC for all products/systems proposed.

Notification

171. The certifying authority must advise Council, in writing of:

- (c) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (d) The name and permit of the owner-builder who intends to do the work.

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

Design Verification Statement

172. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA and should refer to the stamped plans. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Crime Prevention Through Environmental Design

173. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

- (g) Back to base alarm systems shall be installed;
- (h) Basement parking areas shall be painted a light colour;
- (i) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;

- (j) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
- (k) 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
- (l) Access to the parking levels of the building shall be controlled via a security controlled device.

Security Access to car park

174. 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.

Street lighting

175. The existing street lighting at the proposed development frontage be replaced with LED light to Council and Endeavour Energy requirements.

S138 Roads Act – Minor Works in the public road

176. Prior to the issue of a Construction Certificate, a Section 138 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:
- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - (c) 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.

Retaining Walls on Boundary

177. 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

178. 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 Stormwater connection to Council gully pit and footpath construction to McKay Avenue.

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.

Waste Materials

179. Details of the name and address of the facilities that the different types of waste materials coming from the demolition/excavation and construction stages of the project will be taken to, must be supplied in writing both to Council and to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Dilapidation Report Private Property (Excavations)

180. 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.

On-Site Detention

181. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous & Associates, reference number 2028-S1/6-S6/6, revision C dated 02/10/2019.** The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

S68 Local Government Act – Stormwater drainage works

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

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

Stormwater Concept Plan

183. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous and Associates, reference number 2028-S1/6-S6/6, revision C and dated 02/10/19.**
- (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.
- (d) Additional access grates shall be provided to the OSD tank for maintenance purposes.

Stormwater Discharge – Basement Car Parks

184. 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.

Dilapidation Report

185. A dilapidation report of all infrastructure fronting the development in McKay Avenue 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 10m either side of the development.

No loading on easements

186. 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

187. Prior to the issue of a Construction Certificate the PCA 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 with the LDGP 2008. The CC must be supported by:
- Specification & installation details of the stormwater pre-treatment system
 - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

Access, Car Parking and Manoeuvring

188. 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.

Provide detailed plans indicating proposed driveway and car parking layout as shown on the stamped Architectural Plans including swept path analysis to parking and un-loading manoeuvres, sign posting and line markings and provision of safety measures as convex mirrors, bollards and the like. Markings should clearly identify the unit allocation for each car parking space with tandem layout designated to a single unit only.

The detailed plan is to be submitted to Council's Traffic and Transport section for review.

Balcony Balustrades and privacy screen design

189. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

Any privacy screens shown on the approved plans are to be designed to extend to a height of 1.5m from their immediate floor level, and are to be designed with fixed 45 degree upward angled louvres.

Balcony and courtyard window and door design

190. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings;
 - assist in the proportioning of elevations;
 - ensure maximum light to the interior of the dwellings; and
 - create a seamless relationship between the balcony / courtyard and the interior.

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

Provision of Services

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

Following receipt of the application, a 'Notice of Requirements' will detail water

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

192. 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.
193. 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.
194. 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.

195. 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.

C. PRIOR TO WORKS COMMENCING

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

196. 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.

197. Prior to the commencement of any building works, the following requirements must be complied with:
- (f) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (g) 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 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
 - (h) 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.
 - (i) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (j) 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.

Residential Building Work

198. 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.
199. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

200. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
- c) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - d) The notice shall be given seven (7) days prior to the commencement of work.

201. 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;
- (d) Protect and support the adjoining premises from possible damage from the excavation, and
 - (e) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (f) 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.

Site Notice Board

202. 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:
- (d) The name, address and telephone number of the principal certifying authority for the work;
 - (e) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (f) Unauthorised entry to the premises is prohibited.

Sediment and Erosion Control Measures

203. 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

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

class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

Traffic Management Plan

205. 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.
206. 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 be requested from the Council's Customer Services.

Traffic Control Plan

207. 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.

Hoarding

208. 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.

Craning

209. 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

210. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
211. 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.

Return of Waste Bins

212. Prior to any works commencing, including demolition or site clearing, any residential waste bins that have been issued to 32 or 34 McKay Avenue Moorebank must be returned to Liverpool City Council. Ring 1300 26 2170 to notify Council when those waste bins are ready for collection and so that their removal can be noted.

Notification of Service Providers

213. 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 for more information.

Demolition Works

214. 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.
 - (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.

Demolition Inspections

215. The following inspections are required to be undertaken by Council in relation to approved demolition works:

- (c) Immediately prior to the commencement of the demolition or handling of any building 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.
- (d) 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.

D. DURING CONSTRUCTION

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

Building Inspections

- 216. 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.
- 217. 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

- 218. 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.

Notification/Principal Certifying Authority

219. 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 the excavation, and
 - (b) 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.
220. 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.
221. 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.
222. 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.

Construction Waste

223. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder's site bins and/or skips.
224. 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.

Security Fence

225. 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.

Hours of Construction Work

226. 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

227. 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 Filling/Earthworks

228. 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.

Construction Noise

229. 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.
230. 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

231. 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.
232. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
233. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
234. 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.
235. 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.
236. 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.
237. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
238. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
239. 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.

Waste Management Plan

240. 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

241. 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

242. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Record Keeping of Imported Fill

243. 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.

Unidentified Contamination

244. 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

245. 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.
246. 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 prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

247. 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.
248. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

249. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking

Ventilation

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

External

251. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
252. The mailboxes are to be consistent with the design and colours and materials for the development.
253. 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.
254. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
255. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

256. 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.

Front fence and boundary fencing

257. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

Display of Street Numbers

258. 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.

Security and Safety

259. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
260. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
261. The underground car park is required to be locked with access to be provided to residents only.
262. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

263. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
264. 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.
265. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
266. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

Building/Compliance

267. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.
268. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

Cladding

269. 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.

Fire Safety Certificate

270. 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

271. 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:
- (b) 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.

Lot Consolidation/Registration

272. Separate lots 18 & 19 of DP 236405 shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

Design Verification Statement

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

BASIX

274. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Landscaping

275. 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.

Liverpool City Council clearance – Roads Act/ Local Government Act

276. 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

277. 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 PCA.

Structural Engineer Certificate

278. 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

279. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (c) On-site detention system/s; and
- (d) Basement carpark pump-out system:
 - 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - 2. Have met the design intent with regard to any construction variations to the approved design, and
 - 3. Any remedial works required to be 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

280. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property:

- (a) On-site detention system

(b) Basement Carpark pump-out system:

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.

281. Prior to the issue of an Occupation Certificate, 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 on 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.

282. Prior to the Issue of an Occupation Certificate, if no provision is to be made in the waste storage area for green waste bins to store garden waste from the property, then the following restriction as to user shall be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

Basement Pump-out System

283. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:

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

Roadworks

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

Footpaths

285. 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.

Rectification of Damage

286. 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.

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

Service Providers

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

Garbage Services

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

Waste

291. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
292. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:

'The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.'

293. 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

Dilapidation Report

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

F. CONDITIONS RELATING TO USE

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

Car Parking / Loading

295. A total of thirty-nine (39) off street car parking inclusive of six (6) visitor and one (1) disabled spaces must be provided.
296. All parking areas shown on the approved plans must be used solely for this purpose.
297. 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.
298. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
299. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

300. 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

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

Noise and Environmental Emissions

303. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
304. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
305. 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.

Waste Management

306. After the issue of the occupation certificate, but before occupation, Council must be contacted to arrange the delivery of the waste bins for the development. Please call Council on 1300 36 2170 to arrange for the delivery of the bins.
307. Council will supply all 660 litre waste bins, both general waste and recycling, that will be tipped to the Council contractor's waste trucks. The supply and maintenance of all 240 litre bins that are to be used as recycling transfer bins within the development are the responsibility of the developer, and thereafter, the strata proprietors. Similarly, if bin hitches are required to be fitted to the waste bins to facilitate the movement of the waste bins to the kerbside, the supply, fitting and maintenance of same are the responsibility of the developer/strata, and not Council.
308. The 660 litre residential waste bins are to be presented for emptying to the kerbside of McKay Avenue. Bins are to be placed on the kerbside no earlier than the evening before collection and are to be placed back into the bin storage area as soon as possible, and not more than 24 hours after emptying. At all other times, these waste bins are to be kept in the residential waste storage room.

The cleaning and maintenance routine of the bin storage area as detailed in the approved waste management plan must be adhered to in the ongoing use of the building.

309. The bin tug or tractor provided as part of the equipment of the development by the developer must be used to transport the residential waste bins to the kerbside for emptying. Only individuals trained in the use of this item of equipment are to operate it.
310. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
311. 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.
312. 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.
313. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
314. The development is required to be serviced by a waste collection contractor, once in any one week.

Waste Storage Area

315. Any bin bays must be:
 - (a) 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;
 - (b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (i) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (ii) A phone number to be displayed for arranging disposal of bulky items; and
 - (iii) Maximum compaction ratio is 2:1.

Washing on Balconies

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

G. ADVISORY

- n) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- o) Under Sections 8.7 & 8.10 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 of determination.
- p) 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.
- q) 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.
- r) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- s) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant 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) "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 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.

v) 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.

- w) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- 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.
- y) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- z) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

24 February 2020

| | |
|------------------------------|---|
| Item no: | 3 |
| Application Number: | DA-356/2018 |
| Proposed Development: | Construction of a five-storey residential flat building consisting of 36 apartments above a single level basement car park. |
| Property Address | 31 and 32 Passendale Road, Edmondson Park |
| Legal Description: | Lot 31 and 32 DP 1197095 |
| Applicant: | Vantage Property |
| Land Owner: | EDMO 1 Pty Limited |
| Cost of Works: | \$9,744,869 |
| Recommendation: | Approved subject to conditions of consent |
| Assessing Officer: | Greg Mottram |

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.356/2018) seeking consent for the construction of a five storey residential flat building containing 36 apartments above a single level basement car park.

The site is zoned R1 General Residential pursuant to the Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was notified for a period of 14 days from 1 June 2018 to 18 June 2018 in accordance with Liverpool Development Control Plan 2008. Two submissions were received during the public consultation period objecting the proposal.

The key issues associated with the proposal relate to: Design of basement parking entrance, provision of suitable communal open space, privacy impacts, and provision of adaptable housing

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.

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 31 and 32 in DP1197095 and is known as Lot 31 and 32 Passendale Road, Edmondson Park. It is regular rectangular shaped site with a total frontage of 70.55 metres to Passendale Road to the western side of the lots and Costello Lane on the eastern side of the site with a depth of 30.15m. The site has a total area of 2,127.44m². The site is zoned R1 – General Residential, and is within the 28 dwellings per hectare zone of Edmondson Park.

Currently, the subject site is vacant residual land resulting from the parent subdivision of the land approved by DA-472/2014.



Figure 1: Aerial view of the vacant site showing proximity to existing low density residential development to the west and the development site incorporating the four lots on the opposite side of Costello Lane for a two stage residential flat development being assessed under DA-358/2018 (Source: Geocortex).

2.2 The locality

The area is characterised by low to high density residential development 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.

Development on the adjoining properties to the subject site are detailed in the following table.

| | |
|-------|---|
| East | The development faces a laneway (Costello Lane). The development is opposite 4 vacant lots - Lots 38, 39 and 40 DP 1197095 and Lot 24 DP 1228502 - which are currently the subject of DA-358/2018 which proposes two 6-storey residential flat buildings over two stages which will result in the development of 61 units over two levels of basement. |
| West | The development faces existing one and two storey detached residential dwellings along the opposite side of Passendale Road. These dwellings are located in a minimum 17 dwellings per hectare zone. |
| South | The southern side of the development is a 2Ha site at 200 Croatia Ave which contains has an approved development application (DA-141/2015) which is awaiting approval of the construction certificate for the Torrens title subdivision of one lot to construction of 25 residential lots and four residue lots and road construction. The site adjacent to the southern boundary of the neighbouring site (190 Croatia Ave) is currently subject of a development application for 3 residential flat buildings under DA-265/2018. This development proposes a total of 135 dwellings over an area of approximately 6,100sqm giving a density of 221dw/ha. |
| North | To the northern end of the subject lot is a vacant site (Lot 33 DP 1197095) has an approved development application for 5 attached two storey dwellings with detached garages facing the laneway (ref DA-726/2017) (refer to figure 2 below for the locations). The opposite side of Poziers Road consists of small residential lots with no current development application known to Council. Further north on Passendale Road, stage one of a two building residential flat building development which was approved for 61 apartments under DA-1166/2014 is under construction. Opposite this development at 245 Croatia Ave, construction is underway on a three-building residential flat building development creating 105 apartments approved by the Land and Environment Court under DA-765/2016 |

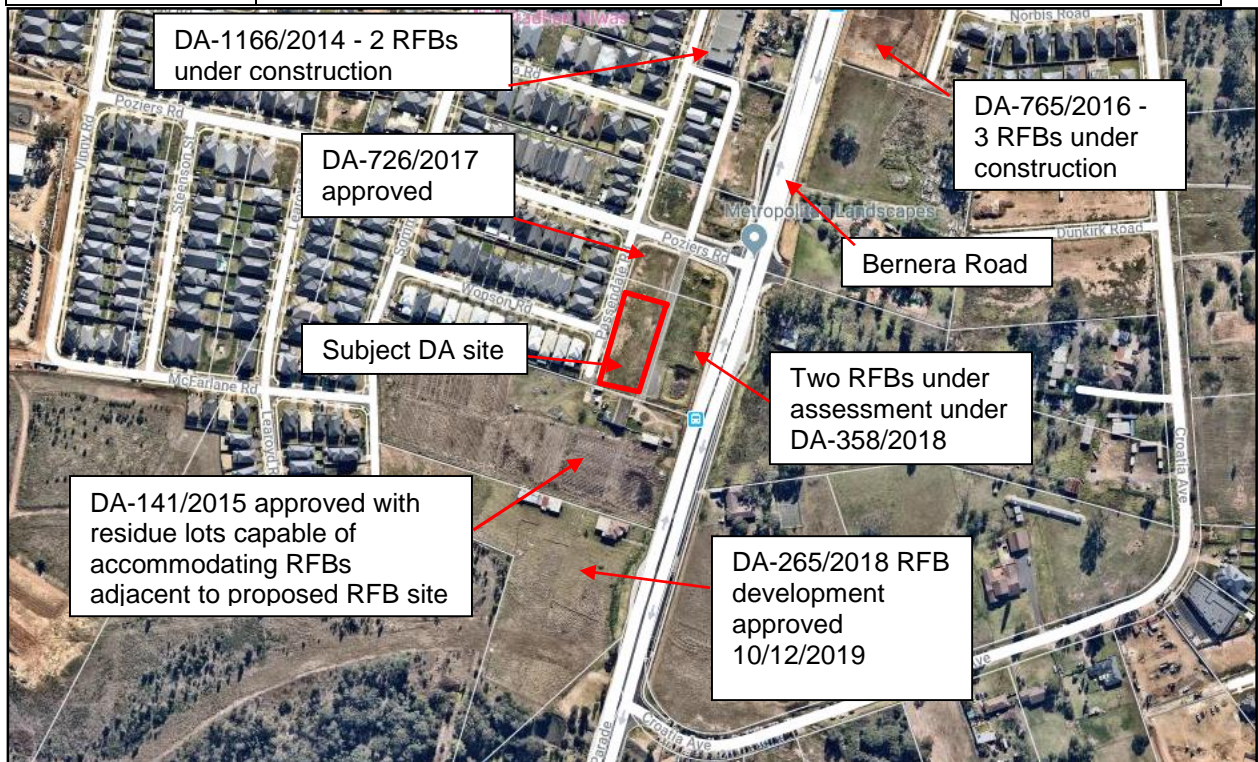


Figure 2: Location of site in relation to surrounding developments

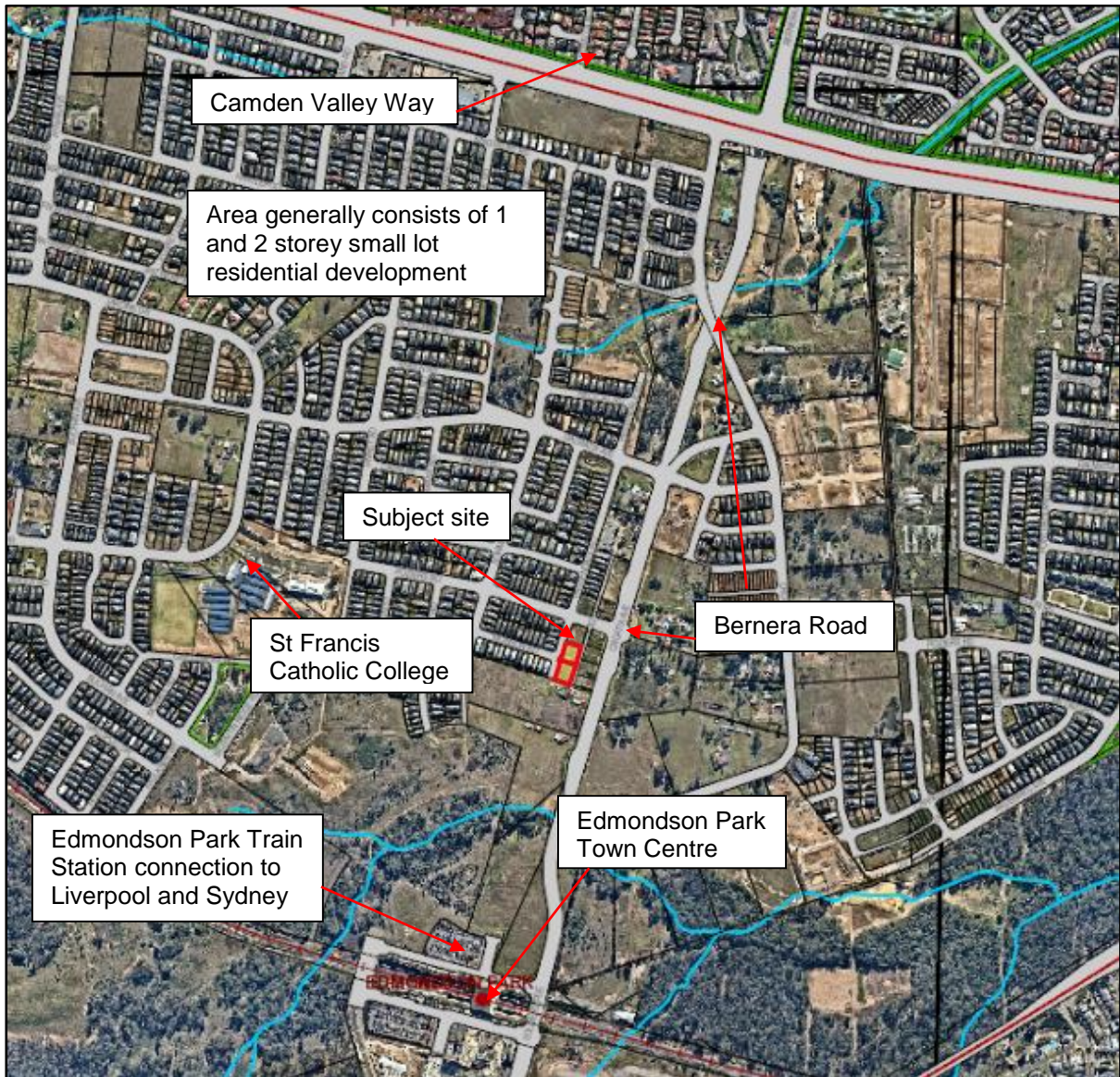


Figure 3: Immediate and wider locality surrounding the proposed development (Source: Geocortex)

As noted above, 200 Croatia Ave adjacent to the southern boundary of the subject site has an approved development application (DA-141/2015) for the creation of 25 residential lots and 4 residue lots (see Figure 4) that are capable of accommodating residential flat buildings in the same urban character area as the subject site. It is considered that as these sites have been created to facilitate the construction of RFBs wholly within these residue lots in the future, the subject application is not considered to unduly restrict the development of lots 26 and 29 created by subdivision under DA-141/2015 in terms of isolation.

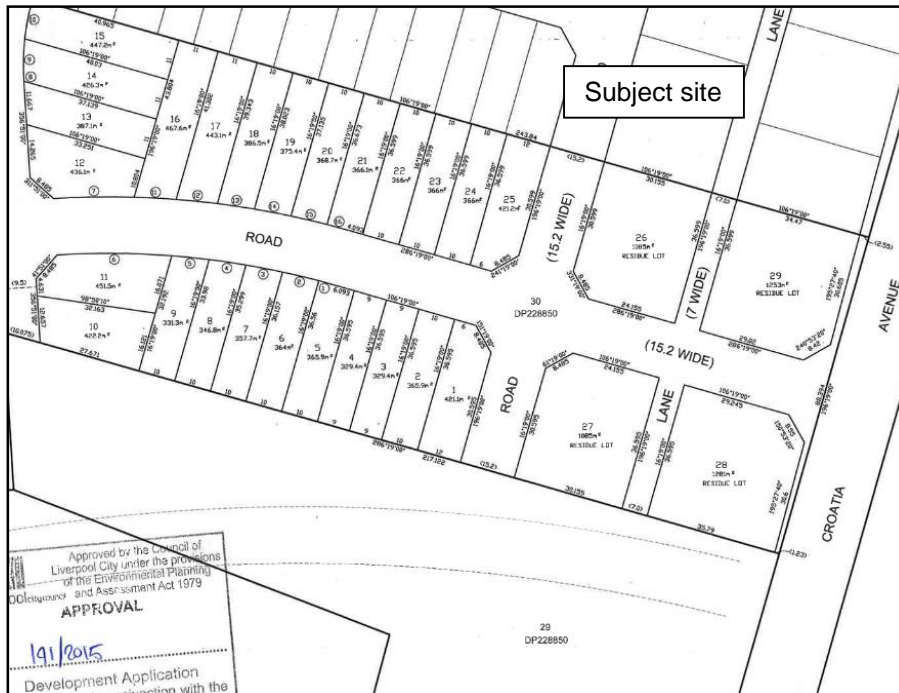


Figure 4: Excerpt of approved subdivision (north to the top) of 200 Croatia Ave adjacent to the southern boundary of the proposed development site.

3. HISTORY/BACKGROUND

3.1 History

- A pre-lodgement meeting held with Council on 30 September 2016 which included the subject site and the site currently being assessed separately under DA-358/2018 for three buildings containing 99 units. Essentially, the response to this meeting advised that the applicant was to comply with Floor Space Ratio, Height of Buildings and to provide basement parking to maximise landscaping and open space opportunities.
- A Pre-DA DEP meeting was held to discuss the above scheme on 16th February 2017 which the DEP did not support.
- The subject DA was lodged with Council on 2 May 2018.
- The application was briefed to the DEP 16th August 2018 with a generally favourable response as discussed below.
- Application deferred requesting:
 - Information regarding the waste management arrangements
- Amended plans have now been received which have generally addressed the issues raised by the DEP and the request for further information.

3.2 Background

As part of the DA process, the proposed development was referred to the Design Excellence Panel (DEP) on 16th August 2018. The DEP was generally supportive of the proposal on the second occasion (since its initial review as a three-building project on 30th September 2016), subject to some minor design changes to be reviewed by Council. The comments from the latest DEP are provided below, including a response on how the comments have been addressed in the DA. The DEP minutes are attached to this report.

DEP COMMENT:

- The Applicant advised that the scheme previously considered by the Panel was for three RFBs. The developers decided to split the development into separate RFBs and consequently have lodged separate applications, aiming for a smoother approval process. The Panel commends the Applicant's efforts in resolving the issues of concern to the Panel when it previously considered the scheme, notably FSR and building height, which now comply.

Response

- *Noted*

DEP COMMENT:

- The proposed at-grade visitor spaces off the laneway are detrimental to the amenity of the lane and the appearance of the development from that aspect. The Panel recommends the introduction of pergola structures with landscaping over these spaces or other architectural or landscape elements so as to soften the visual impact of the car spaces.

Response

- *The current plans that have been provided include a pergola structure over these spaces including vegetation. A condition of consent will require that the space of the indicated accessible space is in accordance with the height requirements for these spaces and that the vegetation be maintained. In recognition of the point that the at grade parking is located in the laneway and the revised plans include a vegetated pergola, it is considered that the revised scheme has appropriately addressed this DEP concern.*

DEP COMMENT:

- The proposed architectural treatment is supported by the Panel.

Response

- *Noted*

DEP COMMENT:

- The material choices are supported, particularly the use of brick instead of render.

Response

- *Noted*

DEP COMMENT:

- The Panel is supportive of the effort made to limit the basement area so that more deep soil is provided and notes that the area of deep soil substantially exceeds the minimum ADG requirement. Ideally, the basement carpark should not extend beyond the building footprint and courtyard paving adjoining ground floor living areas. The proposal partially achieves this goal, however the surface visitor parking spaces are located above deep soil and conversely the basement spaces at the western corner nearest to Passendale Road deprive the communal open space above of deep soil. The Applicant should explore whether these basement spaces can be relocated and the area freed up converted to deep soil. There may also be an opportunity to create gaps between the surface parking to accommodate trees in the deep soil below. The intent is to allow the planting a larger quantity of large canopy trees within the site.

Response

- *While it is recognised that the basement extends outside of the building footprint it is noted that the development provides the required deep soil zone area and COS areas. The landscaping design provides for large mature height trees to be located along the western boundary especially where the communal open space areas have been maximised along this boundary. This is considered to provide suitable visual privacy and shading to the lower floors of the development from westerly summer sun.*

- DEP COMMENT:

- The roof line has the potential to add architectural interest to the crown of the building given that the proposal does not exceed the height limit. The Panel suggests that consideration be given to introducing a more articulated roof treatment, possibly including rooftop communal open space to align with the street facing the site to improve views and outlook from the rooftop. Any communal rooftop terrace shall include shade structures, amenity facilities (toilet) and barbeque area to enhance the amenity of the rooftop terrace.

Response

- *The current proposal includes a revised architectural treatment to the rooftop of the building. The proposed design does not include the provision of a rooftop private open space, which is considered appropriate in this instance as the provision of additional height required to include such a space would impact on the visual and acoustic privacy and solar access to the lower density character of the one and two storey dwellings to the western side of the development site.*

DEP COMMENT:

- The development should provide for quality and diversity of Communal Open Space that caters for all sorts of open landscape spaces. Care must be taken to ensure that ground level communal space does not compromise the privacy of adjoining apartments.

Response

- *The design of the development's communal open space areas is considered to cater to different types of landscape uses with a mix of BBQ areas with associated seating, park benches and active garden spaces for use as vegetable patches by the residents. Screening has been provided between the communal open space areas and the private open space area of the adjoining units.*

4. DETAILS OF THE PROPOSAL

The proposed development consists of the construction of a five-storey residential flat building consisting of 36 units with one level of basement car park comprising:

Units

6 x 1 bedroom units
26 x 2 bedroom units
4 x 3 bedroom units

Basement Carpark

Basement Level 1 - A vehicular access ramp (6.47m wide) and a total of 40 car-spaces (including 1 accessible shared space), with 2 motorcycle and 12 bicycle spaces. There are 34 residential storage areas, two elevators and two stairwells to the upper and lower levels, and a pump and service room. Two garbage bin storage rooms are proposed (one with a bulk waste storage area) a service room, pump room and a wash bay.

Ground Floor Plan Layout

The design includes 7 visitor car-spaces at grade accessed from Costello Lane (including 1 accessible shared space). There are three separate pedestrian street entrances (one from Costello Lane on the eastern side (which accesses two lift lobbies on the eastern side of the building) and two from Passendale Road which accesses the two lift lobbies from the western side of the building. A temporary bin collection area is located adjacent to the basement driveway.

A pad mount electrical substation has been indicated to be located on the ground floor that is accessible from Costello Lane.

Communal Open Space courtyards and deep soil landscaped area are provided at this level.

8 residential units (6 x 2 bedroom and 2 x 1 bedroom)
Units with west facing POS - 4 x 2 bedroom and 2 X 1 bedroom
Units with east facing POS - 2 x 2 bedroom

Level 1 & 2 Floor Plan Layout

8 residential units (6 x 2 bedroom and 2 x 1 bedroom)
Units with west facing balconies - 4 x 2 bedroom and 2 x 1 bedroom
Units with east facing balconies – 2 x 2 bedroom

Levels 3 & 4 Floor Plan Layout

6 residential units (2 x 3 bedroom and 4 x 1 bedroom)
All units have west facing balconies

Site Access

Vehicular access is in the form of a 6.47m wide two-way driveway onto Costello Lane, which allows for entry and exit to the site in a forward direction.

Pedestrian access to the building consists of entry points to access the two lift lobbies and private access from Costello Lane and Passendale Road to the Ground Floor units. Resident access to other units and the basement is via the internal elevators and stairwells.

Landscaping

Landscaping consists of native tree species planted along all boundaries in the communal open space areas, as well as surrounding the private courtyards of the ground floor units.

The majority of deep soil landscaping is provided along the northern boundary of the development site. Deep soil landscaping is also provided along the eastern side boundary.

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;
- 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

Other Plans and Policies

- Apartment Design Guide.

Contributions Plans

- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & Act. The applicable contribution, based on land area, was made at the time of the creation of the subject development lots under DA-472/2014.

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 Apartment Development

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

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

| Design Quality Principle | Comment |
|--|--|
| Principle One – Context and Neighbourhood Character | |
| <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</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>The proposed development is considered to respond to the desired future context for the surrounding locality and the subject site. The proposed development is considered to be of a nature that is consistent with the objectives of the zone in which it is located as well as remaining consistent with the objectives intended future built form that is expected in the immediate surrounding locality.</p> <p>The subject site is located within the dwelling density of 28 dwellings/hectare under the LLEP 2008. This is the highest density afforded to Edmondson Park, and it is envisaged by the precinct planning in Part 2.11 of the Liverpool Development Control Plan 2008 that high density development be constructed in this location. As such it is considered the proposal is consistent with the intended and desired future character of the locality. Aligned with this, it is also considered appropriate to provide a higher density form of development at this location, given the development site's proximity to the Edmondson Park Train Station and the future Edmondson Park Town Centre.</p> |
| Design Principle 2 – Built form and scale | |
| <p>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>It is considered that the proposed development achieves a scale, bulk and height appropriate to the desired future character (as described in the precinct planning detailed in Part 2.11 of the Liverpool Development Control Plan 2008) of the location.</p> <p>Conditions of consent will require that all balcony balustrade materials for the west facing units for level 1 to level 4 are made opaque/obscure to minimise visual privacy impacts to the existing dwellings on the western side of Passendale Road.</p> |

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| Design Quality Principle | Comment |
|---|---|
| <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> | <p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) on two occasions and is considered to be satisfactory.</p> <p>It is considered that the development provides an appropriate form that enhances the streetscape and provides a direct response to the site characteristics including the adjoining existing residential development. The buildings have been designed to allow for casual and passive surveillance of the streetscape.</p> |
| Design Principle 3 – Density | |
| <p>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>It is considered that the proposed development achieves a high level of amenity. Each apartment meets the minimum requirements in terms of floor area and Private Open Space (POS). The proposed development achieves the required solar access and cross ventilation requirements under the ADG.</p> <p>The development's design is of a bulk and scale that is appropriate for the context and consistent with Part 2.11 objectives of the urban character zone in which it is located. The proposed development provides the minimum density expected for the site and will provide an opportunity to locally accommodate people to take advantage of employment in the current and future commercial centres in the locality including the Edmondson Park Town Centre as well as access, via Edmondson Park Train Station, to employment and amenity service opportunities further afield.</p> |
| Design Principle 4 – Sustainability | |
| <p>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>The proposed development provides for a sustainable design. The development is consistent with BASIX and has proposed a design that meets the minimum cross ventilation and solar access requirements under the ADG.</p> |
| Design Principle 5 – Landscape | |

| Design Quality Principle | Comment |
|--|--|
| <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</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>The proposed development has provided an extensive landscaping design and provides landscaping along the boundaries of the development and within the development itself. The landscape proposed along the primary frontages will assist in promoting an aesthetically pleasing streetscape. The landscape design is considered to provide a setting for COS areas as well as providing shade and privacy benefits.</p> <p>The development site is a residual lot of a previous subdivision that has been undertaken, which is now devoid of any natural landscape features that otherwise could have been incorporated in the landscape design.</p> <p>The development includes a generous amount of quality landscaped areas within the communal open space areas creates a sense of place and encourages social interaction.</p> |
| Design Principle 6 – Amenity | |
| <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</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> | <p>The proposed development achieves a high level of amenity for residents and neighbours. All apartments achieve the required room dimensions under the ADG as well as achieving the required solar access and natural ventilation under the ADG. The development has been designed to maximise visual and acoustic privacy through the design.</p> <p>The design of the building has been limited to 5 storeys, indicating a design response to the adjacent single and double storey development in the vicinity. This reduces potential impacts on solar access and visual privacy.</p> |
| Design Principle 7 – Safety | |
| <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit</p> | <p>The development has been designed to encourage casual and passive surveillance of the street and the communal open space within the development.</p> <p>The design incorporates safe and secure provisions for alternate forms of transport (motorbike and bicycle spaces) within the basement where the required accessible parking is located.</p> |

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| Design Quality Principle | Comment |
|--|---|
| and visible areas that are easily maintained and appropriate to the location and purpose. | |
| Design Principle 8 – Housing Diversity and Social Interaction | |
| <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> | <p>The proposed development is considered to include an appropriate apartment mix that will provide for a variable housing choice for different demographics. The conditions of consent will require that the design is amended to provide a minimum of 10% of the approved units to be adaptable housing units.</p> <p>The development has been designed with appropriately located and designed alternative communal open space areas on the ground level in order to encourage social interaction.</p> <p>The landscaping plan includes a range of COS facilities to enable social interaction. This includes two outdoor BBQ areas with associated picnic tables, varied surfaces including natural and artificial turf and paved areas set in passive landscaped areas and active garden areas to encourage sustainable living (vegetable patches)</p> |
| Design Principle 9 – Aesthetics | |
| <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> | <p>It is considered that the proposed buildings have been designed with a mix of building materials which contributes to a positive streetscape. The design has been positively reviewed by Liverpool Council's Design Excellence Panel.</p> |

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the development against the relevant provisions of the ADG.

| Provisions | Comment |
|---|--|
| 2E Building depth | |
| <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation</p> | <p>The building has appropriate apartment depth of between 12-18m.</p> |

| Provisions | Comment |
|---|---|
| 2F Building separation | |
| <p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms | <p>The building separation between habitable rooms and balconies of the northern end of the proposal to the blank flank wall of the development that has been approved, but not yet constructed (DA-726/2017), on the property to the north, is 8.91m at ground and first floor levels.</p> <p>The setback of the proposed development to the north is 1.42m with the setback of the subject site being 7.495m.</p> <p>It is considered that this separation is appropriate in this instance as the proposal provides over half of the minimum separation distance (6m) which is considered acceptable. To enforce the minimum separation required based on the setback of the property to the north is considered to be unreasonable in this instance.</p> <p>The non-compliance is limited to the ground floor as the upper floor of the approved development to the north does not include windows to habitable rooms. It is noted that the design has been reviewed by Council's DEP who have not raised this as an issue.</p> <p>Any separation distance above first floor level is not considered to be an issue given the building to the north as approved is only 2 storeys in height.</p> <p>Under section 3F of the ADG, separation between windows and balconies to ensure visual privacy to the side boundaries in up to 12m in height is 6m which the development achieves to the proposed northern development</p> <p>Despite this, in order to minimise potential visual privacy impacts, the conditions of consent will include the requirement for appropriate screening to the windows and balconies on the north east elevation of the subject building to minimise potential visual privacy impacts to the private open space areas of the proposed development.</p> <p>A building setback of a minimum 8.82m is</p> |

| Provisions | Comment |
|--|--|
| | <p>provided to the southern boundary, which complies (6m required on this site).</p> <p>As there are no existing or approved building of a similar height located south of building B across the common southern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the south.</p> |
| <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms | <p>To the north, any separation distance above first floor level is not considered to be an issue given the building to the north as approved is only 2 storeys in height.</p> <p>A building setback of 10.325m is provided to the southern boundary, which complies (9m required on this site).</p> <p>As there is no existing or approved building of a similar height located south of the building across the common southern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the south.</p> |
| 3A Site analysis | |
| <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p> | <p>The design of the proposed development is based on existing site conditions and constraints.</p> <p>In consideration of the 5 two-storey dwellings approved on Costello Lane to the north under DA-726/2017 and existing residential development to the west of the site, a condition of consent will require that the development includes treatment of the applicable balcony screens to be obscure/opaque in order to minimise visual privacy impacts.</p> |
| 3B Orientation | |
| <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p> | <p>The development site limits the extent to which buildings on the site can be oriented in order to optimise solar access within the site while minimising overshadowing of neighbouring properties. The design provides for a building type and layout that optimises solar access to the individual units where possible and the POS and COS available for the development.</p> |

| Provisions | Comment | | | | | | |
|--|---|----------------------------|----------------------------|--|--|--|---|
| | <p>The design does not extend to the maximum available height of buildings which will minimise the overshadowing of both existing and future nearby development. Together with the height of buildings and the setbacks proposed, it is considered that the bulk, scale and siting of the building has attempted to minimise solar access impacts to existing and future adjoining developments.</p> <p>The design includes the requisite area of communal open space.</p> <p>Shadow diagrams indicate that there could be some overshadowing to the POS/COS areas of future developments on the property to the south west from 9 am to 12pm. However, solar access could still be achieved, if appropriately designed, to future POS/COS areas on this site.</p> | | | | | | |
| 3D Communal and public open space | | | | | | | |
| <p>Communal open space has a minimum area equal to 25% of the site. Communal open space is to have a minimum width of 3m, be co-located with deep soil areas and have equitable access from common circulation areas.</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>Site area = 2,127.6sqm COS required = 25% or 531.9sqm COS provided = 26.1% or 556.4sqm</p> <p>More than 50% of the COS is located on the northern aspect of the site and will receive solar access throughout the day on 21 June. The remainder of the COS areas will receive solar access during the morning and afternoon.</p> <p>As mentioned previously, the landscaping plan includes a range of COS facilities to enable social interaction. This includes two outdoor BBQ areas with associated picnic tables, separated benches, varied surfaces including natural and artificial turf and paved areas set in passive landscaped areas and active garden areas to encourage sustainable living (vegetable patches)</p> | | | | | | |
| 3E Deep soil zones | | | | | | | |
| <p>Deep soil zones are to meet the following minimum requirements:</p> <p>Q1.</p> <table border="1" data-bbox="209 1944 807 2040"> <thead> <tr> <th data-bbox="209 1944 469 2040">Site Area</th> <th data-bbox="469 1944 651 2040">Minimum Dimensions</th> <th data-bbox="651 1944 807 2040">Deep Soil Zone (% of site)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Site Area | Minimum Dimensions | Deep Soil Zone (% of site) | | | | <p>Site Area = 2,127.6sqm</p> <p>Deep soil required = 7% or 148.9sqm with a minimum 6m width Deep soil provided = 10% or 274.82sqm with a minimum 6m width</p> |
| Site Area | Minimum Dimensions | Deep Soil Zone (% of site) | | | | | |
| | | | | | | | |

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| Less than 650m ² | - | area) | |
| 650m ² to 1500m ² | 3m | 7% | |
| Greater than 1500m ² | 6m | | |
| Greater than 1500m ² with significant tree cover | 6m | | |
| 3F Visual Privacy | | | |
| Minimum separation distance requirements from buildings to the side and rear boundaries are as follows: | | | <p>All buildings achieve the minimum separation distances from side and rear boundaries, as discussed in section 2F.</p> <p>The development is not directly adjacent to a lower density zone so the implementation of additional separation is not considered to be warranted in this instance.</p> |
| 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 | |
| 3G Pedestrian Access and Entries | | | |
| Building entries and pedestrian access connects to and addresses the public domain | | | <p>It is considered that the design permits appropriate pedestrian access connections through the at grade entrance to Passendale Road and Costello Lane.</p> <p>All building and pedestrian access connects to and addresses the public domain. Entries are considered easy to identify.</p> |
| Access, entries and pathways are accessible and easy to identify | | | |
| Large sites provide pedestrian links for access to streets and connection to destinations | | | |
| 3H Vehicle Access | | | |
| Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes | | | <p>A single vehicular access point has been provided for the basement parking area. Additional access has been included for the seven at grade visitors spaces which directly access Costello Lane. Council's traffic management engineers are supportive of this design with the exception that the applicant is to provide swept path diagrams that demonstrate waste collection vehicles are able to operate in Costello Lane prior to the issue of construction certificate.</p> |
| 3J Bicycle and Car Parking | | | |
| For development in the following locations: | | | <p>The subject site is within 800m of the Edmondson Park station located south of</p> |

| Provisions | Comment |
|--|--|
| <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <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>5.4.3 of the RMS guideline requires parking for high density residential flat buildings in non-CBD areas at a rate of:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p> <p>6 x 1 bdm dwellings = 3.6 spaces 26 x 2 bdm dwellings = 23.4 spaces 4 x 3 bdm dwellings = 5.6 spaces 36/5 visitor spaces = 7.2 spaces Total = 39.8 spaces</p> | <p>the site. As such the RMS parking rates are to be applied to this development. Based on the RMS guide the proposed development requires 41 parking spaces including 8 visitor spaces. The development provides 40 resident spaces in the basement and 7 visitor spaces at grade, which is considered acceptable in this instance.</p> <p>It is considered that as the development has provided parking that is additional to the minimum required that the design of the basement parking can be modified to accommodate the required accessible parking for the adaptable units that are required for the development.</p> <p>The car parking design is considered to be safe and secure. The basement parking facilities provide options for the parking of alternative modes of transport including bicycles (12 spaces) and motorcycles (2 spaces). All basement parking facilities are located to minimise impacts on the surrounding locality in terms of visual impact and acoustic privacy.</p> |
| <p>Parking and facilities are provided for other modes of transport</p> | <p>The visual impacts of the at-grade 7 visitor parking spaces have been minimised, in accordance with the recommendations of the DEP, by the provision of a pergola structure over this space. Similarly, the visual impacts of the underground parking entrance have been minimized by reducing the height and level of the entry point to that of the existing topography. The entrance to the building is set back 13m from the boundary which is considered to further minimise the visual impact to the laneway of the entrance to the basement.</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> | |
| <p>4A Solar and Daylight Access</p> | |
| <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 Newcastle and Wollongong local government areas</p> | <p>92% of living rooms and POS receive a minimum 2 hours of solar access at mid-winter.</p> |
| <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p> | <p>All apartments will receive some direct sunlight at mid-winter.</p> |
| <p>4B Natural Ventilation</p> | |
| <p>All habitable rooms are naturally ventilated</p> | <p>The layout and design of the development</p> |

| Provisions | Comment | |
|---|---|--|
| The layout and design of single aspect apartments maximises natural ventilation | maximise natural ventilation with 72% of all apartments are considered to be naturally cross-ventilated. The overall depth of cross through apartments does not exceed 18m. | |
| 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 | | |
| 4C Ceiling Heights | | |
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | A minimum 2.7m floor to ceiling height is proposed for all habitable areas. A 3.1m floor to floor is also proposed, to enable the achievement of the 2.7m floor to ceiling comfortably. | |
| Minimum ceiling height | | |
| Habitable rooms | | 2.7m |
| Non-habitable | | 2.4m |
| For 2 storey apartments | | 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area |
| Attic spaces | | 1.8m at edge of room with a 30 degree minimum ceiling slope |
| If located in mixed use areas | | 3.3m from ground and first floor to promote future flexibility of use |
| Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms | | |
| Ceiling heights contribute to the flexibility of building use over the life of the building | | |
| 4D Apartment Size and Layout | | |
| Apartments are required to have the following minimum internal areas: | All internal areas of apartments meet or exceed the minimum requirement, including those units with additional bathrooms. | |
| Apartment Type Minimum Internal Area | | |
| Studio | | 35m ² |
| 1 bedroom | | 50m ² |
| 2 bedroom | | 70m ² |
| 3 bedroom | | 90m ² |
| The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms | | |

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| increase the minimum internal area by 12m ² each | | | | | | | | | | | | | | | | |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms | All habitable rooms provide for a window to an external wall that is not less than 10% of the floor area of the room. | | | | | | | | | | | | | | | |
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height | All habitable room depths comply with this requirement. | | | | | | | | | | | | | | | |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window | <p>The plans include two units the two central two bedroom units that have a depth of greater than eight metres (8.10m). It is noted that this minor variation is located within the kitchen area of the unit which is not considered to be a living area. Additionally, this area is located on the bench top areas of the kitchens which would be typically artificially lit.</p> <p>Apart from this, no habitable rooms in open plan apartments exceed a depth of 8m from a window.</p> | | | | | | | | | | | | | | | |
| Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space) | All bedrooms comply with this requirement | | | | | | | | | | | | | | | |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space) | All bedrooms comply with this requirement. | | | | | | | | | | | | | | | |
| Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments | All living areas comply with the minimum widths | | | | | | | | | | | | | | | |
| 4E Private Open Space and Balconies | | | | | | | | | | | | | | | | |
| All apartments are required to have primary balconies as follows: <table border="1" data-bbox="209 1496 783 1709"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4m</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 ² | - | 1 bedroom | 8m ² | 2m | 2 bedroom | 10m ² | 2m | 3 bedroom | 12m ² | 2.4m | All balconies meet or exceed the minimum depth and areas required. |
| Dwelling Type | Minimum Area | Minimum Depth | | | | | | | | | | | | | | |
| Studio | 4m ² | - | | | | | | | | | | | | | | |
| 1 bedroom | 8m ² | 2m | | | | | | | | | | | | | | |
| 2 bedroom | 10m ² | 2m | | | | | | | | | | | | | | |
| 3 bedroom | 12m ² | 2.4m | | | | | | | | | | | | | | |
| 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 ² and a minimum depth of 3m | All ground floor courtyards for the development provide POS areas in excess of 15m ² | | | | | | | | | | | | | | | |
| 4F Common Circulation and Spaces | | | | | | | | | | | | | | | | |

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| <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>Where design criteria 1 above is not achieved, no more than 12 apartments should be provided off a circulation core on a single level</p> | <p>The maximum number of apartments off a circulation core does not exceed eight.</p> | | | | | | | | | | |
| 4G Storage | | | | | | | | | | | |
| <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="209 613 778 824"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3 bedroom</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p> | Dwelling Type | Storage Size Volume | Studio | 4m ³ | 1 bedroom | 6m ³ | 2 bedroom | 8m ³ | 3 bedroom | 10m ³ | <p>All units exceed the required storage areas exceed this requirement. More than 50% of the storage area is located within each apartment, with the remaining provided in dedicated basement areas.</p> <p>Basement storage is designed to allow parking access.</p> |
| Dwelling Type | Storage Size Volume | | | | | | | | | | |
| Studio | 4m ³ | | | | | | | | | | |
| 1 bedroom | 6m ³ | | | | | | | | | | |
| 2 bedroom | 8m ³ | | | | | | | | | | |
| 3 bedroom | 10m ³ | | | | | | | | | | |
| 4H Acoustic Privacy | | | | | | | | | | | |
| <p>Noise transfer is minimised through the siting of buildings and building layout</p> | <p>Apartment layouts have been appropriately designed to minimise acoustic impact. Appropriate acoustic treatment is required in treatment of units where bedrooms are sited near lifts.</p> | | | | | | | | | | |
| <p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p> | | | | | | | | | | | |
| 4K Apartment Mix | | | | | | | | | | | |
| <p>A range of apartment types and sizes is provided to cater for different household types now and into the future</p> | <p>An appropriate apartment mix is provided in the development. Appropriate residential mix of apartments proposed. In total 16.7% 1 bedroom units, 72.2% 2 bedroom units and 11.1% 3 bedroom units are proposed.</p> <p>The 3 bedroom units are generally located in accordance with ADG requirements</p> | | | | | | | | | | |
| <p>The apartment mix is distributed to suitable locations within the building</p> | | | | | | | | | | | |
| 4L Ground Floor Apartments | | | | | | | | | | | |
| <p>Street frontage activity is maximised where ground floor apartments are located</p> | <p>Ground floor units to Costello Lane are accessed from lobbies which are considered appropriate to its location. Four of the six ground floor apartments to Passendale Road have entrances from the lobby and have individual gate entrances to their POS areas and are considered to have been appropriately designed. Additionally, the landscaping plan includes an open turfed area with bench seat to activate the frontage to Passendale Road. Access has been considered to need review by DEP. In response, amended plans show the slope of the access ways from Passendale Road have been reduced from 1:14 and 1:23 to 1:20 and level</p> | | | | | | | | | | |
| <p>Design of ground floor apartments delivers amenity and safety for residents</p> | | | | | | | | | | | |

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| Provisions | Comment |
|--|---|
| | respectively. |
| 4M Facades | |
| Building facades provide visual interest along the street while respecting the character of the local area | Visually appealing facades have been provided to provide interest to the streetscape. The design has been limited to five storeys, which reduces the possible impact of this type of development that is in close proximity to the lower density character of the residential development adjacent to the site. The DEP had requested that materiality be scaled back to be less eclectic which is considered to have been appropriately addressed. |
| Building functions are expressed by the facade | |
| 4N Roof Design | |
| Roof treatments are integrated into the building design and positively respond to the street | The roof treatment is considered to be an appropriate design response given the proximity of lower density development in the vicinity. The use of the roof for open space would have the potential to create visual and acoustic privacy impacts to the adjacent single and double storey detached dwellings adjacent to the development site. |
| Opportunities to use roof space for residential accommodation and open space are maximised | |
| Roof design incorporates sustainability features | |
| 4O Landscape Design | |
| Landscape design is viable and sustainable | Landscape design is considered appropriate and contributes to the streetscape amenity. The landscape plan includes a high component of native species which would be more suited to the local climate than introduced species. The landscaping indicated is considered to contribute to the streetscape and provides different internal elements to provide a high level of amenity to the occupants of the units. |
| Landscape design contributes to the streetscape and amenity | |
| 4P Planting on Structures | |
| Appropriate soil profiles are provided | Not applicable. All planting to be at ground level in deep soil zones or planter boxes. The plant species selected are generally natives or species that are appropriate. The maintenance of the site's landscaping will be secured by condition. |
| Plant growth is optimised with appropriate selection and maintenance | |
| Planting on structures contributes to the quality and amenity of communal and public open spaces | |
| 4Q Universal Design | |
| Universal design features are included in apartment design to promote flexible housing for all community members | 1 of the 36 apartments has been designed as adaptable. The remainder of the development consists of 1 bedroom (5), 2 bedrooms (26) and 3 bedrooms (4) units which are considered to provide a variety of apartments. A condition of consent will require that, prior to the issue of a |
| A variety of apartments with adaptable designs are provided | |
| Apartment layouts are flexible and accommodate a range of lifestyle needs | |

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| Provisions | Comment |
|--|--|
| | construction certificate, the design of the apartments will be amended to the satisfaction of Council in order to provide the minimum required 10% of units (four Units) to be adaptable housing units. |
| 4R Adaptive Reuse | |
| New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place | Not applicable |
| Adapted buildings provide residential amenity while not precluding future adaptive reuse | |
| 4S Mixed Use | |
| Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement | Not applicable |
| Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents | |
| 4T Awnings and Signage | |
| Awnings are well located and complement and integrate with the building design | Not applicable |
| Signage responds to the context and desired streetscape character | |
| 4U Energy Efficiency | |
| Development incorporates passive environmental design | Proposal has been designed to maximise solar access and natural ventilation. A BASIX report for the development has been provided which addresses energy efficiency. The orientation of the site permits passive solar access and natural ventilation. |
| Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer | |
| Adequate natural ventilation minimises the need for mechanical ventilation | |
| 4V Water Management and Conservation | |
| Potable water use is minimised | Appropriate water management and conservation methods incorporated into the design. Council's Land Development Engineers have reviewed the application with no further requirements. |
| Urban stormwater is treated on site before being discharged to receiving waters | |
| Flood management systems are integrated into site design | |
| 4W Waste Management | |
| Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | Appropriate waste storage facilities have been provided to reduce the impacts on the streetscape. The collection area for the waste bins are to be conditioned to be regularly serviced and used in a manner that causes the least amenity impacts to the residents of the development and to the development on the opposite side of Costello Lane. |
| Domestic waste is minimized by providing safe and convenient source separation and recycling | |
| Further detail is required for the final waste management plan which is to be provided to Council for approval prior to the issue of | |

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| Provisions | Comment |
|--|--|
| | a Construction Certificate. |
| 4X Building Maintenance | |
| Building design detail provides protection from weathering | Building materials utilised in the building are considered satisfactory to these requirements. |
| 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.*

| 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 | It is considered unlikely that the land is contaminated as it is an existing residentially zoned allotment created under DA-472/2014 where contamination was addressed. This application was accompanied by a Contamination assessment dated April 2014 which requires further investigation into AEC 2 (the portion of the parent subdivision which relates to the subject development site) which required remediation. This application also includes a validation report prepared by Geo-Logix Pty Ltd that concludes that AEC 2 area is considered suitable for residential land use. The application was referred to Council's Environment and Health section who confirmed that the Clause 7 of the SEPP 55 – Remediation of Land were appropriately addressed and that the land is suitable for residential use. |

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| <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> | <p>The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records.</p> |
| <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.</p> | <p>The information provided states that no further remediation of the development site is required which was confirmed by Council's environment and health section.</p> |

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 (Certificate number: 903801M dated 02 March 2018 prepared by Building & Energy Consultants Australia) 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) 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 the table below.

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

| Clause 8 General Principles | Comment |
|--|--|
| <p>(a) the aims, objectives and planning principles of this plan,</p> | <p>The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.</p> |
| <p>(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,</p> | <p>Stormwater concept plan reviewed by Council's Engineers. Minimal affects.</p> |

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

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 R1 – General Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 4 below.

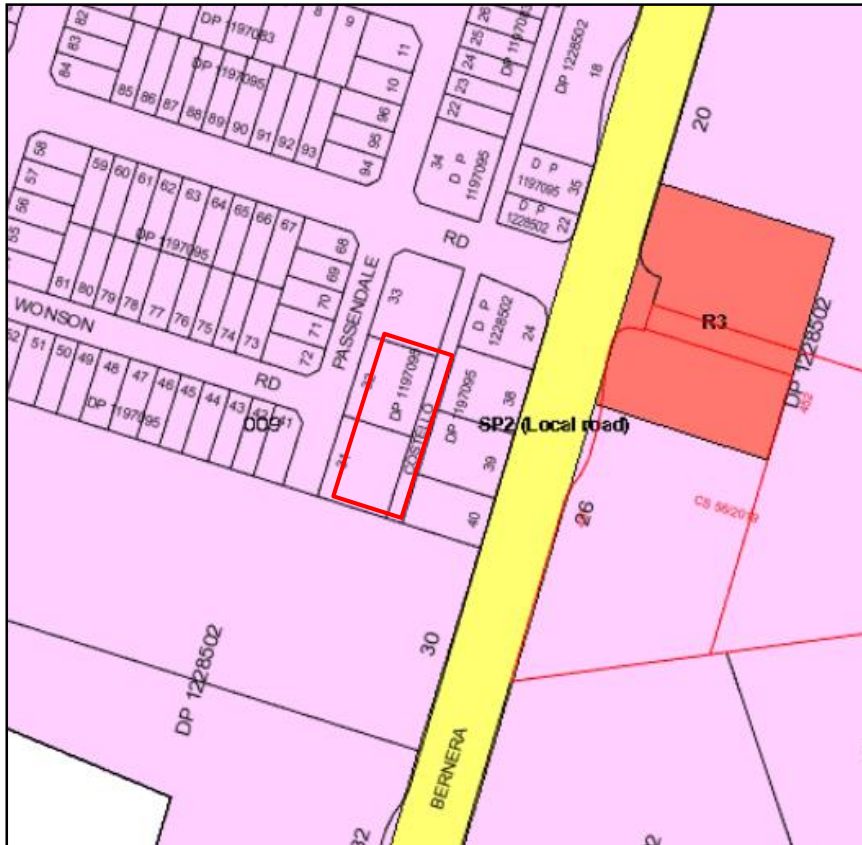


Figure 5: Zoning Map showing the site is entirely zoned R1-General Residential (source: Geocortex)

(ii) Permissibility

The proposed development is appropriately defined as a residential flat building, which is identified as permitted land use with consent within the General Residential Zone under the Liverpool Local Environment Plan 2008.

***residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*

(iv) Objectives of the zone

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 zone in that the development provides a variety of dwellings to provide for the housing requirements of the community at a density and bulk and scale that is in keeping with the expected urban character

of this section of Edmondson Park urban release precinct. The proposed density is also supported by its close proximity of the site to Edmondson Park train station and Town Centre which provides transport employment, services and facilities.

(v) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below.

| Development Provision | Requirement | Proposed | Comment |
|-----------------------------------|--|---|--|
| 4.1 Subdivision Lot Size | Minimum 300m ² | Subdivision not proposed | N/A |
| 4.3 Height of Buildings | Maximum 21m | 17.8m | Complies |
| 4.4 Floor Space Ratio (FSR) | Maximum 1.50:1 | Overall site area 2,127.6sqm Gross Floor Area 3,199.85sqm FSR is 1.50:1 | Complies |
| 6.5 Public Utility Infrastructure | Public utility infrastructure must be available | Provided by conditions of consent | Complies by condition |
| 7.8 Flood Planning | Proposal is to comply the flood planning controls | The site is not mapped as being flood affected | N/A |
| 7.11 Minimum Dwelling Density | Development site is located within the 28 dwellings/hectare area | Based on the overall site area of 2,127.6sqm and the 36 dwellings that are proposed the density will be 169.2dw/ha. | The development meets the minimum dwelling density. Furthermore, while the proposed density is significantly higher than the minimum density, the proposed density is considered to be consistent with the form, bulk and scale of the development envisaged in the planning for the precinct and the urban character depicted in Part 2.11 of the LDCP 2008 and the 21m Height of Buildings. This density is supported by the development's proximity to Edmondson Park |

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| | | | Town Centre and Train Station as well as regular bus services to Liverpool. |
| 7.13 Minimum Lot Width in Zones R1, R2, R3 and R4 | Minimum width 10m | The development lot accommodating residential development exceed 10m in width | Complies |
| 7.31 Earthworks | Council to consider matters listed (a)-(g) | Matters addressed by applicant and considered by Engineers – conditioned as required | Complies by condition |

As identified in the compliance table above, the proposal is generally compliant with the provisions prescribed by LLEP 2008.

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 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*. The relevant controls are addressed in the following table:

LDCP 2008 - Part 1 General Controls for All Development

| Development Control | Provision | Comment |
|--|---|---|
| Section 2: Tree Preservation | Controls relating to the preservation of trees | Complies The site does not contain any significant vegetation. |
| Section 3: Landscaping and Incorporation of Existing Trees | Controls relating to landscaping and the incorporation of existing trees. | Complies The site is currently vacant and does not contain vegetation that could be incorporated into the final landscaping of the development. |
| Section 4: Bushland and Fauna Habitat Preservation | Controls relating to bushland and fauna habitat preservation | Not Applicable The development site is not identified as containing any native flora and fauna. |
| Section 5: Bush Fire Risk | Controls relating to development on bushfire prone land | Not Applicable The site is not identified as bushfire prone land. |
| Section 6: Water Cycle Management | Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be | Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions of consent. |

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| Development Control | Provision | Comment |
|---|--|---|
| | submitted. | |
| Section 7: Development Near a Watercourse | If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water. | Not Applicable The site is not within 40m of a watercourse. |
| Section 8: Erosion and Sediment Control | Erosion and sediment control plan to be submitted. | Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development. |
| Section 9: Flooding Risk | Provisions relating to development on flood prone land. | Not applicable 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. |
| Section 10: Contaminated Land Risk | Provisions relating to development on contaminated land. | Complies It is noted that the subject site was created as a result of residential subdivision DA-472/2014 which has addressed contamination prior to the issue of a subdivision certificate. The application included a validation statement which concluded that the land is suitable for residential use. Additionally, Council's Environmental Health section have verified that SEPP 55 contamination requirements have been met. |
| Section 11: Salinity Risk | Provisions relating to development on saline land. | Complies by condition. The site is mapped as having moderate salinity potential. Conditions of consent will be applied to ensure that its construction appropriately addresses salinity. |
| Section 12: Acid Sulphate Soils | Provisions relating to development on acid sulphate soils | Not applicable. The site is not mapped as being impacted by acid sulphate soils. |
| Section 13: Weeds | Provisions relating to sites containing noxious weeds. | Not applicable The site is vacant and the proposed development will be conditioned in relation to vegetation. |
| Section 14: Demolition of Existing Development | Provisions relating to demolition works | Not applicable The site is currently vacant. |
| Section 15: On Site Sewage | Provisions relating to OSMS. | Not applicable The development will be connected to Sydney Water's sewer system. |

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| Development Control | Provision | Comment |
|---|--|--|
| Disposal | | |
| Section 16: Aboriginal Archaeology | An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology. | Complies The development site is on four residue lots created by DA-472/2014. The site is considered to have been heavily disturbed by the previous use and the residential subdivision and is not considered to be likely to contain Aboriginal archaeology. Notwithstanding, conditions of consent will be imposed in the event of unexpected archaeological finds. |
| Section 17: Heritage and Archaeological Sites | Provisions relating to heritage sites. | Not applicable The site is not mapped as containing European a heritage item or within the immediate vicinity of a heritage item. |
| Section 18: Notification of Applications | Provisions relating to the notification of applications. | Complies The application was notified in accordance with the requirements of this section between 1 and 18 June 2018. Two submissions were received as a result of the notification of the application. These are discussed below. |
| Section 19: Used Clothing Bins | Provisions relating to used clothing bins. | Not applicable The development does not include the provision of used clothing bins. |
| Section 20: Car Parking and Access | Car parking rates are as follows: 1 space per one bedroom; 1.5 spaces per two bedroom units; 2 spaces per three or more bedroom dwelling; 1 space per 4 units or part thereof, for visitors One service bay | Complies on merit The following parking is required: 6 x 1 bed units require 6 spaces 26 x 2 bed units require 39 spaces 4 x 3 bed units require 8 spaces 9 visitor spaces required A total of 59 spaces for the residential development, and 47 spaces are provided for the residential development. The proposal falls short of the DCP parking requirement by 12 spaces. However, the development is in accordance with the RMS guidelines for parking which are applicable to this proposal. The parking provided achieves the level required for development with 800m of railway stations. This is discussed in the ADG controls section of this report. |
| | Provision is to be made for motorcycle parking at a rate of 1 motorcycle space per 20 car spaces | Complies A total of 40 spaces are required which equates to 2 motorcycle spaces. 2 motorcycle spaces have been nominated |

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| Development Control | Provision | Comment |
|---|---|---|
| | | in the basement |
| | Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with a disability. | Complies A total of 1 accessible space is required. A total of 1 space has been provided in the basement with an additional space provided in the at grade visitor spaces. However in line with the requirement for the four adaptable units to have a car parking space, a condition is included to require four accessible parking spaces are provided. |
| | Bicycle parking and cycling facilities shall be provided at a rate of 1 per 2 units | Complies by Condition 18 bicycle spaces are required. Bicycle parking spaces are provided, however, conditions will be added ensuring the DCP bicycle parking requirements are met. |
| Section 21: Subdivision of Land and Buildings | Provisions relating to the subdivision of land and buildings | Not applicable However, the four lots in the development will be required to be consolidated as a condition of consent prior to the issue of an occupation certificate. |
| Section 22 & Section 23: Water Conservation and Energy Conservation | New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). | Complies A valid approved BASIX Certificate (number: 903801M) was provided with the application for the 36 proposed units. A condition of consent will require compliance with the BASIX commitments. |
| Section 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 | Complies by Condition 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 | Complies Building separation requirements of the ADG will ensure that excavation will be outside the zone of influence. Notwithstanding, a condition of consent will be applied to provide a dilapidation report prior to the issue of a CC. |
| | All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds). | Not applicable There is no remaining vegetation on the site. |

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| Development Control | Provision | Comment |
|--|---|--|
| | Refer to the section on Salinity if cutting greater 500mm is to be undertaken. | Complies by Condition Conditions of consent will require that the development is constructed in a manner that appropriately addresses salinity. |
| | 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. | Complies by Condition Retaining walls will be conditioned in the consent to address this control. |
| Section 25: Waste Disposal and Re-use Facilities | Provisions relating to waste management during construction and on-going waste. | Complies by condition. A waste management plan has been provided which is generally satisfactory, however further details are required for the use phase of the development. A condition of consent will be imposed that requires a detailed waste management plan to be submitted to Council for approval prior to the issue of a construction certificate. |
| Section 26: Outdoor Advertising and Signage | Provisions relating to signage. | N/A. The development does not propose signage. |
| Section 27: Social Impact Assessment | Provisions relating to Social Impact Assessment | N/A In accordance with Table 20 of this part of the LDCP, as the development was for less than 200 units, the applicant was not required to provide a Social Impact Assessment. |


| Development Control | Provision | Comment |
|---|--|---|
| PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK | | |
| 1.1 INDICATIVE LAYOUT <i>To be in accordance with Figure 2.</i> | The proposal has provided a road layout that is consistent with the Indicative Layout Plan (ILP) | Complies The development is not changing the road layout as constructed and approved under DA-472/2014. These roads are considered to be consistent with the precinct planning. |
| 1.2 DEVELOPMENT WITHIN SUB | Development site maintains the level and access to fixed roads, the proposal will allow for the | Complies The application was referred to Council's Land Development |





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| Development Control | Provision | Comment |
|-------------------------------|--|--|
| PRECINCTS | provision of drainage and services through conditions of consent and storm water design and does not create a detrimental impact on adjoining sub-precincts. | engineers who are supportive of the stormwater design and have provided conditions for consent. |
| 1.4 CHARACTER AREA STATEMENTS | <p>The proposed development is consistent with the Urban character as mapped in Figure 5 of the Part 2.11 of the LDCP</p> <p>The Urban Character Area is a dense, urban, but predominately residential zone that provides a transition between the Town Centre and the medium to lower density residential areas. The character area helps define the main avenue, Bernera Road (formerly Croatia Avenue) that leads into the Town Centre and helps frame the Urban Parkland and Maxwell's Creek Urban Park.</p> <p>Housing types that reinforce the urban character and need for well-located higher densities predominate including apartment buildings and small lot/attached housing. A minimum net residential density of 28 dwellings per hectare is required. Building setbacks are relatively shallow, and there is a close interaction of buildings to the surrounding streets.</p> <p>Taller buildings are encouraged to frame Croatia Avenue and the Maxwell's Creek Urban Park. Buildings are predominantly between 3 - 6 storeys and massed towards the public realm.</p> <p>The public streetscape is formal in arrangement consisting of wide footpaths, large deciduous trees spaced evenly every 8m max, placed in a hard landscaped verge and forming a large street canopy. To minimize the visual and physical impact of</p> | <p>Complies</p> <p>The development is a five storey development that is considered to be in keeping with the planned outcomes for this part of the Edmondson Park urban release area.</p> <p>The proposed five storey development achieves the minimum 28 Dwelling/hectare density and the massing requirements of this section. The proposed development of 36 units would result in a density of 169 dwellings per hectare.</p> <p>The five storey residential flat building of the development is located on Passendale Road. This is considered to be in keeping with the planned character of the release area.</p> <p>The landscaping proposed is generally in keeping with the landscaping controls.</p> <p>The basement carpark is accessed from Costello Lane, to the eastern of the site, which is consistent with the precinct</p> |

| Development Control | Provision | Comment |
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| | vehicle access to properties on the public streetscape, including footpath crossovers and garages, vehicle access and servicing is via side/secondary streets or rear lanes. | planning and minimizes the visual and physical impacts on the public streetscape. |
| 1.5 PUBLIC TRANSPORT | Proposed development does not impact the ability to maintain required public transport routes in Edmondson Park | <p>Complies</p> <p>The development does not alter or reduce the ability of the precinct to achieve the desired public transport outcomes. The site is very close to the Main Bus Route and Feeder Bus Route 2 located on Bernera Road (formerly Croatia Ave) thus ensuring a high level of public transport access to and from the site to Edmondson Park Train Station and shopping and employment opportunities in Edmondson Park Town Centre as well as access to services to Liverpool.</p> |
| 2.1 STREET NETWORK AND ACCESS <i>Subdivision plans must indicate street type.</i> | The submitted development is consistent with the indicate ILP within the DCP. | <p>Complies</p> <p>The proposed development does not propose amendments to the approved road layout which was approved under DA-472/2014. In that respect the development is complies with this section.</p> |
| 2.2 PEDESTRIAN AND CYCLEWAY NETWORK | <p>The DCP plan (extract below) indicates that an on-street dedicated bicycle lane is required for Bernera Road while an off-street shared pedestrian/bicycle path is required for Poziers Road to the north of the development site.</p>  | <p>Complies</p> <p>Redevelopment and upgrading of Croatia Ave with the extension of Bernera Road has incorporated the required bicycle lanes.</p> |

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| | <p>LEGEND</p> <p> SUBJECT LAND</p> <p> ON-STREET DEDICATED BICYCLE LANE</p> <p> OFF-STREET SHARED PEDESTRIAN/BICYCLE PATH</p> <p> OPEN SPACE</p> | |
| 2.3 STREETSCAPE AND STREET TREES | Minimum of two trees (to a minimum mature height of 4m) per six metres of frontage. Suitable Planting is provided | Complies Street trees are part of the existing street network. |
| 2.4 OPEN SPACE | This section sets controls for the open space requirements for the precinct. | N/A The site is not located in or near areas indicated in the precinct plan mapping for open space areas. |
| 2.5 ENVIRONMENTAL MANAGEMENT | This section includes controls in relation to Stream and Riparian Management and Core Riparian Corridors | N/A The site is not located on or in close proximity to streams or riparian corridors |
| 2.6 WATER CYCLE MANAGEMENT | This section includes controls in relation to management of storm water, deep soil areas, vegetation and fill. | Complies The development has been reviewed by Council's Land Development Engineers who have raised no issues with the proposal. |
| 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 residential development. | Complies Contamination has been addressed in the parent subdivision under DA-472/2014. A validation statement was provided with the application which states that the site is suitable for residential development. The application was reviewed by Council's Environmental Health section who have confirmed that the development meets the requirements of SEPP 55 – Remediation of Land and is suitable for the intended residential use. |
| 3. CONTROLS FOR RESIDENTIAL DEVELOPMENT IN THE 28 DWELLINGS/HECTARE AREA | This section contains controls for residential dwellings types in the 28sw/ha minimum dwelling density band including residential flat buildings. | Complies The controls in this section in relation to residential flat buildings are replaced by the Apartment Design Guide in accordance with SEPP 65. The development is considered to be compliant |

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| | | with required setbacks. |
| 3.2 Site Planning | The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access (See Figure 26 for a site analysis plan). | Complies The design permits solar access in accordance with SEPP 65 / ADG requirements |
| | Basement car parking (if applicable) should be unobtrusive and blend into the general façade of the building. | Complies The basement parking low entrance and setback is considered to have been designed to permit minimal visual impact to the laneway. |
| | There must be a direct link from at least one living area to the principal private open space, which for residential flat buildings is the balcony or terrace. | Complies All units have a direct link between the living areas and the private open space areas. |
| | The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties. | Complies by Condition Conditions of consent will require that the 1.2m high balustrades include opaque glazing |
| | Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. | Complies The proposal has been assessed by Council's Engineers, who have raised no objection, subject to the imposition of conditions. |
| 3.3 Setbacks | Front Setback required 4.5M | Complies The front setback to Passendale Road is 4.7m The setback to Costello Lane is considered a front setback and has a setback of 6.96m |
| | Articulation features such as verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m. | Complies |
| | Side and rear setbacks 3m and 6m respectively | Complies on Merit. The northern side setback is 7.495m with the southern side |

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| | | having a setback of 2.15m. This setback is to the basement entrance which is located at and below ground level. This is supported in this instance as boundary fencing and landscaping will minimise any impacts. |
| 3.4 Landscaped Area and Private Open Space Area | A minimum of 20% of the site area shall be landscaped area. | Complies 27% of the site is landscaped. |
| | Optimise the provision of consolidated landscaped area within a site by: <ul style="list-style-type: none"> - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of side and rear setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties. | Complies The basement design has been minimised to not cover the site and is considered compliant with the required setbacks. The site does not adjoin any recent developments |
| | Promote landscape health by supporting for a rich variety of vegetation type and size. | Complies The development is considered to provide a variety of vegetation types. Conditions of consent will ensure the maintenance of the landscaping which is to be provided prior to the issue of an occupation certificate. |
| | Provide communal open space, which is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities by: <ul style="list-style-type: none"> - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car | Complies The communal open space areas comply with SEPP 65 and ADG requirements |

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| | parking. - Locate open space to increase the potential for residential amenity. | |
| | Private open space for residential flat buildings shall be consistent with the Apartment Design Guide (or equivalent document). | Complies The design is compliant with ADG requirements |
| | Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. | Complies |
| | Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. | Complies |
| | Private open space should be clearly defined for private use | Complies The private open space areas are clearly identified for private use. |
| 3.5 BUILDING DESIGN, AND STREETSCAPE <i>External Design</i> | Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, and should consider the Apartment Design Guide (ADG) or equivalent. | Complies The proposal meets the requirements of SEPP65 and the ADG. |
| | Building facades shall be articulated and roof form is to be varied to provide visual variety. | Complies The development has been reviewed by Council’s Design Excellence Panel. The design has been revised to address the points raised which are considered appropriate. Articulation is provided to all facades. |
| | The pedestrian entrance to the building shall be emphasised. | Complies Entry points to the building are emphasised by the projecting elements above the entrance points. |
| | A sidewall must be articulated if the wall has a continuous length of over 14m. | Complies All walls are considered to be articulated. |
| | Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with | Complies The materials and colours are in the colour schedule are consistent with this control |

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| | the basement or podium walls. | |
| | Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting. | Complies The basement entrance is in close proximity to natural ground level accessed from Costello Lane thereby minimising its impact on the streetscape. |
| | The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint. | Not applicable No podium element included in the design. |
| | A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space. | Complies with conditions. |
| | Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns. | Complies The design has been reviewed by the Design Excellence Panel and is considered to have met their requirements. |
| | Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. | Complies The design has been reviewed by the Design Excellence Panel and is considered to have met their requirements. |
| | Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation. | Complies The design includes walls |
| | Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof | Not Applicable The development site is not located on a corner site. |

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| | expression or increased height. | |
| | Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. | Complies The design has been reviewed by the Design Excellence Panel and is considered to have met their requirements. |
| | Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design | Complies The design has been reviewed by the Design Excellence Panel and is considered to have met their requirements. |
| Internal Design | All staircases should be internal. | Complies |
| | Minimise the length of common walls between dwellings. | Complies |
| | Basement car parking shall be located beneath the building footprint. | Complies on merit. The design includes entrance to the basement which is outside the building footprint. The design includes communal open space above the basement entrance area and it is considered that this meets one of the objectives of this control. |
| | Where possible natural ventilation shall be provided to basement car parking. | Complies on merit The doors to the basement will permit natural ventilation. Additional mechanical ventilation will be applied to the development. |
| | Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings | Complies with Condition The development faces Passendale Road on the opposite side of which are located two dwellings that face the development and some dwellings whose private open space areas may face the development site along the eastern end of Wonson Road. These private open space areas may potentially be overlooked by four of the of the units on the southern end of the proposed development. To minimise the potential visual privacy impact of the development, conditions of consent will require that the balustrades to the 1.2m balconies for all of the units above the ground floor are to be opaque glazing. This, in addition to the building separation of |

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| | | approximately 24m to the nearest property, is considered to be an appropriate measure to ameliorate this issue. |
| | Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells. | Complies The design is considered to have minimised the noise conflicts between the units. |
| | Where a site has boundary to a Classified Road, locate bedrooms away from that boundary. | Not applicable |
| | Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia. | Complies by conditions Conditions of consent will be imposed to ensure compliance with BCA requirements |
| | Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens). | Complies |
| Ground Floor Dwellings | Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings. | Complies Two entrances are proposed from Passendale Road which then permit access to POS areas within the site. Open space areas have been included in this front setback including seating to animate the street. |
| | Create more pedestrian activity along the street and articulate the street edge. | Complies It is considered that the design of the open space areas in the front setback provides an active frontage. |
| | Planting along the terrace edge contributes to a quality streetscape | Not applicable |
| | Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public | Complies The ground floor units include an adaptable housing unit and two bedroom units that are suited to elderly and or disabled occupants. Four of the eight ground floor units have access to Passendale Road from the two pedestrian access points as |

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| | domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. | well as from the lobby areas with the remainder of the units gaining access from the lobby areas. It is noted that conditions of consent will require three additional units be made adaptable. |
| | Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. | |
| | Provide ground floor dwellings with access to private open space, preferably as a courtyard. | |
| Natural Ventilation | Utilise the building layout and section to increase the potential for natural ventilation | Complies The site orientation and design maximises the potential for natural ventilation. |
| | Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout. | Complies The openable doors and windows are provided to maximise air flow. |
| | Provide narrow building depths to support cross ventilation. | Complies Dwellings depths are in line with the ADG requirements. |
| | Avoid single-aspect dwellings with a southerly aspect. | Complies None of the dwelling have a southerly aspect. |
| | Design the internal dwelling layout to promote natural ventilation | Complies The development is in accordance with the ADG requirements. |
| Storage Areas | A secure storage space is to be provided for each dwelling with a minimum volume 8m ³ (minimum dimension 2m). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas. | Complies Storage is provided in accordance with ADG requirements. |
| Roof Design | Relate roof design to the desired built form. | Complies The roof design has been amended to address DEP recommendations in terms of |
| | Design the roof to relate to the size and scale of the building, | |

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| | the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. | articulation. |
| | Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. | |
| | Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage | Complies The provision of the raised central roof section permits the minimising the visual impact of service elements. |
| | Where habitable space is provided within the roof, optimise residential amenity in the form of attics or penthouse dwellings. | Not applicable |
| Building Entry | <p>Improve the presentation of the development to the street by:</p> <ul style="list-style-type: none"> - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. - Designing the entry as a clearly identifiable element of the building in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries - where it is desirable to activate the street edge or reinforce a rhythm of entries along a street. | Complies The development is considered to meet these controls as the interface with development on the opposite side of Passendale Road has the character of low density one and two storey development. The entrance treatments are low key with two main entrances to the site and then internal access to private open space areas within the site. |
| | Provide as direct a physical and visual connection as possible between the street and the entry. | Complies |
| | Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit. | Complies The development access points from Passendale Road and Costello Lane are considered clear and legible. |
| | Ensure equal access for all. | Complies The development is considered |

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| | | to provide equal access both at grade from Passendale Road and Costello Lane as well as from the basement parking areas. |
| | Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas. - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail. | Complies by condition It is considered that the development provides safe and secure access. Conditions of consent will require that these access points and circulation areas are appropriately lit. |
| | Generally provide separate entries from the street for: - Pedestrians and cars. - Ground floor dwellings, where applicable. | Complies The development provides separate entrances for pedestrians and cars and provides two points of entry to the ground floor units on Costello Lane. The Passendale Road aspect does not include driveway access. |
| | Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces | Complies The entries to the circulation spaces are considered to be appropriate for the movement of furniture. |
| | Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary. | Complies by Condition |
| Daylight Access | Plan the site so that new dwellings are oriented to optimise northern aspect. | Complies The site's north eastern aspect provides the setting for the development to optimise the building's orientation to achieve appropriate solar access. |
| | Ensure direct daylight access to communal open space between March and September and | Complies The development complies with the SEPP 65 requirements for |

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| | provide appropriate shading in summer. | solar access. |
| | Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. | Complies All of the units are designed to locate their habitable rooms to optimise solar access. |
| | Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access. | |
| | Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces. | Complies The development complies with SEPP 65 requirements for solar access. |
| | Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. | Complies on merit Due to the layout of the site, all single aspect dwellings face north west. However, the building design is considered to limit the impact of direct sunlight on these units. |
| | Avoid south facing dwellings. | Complies No dwellings face south |
| | Design for shading and glare control, particularly in summer, by: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows. | Complies It is considered that the use of balconies and colonnades provides shading the development while achieving the required solar access in winter. |
| | Consider higher ceilings and higher window heads to allow deeper sunlight penetration. | Complies The buildings generally comply with ADG building depths. |
| | On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun. | Complies The development site includes the use of balconies and architectural elements to provide shading. The design has received has passed BASIX requirements. |
| | On north facing windows, projecting horizontal louvres | Complies by condition North facing windows are to be |

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| | admit winter sun while shading summer sun. | conditioned to be screened in order to minimise visual privacy impacts as well as to provide shading. |
| | Use high performance glass but minimise external glare off windows, by: - Avoiding reflective films. - Using a glass reflectance below 20%. - Considering reduced tint glass | Complies by condition |
| | Limit the use of light wells as a source of daylight by limiting their use as the primary source of daylight in habitable rooms. | Not applicable No light wells are proposed for this development. |
| Car Parking and Access | Visitor car parking shall be clearly identified and may not be stacked or tandem car parking. | Complies The visitor spaces provided are at grade, are not stacked and will be identified by conditions of consent. |
| | Visitor car parking shall be located between any roller shutter door and the front boundary. | Complies The visitor parking spaces are located in the front setback and have been reviewed by Council's traffic section with no objection. |
| | Pedestrian entries and driveways shall be separated | Complies The driveway to the basement and visitor parking spaces are located within Costello Lane and are separate to the pedestrian entrance way. |
| | Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street. | Complies The basement entrance is located at the side of the building. |
| | Give preference to underground parking, whenever possible by: - Retaining and optimising the consolidated areas of deep soil zones. - Facilitating natural ventilation to basement and sub-basement car parking areas, where possible. - Integrating ventilation grills or screening devices of car park | Complies on merit The basement entrance is not located under the building footprint however is located on the southern side of the building. The area above the basement entrance is utilised a communal open space and has provided passive and active spaces. |

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| | <p>openings into the facade design and landscape design. - Providing safe and secure access for building users, including direct access to residential dwellings, where possible.</p> <p>- Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.</p> | |
| | <p>Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: - Avoid exposed parking on the street frontage. - Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.</p> | <p>Complies The development includes at grade visitor parking spaces to Costello Lane. This design was reviewed by Council's DEP who recommended the provision of an arbour to minimise the visual impact to the laneway. This has been provided in the revised scheme and is considered to have addressed this control.</p> |
| Pedestrian Access | <p>Utilise the site and it's planning to optimise accessibility to the development.</p> | <p>Complies The development provides level access or ramps where necessary to accommodate the site topography.</p> |
| | <p>Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal streets.</p> | <p>Complies The development is considered to provide the required accessible routes.</p> |
| | <p>Promote equity by:</p> <ul style="list-style-type: none"> - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall building and landscape design. - Design ground floor dwellings | <p>Complies The design is considered to achieved these requirements.</p> |

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| | to be accessible from the street, where applicable, and to their associated private open space. | |
| | <p>Maximise the number of accessible and adaptable dwellings in a building by:</p> <ul style="list-style-type: none"> - Providing more than one accessible entrance where a development contains clusters of buildings. - Separating and clearly distinguish between pedestrian accessways and vehicle accessways. - Locating vehicle entries away from main pedestrian entries and on secondary frontages. | <p>Complies.</p> <p>There is only one building in the development which distinguishes pedestrian and vehicle accessways.</p> |
| 3.7 Amenity and Environmental Impact | Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces. | <p>Complies by Condition</p> <p>A condition of consent will be imposed that requires the installation of privacy screens that prevent downward looking to the northern elevations windows and balconies. Fencing has been included to ensure private open space and communal open space areas receive appropriated levels of privacy. As far as practicable, window placement and building separation are considered to have met the requirements for visual privacy.</p> |
| | Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space. | |
| | Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties. | <p>Complies</p> <p>Vegetation has been included to assist with providing visual privacy.</p> |
| | Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings. | <p>Complies</p> <p>The design has been reviewed by Council's design excellence Panel and has achieved the requirements of SEPP 65 and the ADG.</p> <p>Additionally, communal open space areas have been located predominantly on the northern and southern ends of the site to minimise the amount of units potentially overlooking these spaces. A condition of consent</p> |
| | Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: <ul style="list-style-type: none"> - Balconies to screen other balconies and any ground level private open space. - Separating communal open space, common areas and access routes through the | |

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| | <p>development from the windows of rooms, particularly habitable rooms.</p> <ul style="list-style-type: none"> - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. | <p>has been included that includes privacy screening the to the north eastern elevations balconies and windows to achieve optimal privacy to the COS areas on this elevation.</p> |
| | <p>Use detailed site and building design elements to increase privacy without compromising access to light and air by:</p> <ul style="list-style-type: none"> - Offsetting windows of dwellings in new development and adjacent development windows. - Recessed balconies and/or vertical fins between adjacent balconies. - Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies. - Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devises to limit overlooking of lower dwellings or private open space. | |
| <p>Acoustic Impact</p> | <p>Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> | <p>Complies The development meets the required separation distances under SEPP 65 and conditions of consent apply in relation to noise emissions from the development.</p> |
| | <p>Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.</p> | <p>Complies The development is not located on a classified road and is over 600m from the nearest railway. An acoustic report has been provided which the recommendations have been conditioned to be complied with.</p> |
| | <p>The proposed buildings must</p> | <p>Complies by Conditions</p> |

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| | <p>comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p> | |
| | <p>Arrange dwellings within a development to minimise noise transition between dwellings by:</p> <ul style="list-style-type: none"> - Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms. - Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas. - Minimising the amount of common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within an dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together. | <p>Complies It is considered that the design of development generally achieves the requirements of this control in reducing the noise/vibration impacts between the units.</p> |
| <p>8. SITE SERVICES Letterboxes</p> | <p>Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.</p> | <p>Complies by conditions The location, design and details for the developments letterboxes will be conditioned in the consent.</p> |
| <p>Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.</p> | | |
| <p>Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.</p> | | |
| <p>Waste Management</p> | <p>Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> | <p>Complies The waste collection area in adjacent to the basement driveway</p> |
| | <p>Any structure involving waste disposal facilities shall be</p> | <p>Not applicable Waste will be stored in</p> |

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| Development Control | Provision | Comment |
|--|---|--|
| | <p>located as follows: Setback 1m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property. Details of the design of waste disposal facilities are shown in Part 1 of the DCP.</p> | <p>dedicated areas within the basement to the site until ready for collection.</p> |
| <p>Frontage works and damage to Council infrastructure</p> | <p>Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.</p> | <p>Complies by Conditions</p> |
| | <p>Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.</p> | <p>Complies by Conditions</p> |
| | <p>Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.</p> | <p>Complies by Conditions</p> |
| <p>Electricity Sub Station</p> | <p>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.</p> | <p>Complies by Conditions</p> <p>Conditions of consent will require the appropriate restrictions on title are registered prior to the issue of an occupation certificate.</p> |
| <p>3.9 RESIDENTIAL CHOICE AND MIX FOR APARTMENT BUILDINGS</p> | <p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following: -Studios and 1 bedroom units are not to be greater than 25% and not less than 5% of the total mix of apartments within each development. -Two bedroom units are not to be more than 75% of the total mix of apartments within each development.</p> | <p>Complies by condition</p> <p>6 X 1 Bedroom units = 16.6%</p> <p>26 X 2 Bedroom units = 72.2%</p> <p>It is considered that an appropriate residential mix of apartments has been proposed. In total 16.6% 1 bedroom units, 72.2% 2 bedroom units and 11.11% 3 bedroom units proposed for the development.</p> |

| Development Control | Provision | Comment |
|---------------------|---|---|
| | <p>-10% of apartments are to be certified to be adaptable</p> <p>Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disable parking spaces.</p> | <p>One apartment has been nominated as being adaptable housing. This represents 2.7% of the units as being adaptable housing. A condition of consent will require the provision of amended plans for approval by Council prior to the issue of a construction certificate that includes a total of 4 certified adaptable housing units.</p> <p>Car parking for the required adaptable housing will also be conditioned to comply.</p> |

The development is found to generally comply with the provisions of the LDCP 2008 except in relation to unit mix which does not comply with the provisions of the LDCP 2008 in relation to the provision of adaptable housing. Conditions of consent will require that amended plans are provided to address this issue.

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

No Planning Agreements apply to the development.

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

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

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

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development which is not an over-development and is consistent with the desired future built character of the locality.

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

Social Impacts and Economic Impacts

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

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

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

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

(a) Internal Referrals

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

| DEPARTMENT | COMMENTS |
|----------------------|---|
| Building Officer | Approval subject to conditions of consent |
| Development Engineer | Approval subject to conditions of consent |
| Landscape Officer | Approval subject to conditions of consent |
| Traffic Engineer | Approval subject to conditions of consent |
| Waste Management | Approval subject to conditions of consent |

(b) External Referrals

The following comments have been received from external Agencies:

| DEPARTMENT | COMMENTS |
|------------------|---|
| Endeavour Energy | Approval subject to conditions of consent |
| Sydney Water | Approval subject to conditions of consent |

(c) Community Consultation

The proposal was advertised/notified from 1 June 2018 to 18 June 2018 in accordance with the LDCP 2008. Two submissions were received in response to the public consultation process.

The matters identified in the submissions are itemised and discussed below

Issue 1

Traffic congestion and parking

Response

The design meets the required parking for this type of development especially in the instance where the site is benefitted by regular bus services and is in close proximity to Edmondson Park train station which is supported by Council's traffic section. It is expected that current levels of parking congestion resulting from the Edmondson Park station will be reduced with the continued development of its parking infrastructure by the State Government.

Issue 2

Privacy - High rise units will have a clear view of my backyard with close to no privacy at all.

Response

The development has been designed in accordance with the required setbacks in order to provide adequate separation between the development and the adjoining development in the vicinity.

It is only the 4 units with balconies at the south-western corner of the building that have the potential to overlook the private open space of buildings on the southern side of Wonson Road. The minimum setback from the Passendale Road boundary is 4.7m, and this combined with the width of the carriageway would result in the balconies being approximately 24m from the POS of the nearest dwelling on Wonson Road. It is considered this separation would greatly limit the ability of the occupants of these 4 units from having direct views into the private open space of the properties on Wonson Road. This potential impact is reduced for dwellings further along Wonson Road.

Additionally, the assessment of development recognised the potential visual privacy impacts to the lower density development to the west of the development site and the design now includes obscure glazing to the balustrades of all of the unit's west facing balconies.

Issue 3

Noise – High rise units tend to project more noise from higher up

Response

The proposal is for a residential use within a residential zone, as such it is not considered that the noise generated by the proposal would be out of place within such an area. In addition, a standard condition of consent will apply for the use of this consent which addresses noise emission.

Issue 4

The maintenance and up keep to keep the area clean.

Response

If maintenance issues arise, complaints can be raised with Council.

Issue 5

An increase in the crime rate due to the provision of affordable housing. Renters increase the chance of crimes, noise, and maintaining a clean area.

Response

The occupation of the proposed development has been assessed against the requirements of the EP & A Act 1979 which does not require the assessment of the social status of future residents of the development. Additionally, the development does not propose to provide housing in accordance with SEPP (Affordable Rental Housing) 2009.

Issue 6

There is no review on the impact of light in Wonson Road. There will be overshadowing in the winter months

Response

Shadow diagrams provided with the application show that the development will not prevent the surrounding developments achieving the required solar access to private open space and living areas.

Issue 7

'We were told that no high-rise apartments around the street where we purchased.'

Response

High rise development (residential flat buildings) are permissible with consent under the site's zoning (R1 General Residential), with the height of buildings, density and Precinct Planning under Part 2.11 of the Liverpool Development Control Plan 2008, providing the planning background and intension for a development of this nature at this location.

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

The proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is not applicable to the proposed development in accordance with the provisions of Liverpool Contributions Plan 2009. All relevant contributions applicable to the site were paid in conjunction with DA-472/2014.

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 the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in any foreseen adverse impacts 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

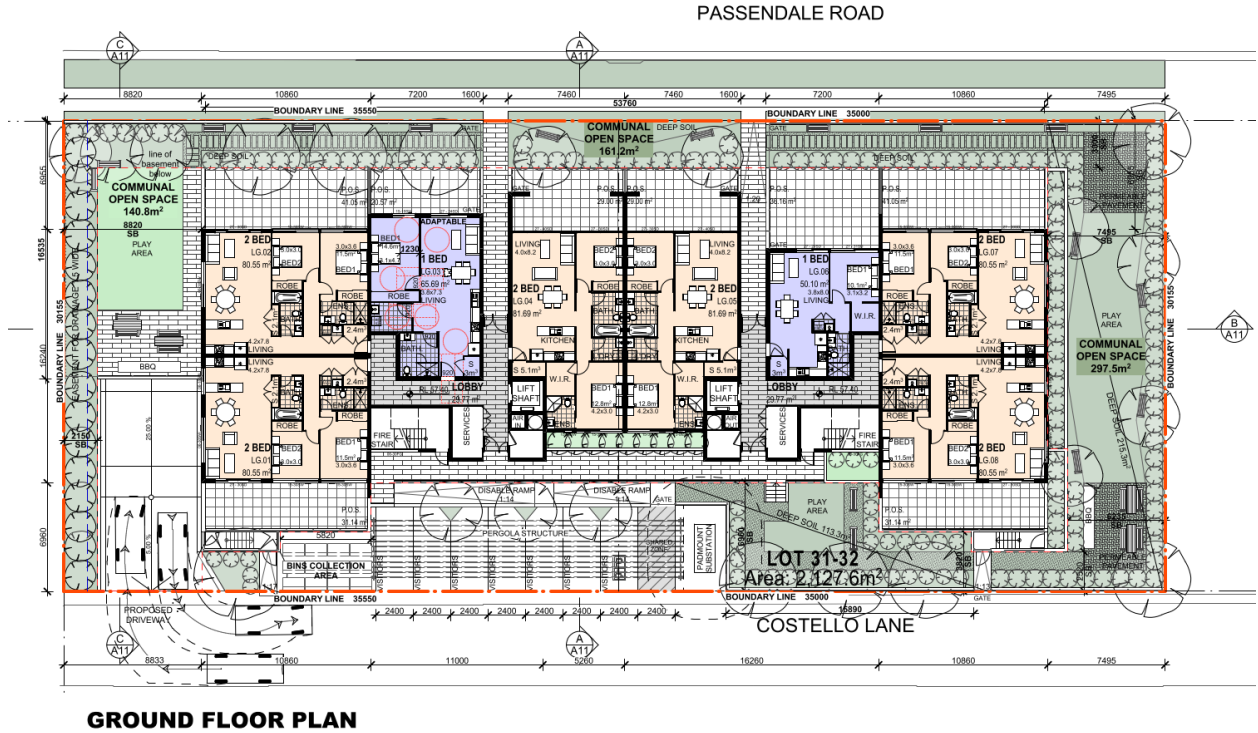
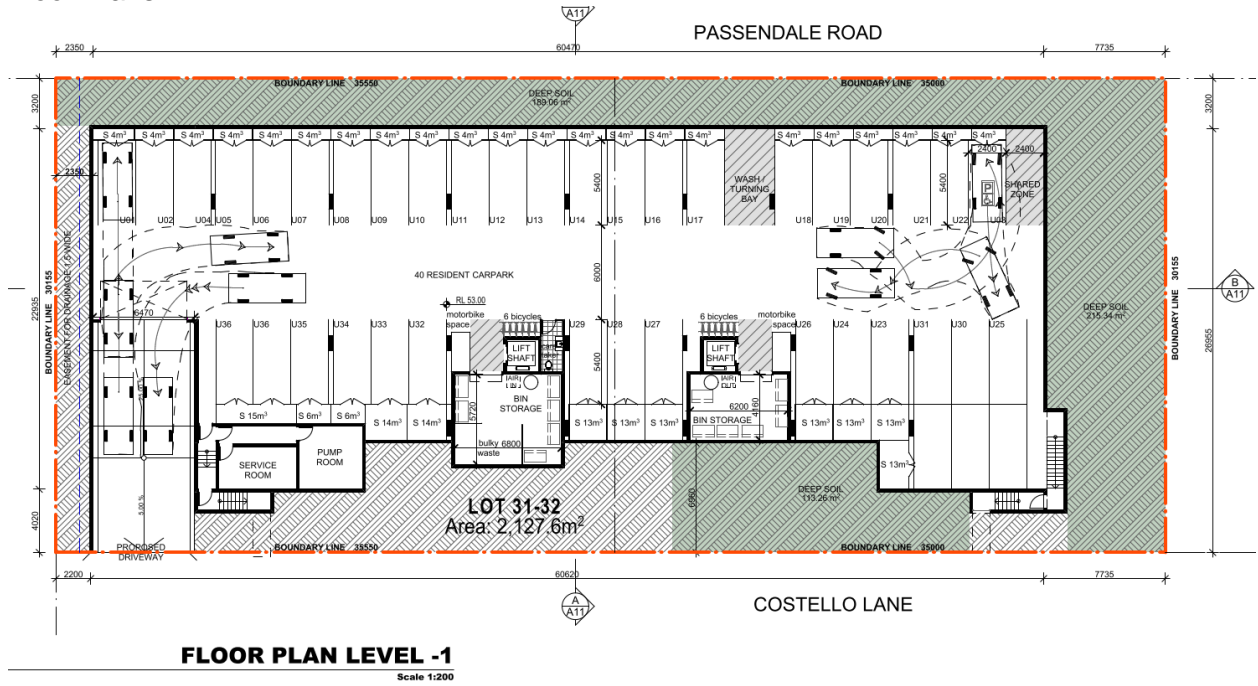
That Development Application DA No. 356/2018 be approved subject to conditions of consent.

10. ATTACHMENTS:

1. PLANS OF THE PROPOSAL
2. CONDITIONS OF CONSENT

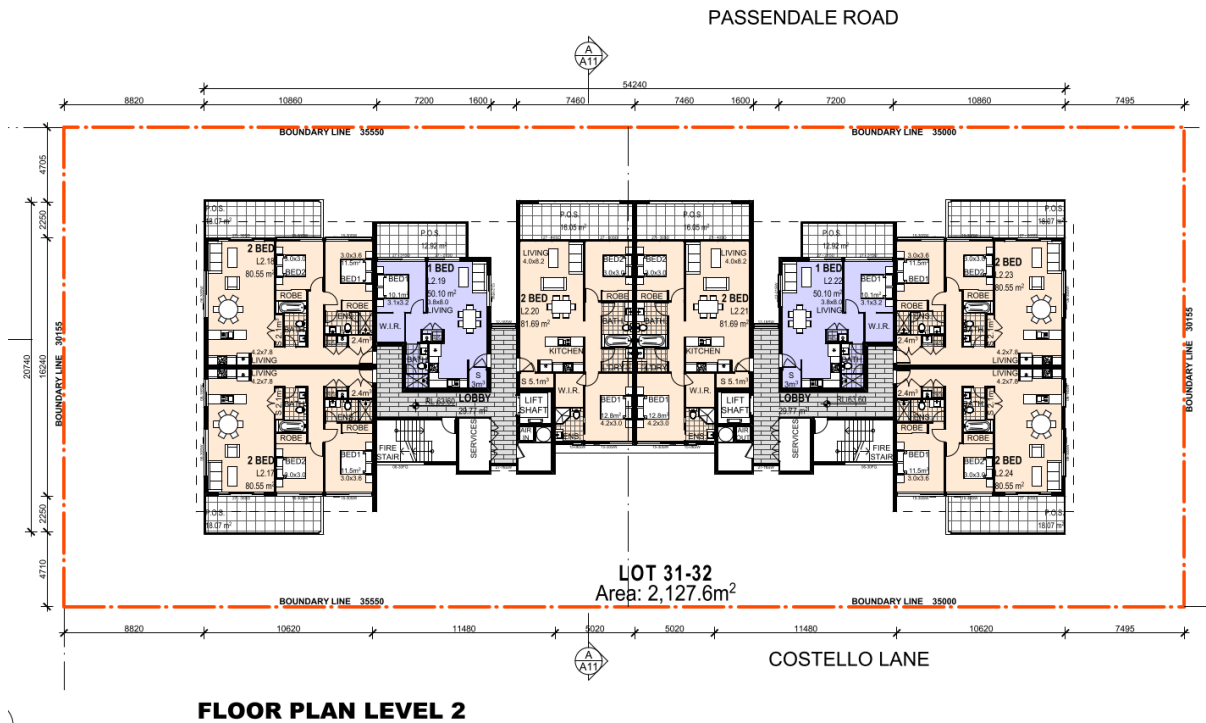
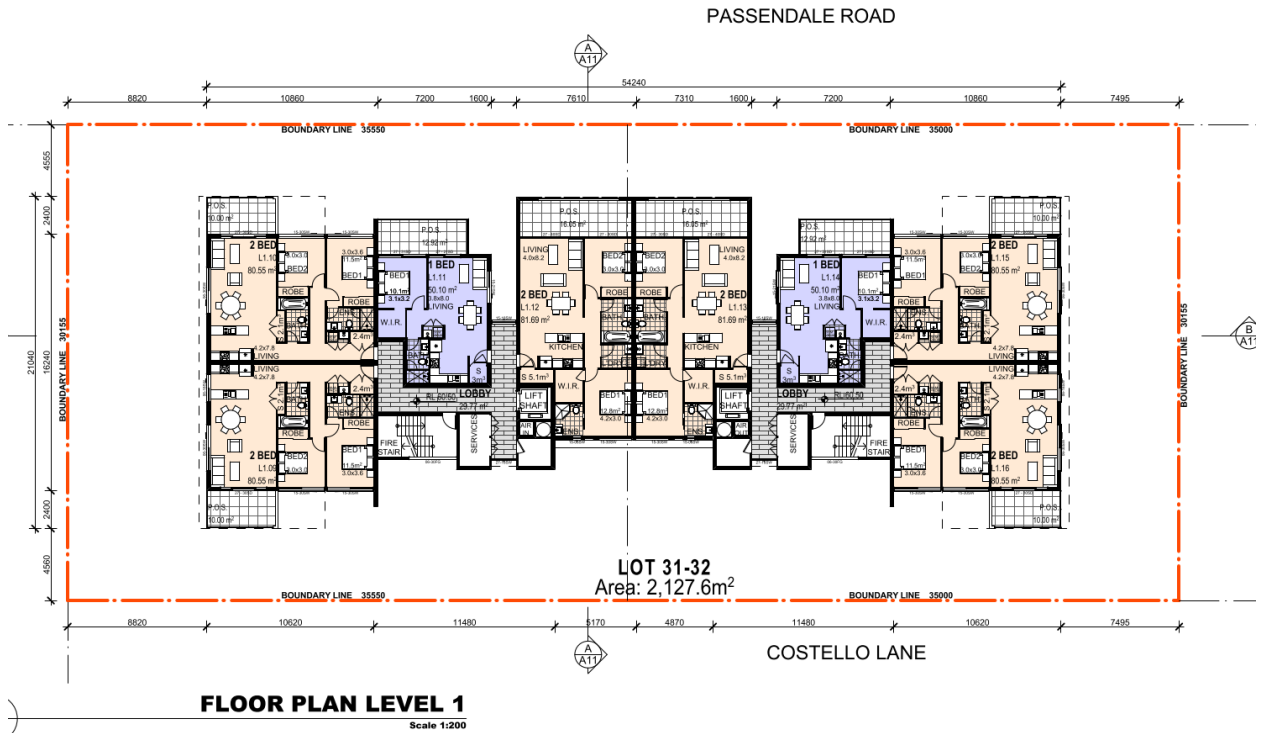
ATTACHMENT 1: PLANS OF THE PROPOSAL

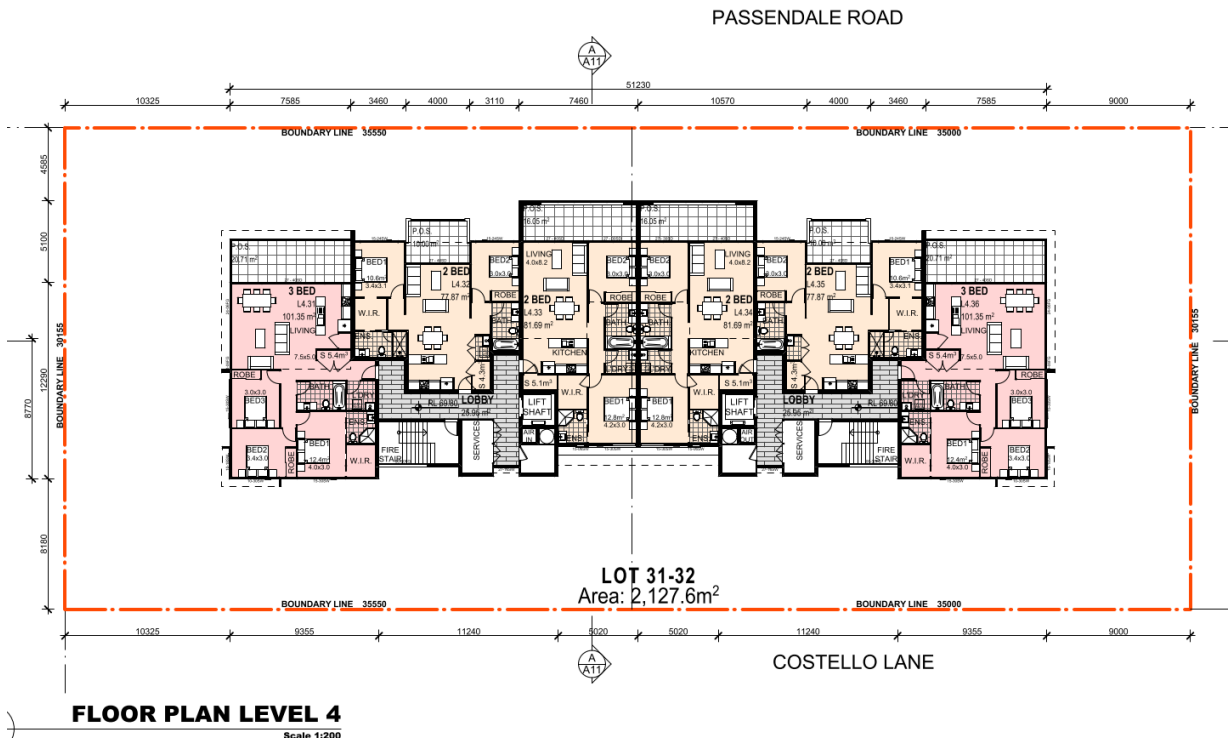
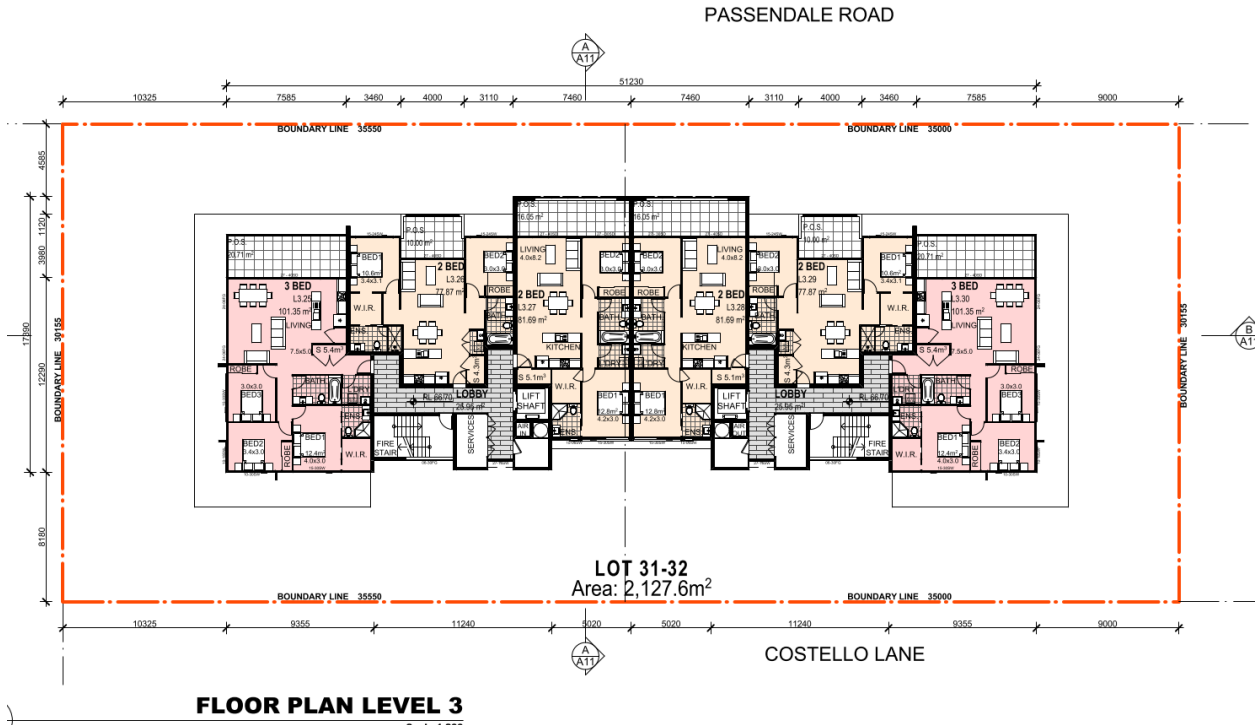
Floor Plans



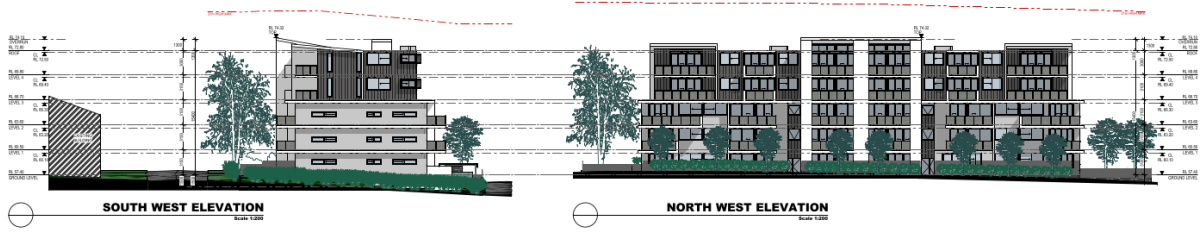
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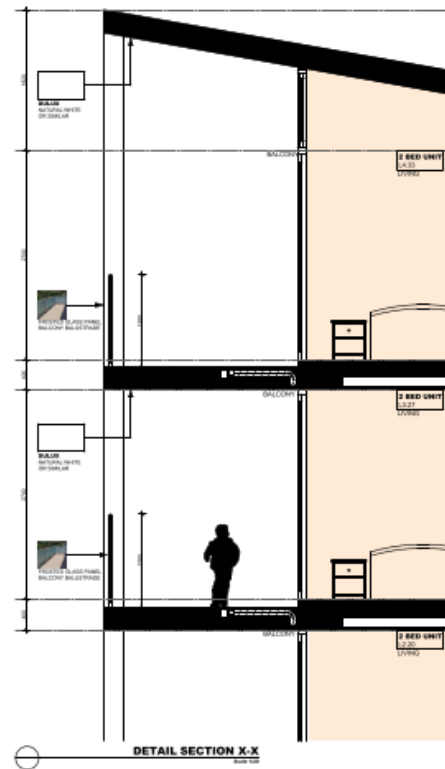
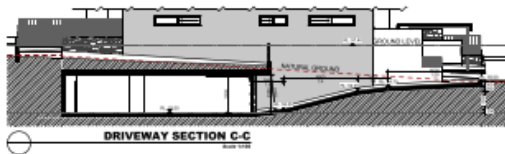
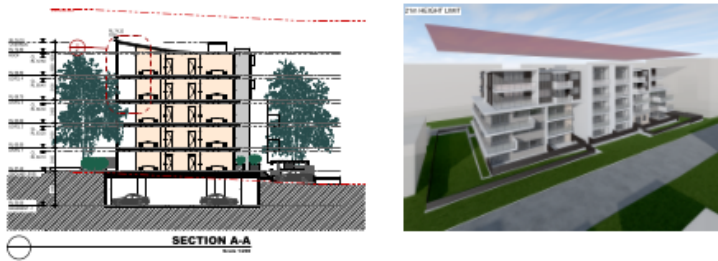




Elevations



Sections



Colour Schedule



(Passendale Road)



(Costello Lane)



(Passendale Road)



(Costello Lane)

BORAL
SILVER GRAY/WHITE OR SILVER
To complement other walling

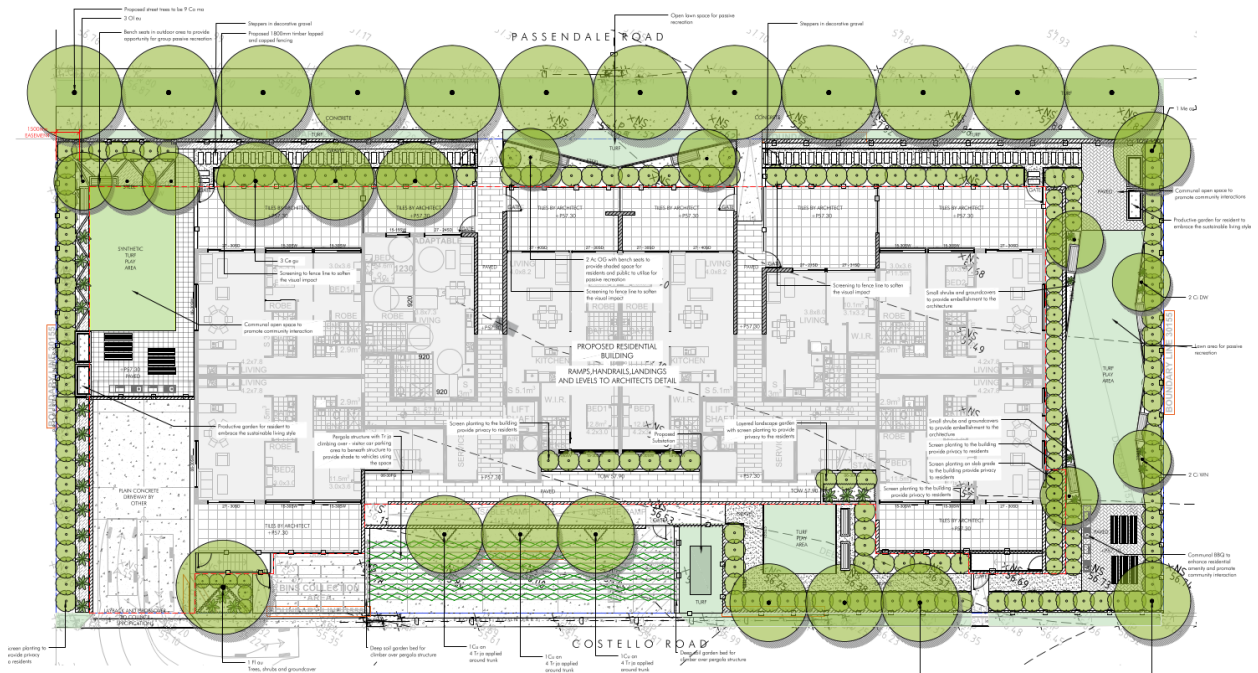
BORAL
STONE OR SILVER
To complement other walling

COLOURED or SILVER
REINFORCED CONCRETE
To complement other walling

BRICK
RED/WHITE OR SILVER
To complement other walling

BRICK
OR SILVER/WHITE/BLACK OR SILVER
To complement other walling

Landscape Plan



ATTACHMENT 2: CONDITIONS OF CONSENT**CONDITIONS:**

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

A. THE DEVELOPMENT**1. Approved Plans**

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

| Plan Name | Sheet No. | Job No. | Date | Issue | Prepared By |
|---|---------------------------|------------------|------------|-------|-----------------------------|
| Cover Page | A01 | 1772-17 P4944 | 12.03.2018 | B | Algorry Zappia & Associates |
| Streetscape | A03 | 1772-17 P4944 | 12.03.2018 | B | Algorry Zappia & Associates |
| Site Analysis and Data | A04 | 1772-17 P4944 | 15.11.2019 | F | Algorry Zappia & Associates |
| Communal Open Space Plan | A04.1 | 1772-17 P4944 | 15.11.2019 | B | Algorry Zappia & Associates |
| Basement and Ground Floor Plan | A05 | 1772-17 P4944 | 15.11.2019 | F | Algorry Zappia & Associates |
| Level 1 - 2 | A06 | 1772-17 P4944 | 15.11.2019 | C | Algorry Zappia & Associates |
| Level 3 - 4 | A07 | 1772-17 P4944 | 15.11.2019 | C | Algorry Zappia & Associates |
| Elevations | A10 | 1772-17 P4944 | 15.11.2019 | F | Algorry Zappia & Associates |
| Sections | A11 | 1772-17 P4944 | 15.11.2019 | F | Algorry Zappia & Associates |
| Materials & Finishes Schedule | A13 | 1772-17 P4944 | 15.11.2019 | E | Algorry Zappia & Associates |
| Landscape Plans | 338-19.00 to 338-19.02 | 38-19 | 28.10.2019 | B | Distinctive Living Design |
| Stormwater Concept Plan (Ground & Basement) | Sheets D01 & D02 | 1772-17 | 15.11.2019 | C | Algorry Zappia & Associates |

| Report name | Dated | Reference | Prepared by |
|---------------------|----------|------------|-------------------|
| Acoustic Assessment | 2/3/2018 | 20180253.1 | Acoustic Logic |
| BASIX | 2/3/2018 | 903801M | Building & Energy |

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| | | | |
|--|--------------|---------------------|--|
| | | | Consultants Australia Technical Inner Sight |
| BCA Assessment Report | 16/3/2018 | D2018-018 | |
| Preliminary Site Investigation | April 2014 | Project 76604.00-3 | Douglas Partners |
| AEC 2 And AEC 3 Validation | 16 July 2015 | No Reference Number | Geo-Logix Pty Ltd |
| Traffic and Transport Impact Statement | 23/2/2018 | 16-087-1 | TSA |

2. 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.

3. Compliance with the Environmental Planning and Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000

The requirements and provisions of the Environmental Planning and 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.

4. Access

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

5. Substation

Should a Pad-mount Electrical Substation be required and is required to be located outside the building envelope, the location and any associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version).

6. Prescribed condition

In accordance with Section 4.17(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).

7. 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.

Prior to issuing an occupation certificate the principal certifier 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

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:

8. Traffic

The applicant is to provide the following to Traffic and Transport Section for review:

Detailed design drawings of access driveways, parking facilities, line marking and signage including swept path analysis to be submitted prior to CC. This is to include:

- Intersection treatments at the proposed 'T' intersection;
- Turning head for waste collection trucks.
- 'No Stopping' in Costello Lane in accordance with the RMS guidelines and marked with yellow (Y14)
- edge-line (in accordance with AS 2700S);
- Appropriate traffic calming facilities to ensure a speed environment of 50km/hr;
- Driveway location;
- Street name signs; and
- Paved footpath, road and shoulder widths on the plan.

9. Adaptable Housing

Prior to the issue of a Construction Certificate, amended plans shall be submitted for approval by the Manager of Development Assessment that include a total of four adaptable housing units within the development. In addition, four plans shall be submitted that show four accessible parking spaces to be provided within the basement area.

10. Balcony Balustrades

Prior to the issue of a Construction Certificate, plans shall be submitted for approval by the Principle Certifying Authority that demonstrate that all balustrades to the balconies are to include opaque glazing to minimise potential visual privacy impacts.

11. Privacy and shade screening

Prior to the issue of a Construction Certificate, amended plans shall be provided to the satisfaction of the Principle Certifying Authority that demonstrate that windows and balconies to the north eastern elevation are treated as follows;

- Units L3.30 and L4.36 shall provide screening to balconies that prevents downwards overlooking to the communal open space of the development on the adjacent property to the north.
- Units L1.16, L1.15, L2.24, L2.23, L3.30 and L4.36 are to have minimum window sill heights of 1.5m.

12. Mailboxes

Prior to the issue of a Construction Certificate, plans shall be submitted for approval by the Principle Certifying Authority that provide the design for letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by:

- Locating them adjacent to the major entrance and integrated into a wall, where possible.
- Setting them at 90 degrees to the street, rather than along the front boundary.
- Locating them within the building in accessible area.

13. Lighting

Prior to the issue of a Construction Certificate, plans shall be submitted for approval by the Principle Certifying Authority that provide appropriate lighting to all access route to the building in order to provide safety and to achieve the design requirements of the principle of CPTED. This lighting is to be in accordance with the relevant Australian Standards and shall avoid unnecessary light pollution.

14. Waste Management Plan

Prior to the issue of a Construction Certificate, an updated and detailed waste management plan which demonstrates that on site collection of waste and recycling will be provided and integrated with the design of high density residential development. The updated plan shall fully comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing, especially in regard to ongoing use, and shall be submitted for approval by Council. The waste management plan shall also include the following:

- a. The building plans and waste management plan must be revised to show the presence of a 240 litre bin-lifter in the waste bin storage area, to be supplied by the developer, with sufficient space being allocated to that equipment without cutting back on the space for bulky household waste storage or bin storage and manoeuvring.
- b. All waste chutes and storage rooms containing any waste bin, including 240 litre recycling bins, must be noted in the waste management plan as being equipped with permanent signage. This must show how to safely and correctly operate all the equipment, how to separate the waste correctly into general waste and recyclables, and that all recyclables must be placed, loose and unbagged, into the bin provided. This information must be presented with at least a 50% graphic content, to overcome any potential language barriers.

15. Fee Payments

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.

16. Special Infrastructure Contribution

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 7.23 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 Construction Certificate or subdivision certificate (delete as appropriate), is issued in relation to any part of the development to which this consent relates.

17. Substation

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).

18. Building works

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 builder's facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

19. Cladding

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

20. Building works

In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 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).

21. Fire Safety Measures

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

22. Notification

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 contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

23. S138 Roads Act – Minor Works in the public road

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)
- 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.

24. Fees – Road Opening

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.

25. Retaining Walls on Boundary

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.

26. No loading on easements

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.

27. Stormwater Concept Plan

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Algorry Zappia & Associates , reference number P4944, revision C, dated 15.11.2019.

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

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

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

28. Stormwater Discharge – Basement Car parks

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.

29. A dual submersible pump is required for the basement.

30. Water Quality

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

The Construction Certificate must be supported by:

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

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

31. Access, Car Parking and Manoeuvring – General

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.

32. Dilapidation report

Prior to the Commencement of Works, a dilapidation report of all infrastructure fronting the development in Passendale Road and Costello Lane 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 50m either side of the development.

33. Dilapidation Report Private Property (Excavations)

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.

34. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for review.

35. Provision of Services – Sydney Water

An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act

1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

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

36. Provision of services – Endeavour Energy

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.

37. Provision of Services - Telco

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:

- (a) For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation, and
- (b) 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.

38. S68 Local Government Act- Stormwater drainage Works

Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council to connect to existing drainage easement.

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

39. Recommendations of Acoustic Report

The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

40. Traffic

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.

41. Traffic – Detailed Drawings

Detailed design drawing showing the proposed driveways ensuring vehicles enter and exit the development in a forward direction, car parking spaces along with linemarking and signposting plans, are to be submitted to the Traffic & Transport Section, for approval.

42. Design Verification Statement

In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

43. Site works

Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

44. Master Antenna

A master antenna shall be provided for the development and shall be located so that it is not visible from the street or any public open space.

45. Waste Storage Area

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 for arranging disposal of bulky items, and
 - v. Graphic illustrative content to be 50%.

46. Garbage Services

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

47. External Lighting

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.

C. PRIOR TO WORKS COMMENCING

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

49. Building works

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 builder's facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

50. Construction Certificate

Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

51. Building Compliance

Where this consent requires both civil engineering and building works to be undertaken,

a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

52. Prior to Work Commencement

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.

53. Building Works for Residential Building Work

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 has been given written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

54. Residential work

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

55. Excavation

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.

56. Sediment & Erosion Control

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.

57. Traffic Control Plan

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.

58. Facilities - Toilets

Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

59. Facilities – Waste

Adequate refuse disposal methods and builder's 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.

60. Construction Requirements

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.

61. Council Assets

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.

62. Waste Classification

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.

63. If there are any residential waste bins issued by Liverpool Council which are present on the site, these must be returned before any works commence. Please ring 1300 36 2170 to advise Council if there are any bins to collect.

64. '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 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.

65. 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>

D. DURING CONSTRUCTION

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

66. Building Compliance

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.

67. Construction Stages

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.

68. Identification Survey Report

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.

69. Hours of Construction Work and Deliveries

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 7:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

70. Slab Construction

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.

71. Sign with the details of the Principal Certifier

A sign must be erected and maintained in a prominent position on the site, which contains the following details:

- 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)
- name, address and telephone number of the Principal Certifying Authority
- a statement stating that 'unauthorised entry to the work site is prohibited'.

72. Excavation Works

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.

73. Security Fence

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.

74. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

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

75. Waste Management Plan

The amended 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.

76. Waste Management

Adequate refuse disposal methods and builder's 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.

77. Building Waste

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 away in wet weather.

78. Building Waste

All construction/excavation waste must be separated as it is generated and kept in separate spoil piles, bays, builder's site bins and/or skips.

79. Soil and sediment Control

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.

80. Construction Noise

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.

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.

81. Termite Protection

To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition, a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis.

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

82. Car Parking Areas

Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

83. Traffic Management Signage

All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.

84. Traffic – Work Zone

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.

85. Traffic Road Closures

Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

86. Contamination

The development, including all civil works, 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).

87. Fill

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

88. Earthworks Records

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.

89. Site Remediation Works

Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55

Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

90. Air Quality – Dust Screens

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

91. Air Quality - Stabilisation

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.

92. General Site Works - Pollution Control

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.

93. General Site Works – Dust Control

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

94. General Site – Water

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.

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.

The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

95. General Site Works – Control Pollution from vehicles

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.

96. General Site Works

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.

97. General Site Works

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

98. Disruption to Pedestrian or Vehicular Traffic

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.

99. Craning

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.

100. Ventilation

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.

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.

101. Dangerous/ Hazardous Material

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 at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note: Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

102. Major Filling/ Earthworks

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.

103. External – Switch board

Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

104. External - Lighting

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.

105. Windows

The windows of all bathrooms, W.C. and ensuites at first floor level and above shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

106. Air Conditioning Plant

The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

107. Vegetation - Weeds

No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping.

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.

108. Vegetation - Soil

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.

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

109. Crime Prevention Through Environmental Design

The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

- (m) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (n) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells; and
- (o) 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.

110. Erosion and sediment control

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

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.

111. Street Lighting

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.

112. Drainage Connection

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.

113. Footpaths

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.

114. Aboriginal Cultural Heritage – Unexpected Finds

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.

115. Skeletal Remains

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.

E. PRIOR TO ISSUE OF ANY 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:

116. Building Compliance

An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

117. Critical Stages

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.

118. Building compliance

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.

The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

119. Waste Facilities

All waste management facilities, chutes and equipment (bin lifters and compactors etc., but excluding waste bins), plus the required features within bin storage areas and permanent fixed signage must be installed and operational prior to the issue of an Occupation Certificate.

120. Liverpool City Council clearance – Roads Act/ Local Government Act

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.

121. Accessibility

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

122. Landscaping

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.

123. BASIX

Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

124. Dilapidation Report

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

125. Service Providers

The following documentation is to be provided prior to the release of the Occupation Certificate.

- a) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the Occupation Certificate.
- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance 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 connections of optic fibre technology telecommunications.

126. Lot Consolidation

All separate lots must be consolidated. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service. The newly created lot shall include any existing restrictions as to user, easements or other.

127. Stormwater Compliance

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- (a) Stormwater pre-treatment system/s
- (b) 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 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

128. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- (a) Stormwater pre-treatment system/s
- (b) 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.

129. Works as executed – General

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.

Garbage Services

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

The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and

operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.

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

131. Green Waste

In the absence of any expressed intention re green (garden) waste, Council requires that the following 'restriction as to user' be registered on the title of the property at the Applicant's expense, and this restriction may not be altered or extinguished without Council's consent:

'Liverpool City Council does not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of green waste. All green (garden) waste must be removed as it is generated and legally disposed of by the maintenance contractors of the property.'

132. Waste Facilities

All required waste equipment, facilities, features and permanent signage, including waste chutes and associated machinery, the bin-lifter and bin mover, but not including waste bins, must be on site, installed and operable prior to the issue of the Occupation Certificate.

133. Liverpool City Council clearance – Roads Act/ Local Government Act

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.

134. Recommendations of Acoustic Report

A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:

- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

135. Design Verification Statement

In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development

as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

136. Fire Safety Certificate

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. Display of Street Numbers

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.

138. Cladding

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.

139. Rectification of Damage

Prior to the issue of an OC 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 Passendale Road and Costello Lane 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

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

141. Street Lighting

Prior to the issue of an Occupation Certificate street lighting along sections of Passendale Road and Costello Lane within or fronting the development site, in accordance with Council and Endeavour Energy requirements are to be provided. Street lighting is to be upgraded to Category 'P4' to Council's specifications

142. Washing on Balconies

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.

F. GENERAL CONDITIONS

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

143. Landscaping

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.

144. Mail-boxes

The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

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

145. New Waste Service

After the issue of the Occupation Certificate but prior to the residents moving in, Council must be contacted to deliver all the required 660 litre domestic waste bins and ascertain the collection details. Please ring Council on 1300 36 2170 to arrange for the bin delivery after the Occupation Certificate has been issued. The privately supplied 240 litre recycling bins are also to be delivered to site at this point.

146. Waste

All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

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.

After the issue of an Occupation Certificate but prior to residents commencing moving in, Council must be contacted to deliver the required residential waste bins for the property. Please ring 1300 26 2170 to arrange for the delivery of the bins.

147. Waste Storage Capacity

Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

148. Garbage Collection

Waste bins must be placed at the kerbside of Costello Lane ready for emptying no earlier than the afternoon before the waste collection is due. The waste bins must be replaced back into the basement bin storage areas as quickly as possible, and no more than 24 hours after collection.

149. Waste – Bulky Waste

All bulky household waste must be placed within the space that has been allocated for this purpose within the main bin storage room. No household waste or discarded items are to be placed by residents at the kerbside of Costello Lane or Passendale Road, or in the external bin collection area. The management of the building are to arrange pre-booked household collections with Council for specific dates as needed. Bulky household waste may only then be placed at the kerbside the evening before the booked date of the pick-up. The amounts and types of materials that are acceptable for collection are as per the conditions of Council.

150. Waste

Movement of waste bins from the basement waste rooms up to ground level for storage/emptying must be carried out by means of appropriate bin tugs or tractors, which will be provided to both the stages that comprise this development by the developer. The provision, fitting and maintenance of any bin hitches used to facilitate the movement of waste bins, and the provision and maintenance of any bins used to transfer waste within the development will remain the responsibility of the developer, or, once the development is complete, the strata.

151. Electric Bin Mover

The electric bin mover must be kept maintained and charged up so that it is in an operable condition when needed. It must be kept secure from being accessed by or interfered with by residents, and must only be used by individuals who have been trained and insured to use it. The bin mover must be used on all occasions when bins are required to be moved up or down the driveway ramp.

152. Supply of Bins

Council only supplies the 660 litre bins that will be tipped to the contractor's waste truck, Council does not supply or maintain the 240 litre bins which will be required in regard to the transport of recyclable waste materials around the development. Council also does not supply, install or maintain bin hitches or any other attachment device that may be required to permit the bin mover to attach to the waste bins, these must be privately supplied if needed.

153. Bin Lifter

The bin-lifter must be maintained in an operable condition by the proprietors of the property, and must be used on all occasions when 240 litre recycling bins are being decanted into the 660 litre recycling bins to be emptied to the Council contractor's waste truck.

154. Waste Signage

Permanent signage for the household bulky waste storage areas must indicate:

- (a) That the area is for the storage of bulky household waste only;
- (b) That residents should contact building management to arrange for the storage of unwanted items there prior to disposal.

155. Waste – Bin bays

Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.

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.

Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

1. Garbage is to be placed wholly within the garbage bins provided,
2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
3. The area is to be kept tidy,
4. A phone number for arranging disposal of bulky items, and
5. Graphic illustrative content to be 50%.

156. Waste Caretaker

The waste caretaker of the property is to be responsible for all practical matters to do with cleaning waste facilities and bins, rotating and presenting bins for emptying and providing feedback to the strata manager on the condition of the waste facilities and equipment, and the performance of the residents with regard to disposing of all types of waste into the correct bins and the placing of bulky household waste in the storage area.

157. Noise

The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.

158. Noise

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.

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.

159. Car Parking

A total of 47 off street car parking spaces must be provided onsite. A minimum of 4 spaces must be designed and signposted/marked for the specific use of persons with a disability. A minimum of 7 spaces are to be allocated for visitor spaces.

160. Bicycle parking

A total of 18 bicycle parking spaces must be provided onsite.

161. Traffic – Vehicle Movements

All vehicles enter and leave in forward direction at all times. 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.

162. Traffic – line Marking

All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

163. Traffic – Temporary Turning Head

The temporary turning head and provided for waste collection trucks located on current Lot 40 DP 1197095 is to be maintained until such time Costello Lane is extended on to the adjoining land to the south of the development site and links to the surrounding road network.

164. Graffiti

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

165. Council's Infrastructure

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

G. ADVISORY

- q) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- r) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- s) 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.
- t) 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.

- u) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- v) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- w) 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.
- x) 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.

y) "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 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.

- z) 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 enquiries as to the 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 ground water salinity.
- aa) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- bb) 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.
- cc) 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.

- dd) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.