

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday the 30th of May 2022

To be held via
MS Teams
Commencing at 2:00pm

[Click here to join the meeting](#)

Or call in (audio only)

[+61 2 9161 1229,461353041#](#) Australia, Sydney

Phone Conference ID: 461 353 041#

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 Brenton Toms, Panel Support Officer on 8711 7855 or 1300 36 2170, by 4pm, Friday the 27th of May.

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

| ITEM No. | SUBJECT | PAGE No. |
|-----------------|--|-----------------|
| 1 | Development Application DA-985/2021 DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF TWO DOUBLE-STOREY DETACHED DWELLING HOUSES WITH INGROUND SWIMMING POOLS AND TORRENS TITLE SUBDIVISION INTO TWO LOTS. LOT 108 DP 259176 3 ATTUNGA AVENUE, MOOREBANK | 3-63 |

| ITEM No. | SUBJECT | PAGE No. |
|-----------------|---|-----------------|
| 2 | Development Application DA-516/2021 SUBDIVISION OF 3 RESIDUE SUPERLOTS INTO 23 TORRENS TITLE RESIDENTIAL ALLOTMENTS. THE APPLICATION IS INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM THE NSW RURAL FIRE SERVICE UNDER THE RURAL FIRES ACT 1997. LOTS 320, 321 & 322 IN DP 1257351 LOTS 320 & 321 DUNKIRK ROAD & LOT 318 FRY ROAD, EDMONDSON PARK | 64-141 |

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| | |
|------------------------------|---|
| Item no: | 1 |
| Application Number: | DA-985/2021 |
| Proposed Development: | Demolition of existing structures, construction of two double-storey detached dwelling houses with inground swimming pools and Torrens Title subdivision into two lots. |
| Property Address | 3 Attunga Avenue, Moorebank |
| Legal Description: | Lot 108 DP 259176 |
| Applicant: | Mr M Zeina |
| Land Owner: | Mr C A S Ciampa Mrs A A Cook |
| Date Lodged: | 06 September 2021 |
| Cost of Works: | \$705,000 |
| Assessing Officer: | Najla Toma |
| Zoning: | R2 Low Density Residential under Liverpool Local Environmental Plan 2008 |
| Recommendation: | Approval, subject to conditions of consent |

1. EXECUTIVE SUMMARY

Council is in receipt of a Development Application DA-985/2021 seeking consent for the demolition of existing structures, construction of two double storey detached dwellings with inground swimming pools and Torrens Title Subdivision into Two lots at 3 Attunga Avenue, Moorebank.

The subject site is zoned R2 Low Density Residential under *the Liverpool Local Environmental Plan 2008* (LLEP 2008), within which the proposed development is permissible with consent.

The Development Application was not required to be notified to adjoining and adjacent properties pursuant to the Liverpool Community Participation Plan 2019. Nonetheless, the application has received 19 submissions. The submissions will be discussed in detail further in this report.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020*, as the development falls in the category of:

Contentious Development

Development that is the subject of 10 or more unique submissions by way of objection.

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 Site Description

The subject site is known as 3 Attunga Avenue, Moorebank, and legally described as Lot 108 DP 259176. The site is regular in shape with a total site area of 669.47m². The site has a primary frontage to Attunga Avenue to the west of 20.6m and a depth of 32.5m. The site falls by approximately 1.5m to 2m from the west (front) to east (rear). The site has a 1.5m wide easement to drain water which runs along the east (rear) boundary.

As shown in Figure 1, the site currently contains a single storey brick dwelling, a double garage, metal awning, internal rear yard fencing and paving. The site appears to be clear of trees.

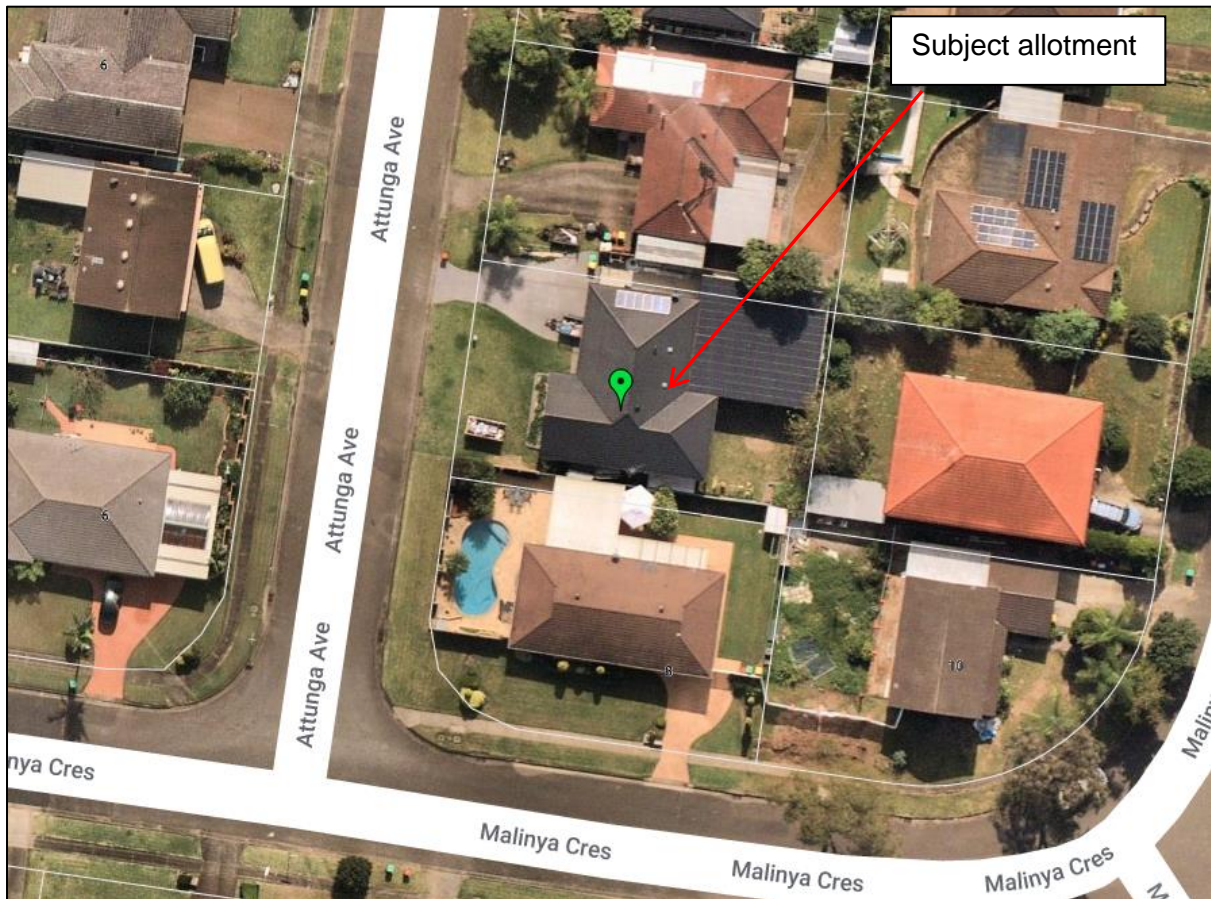


Figure 1: Aerial view of subject site (Source: Nearmaps)

2.2 Locality Description

The site is located within the suburb of Moorebank which is characterised predominantly by low density developments in the form of single and double storey dwellings within the immediate locality and pockets of RE1 – public recreation zoning. The site is in close proximity to a public reserve (50m east) and is approximately 800m Nuwarra Public School, Moorebank Community Centre and Moorebank Plaza to the north-west which includes a medical centre. The site is located approximately 550m to the Sydney Western Motorway to the south. The site has access to a bus stop located 100m west on Nuwarra Road.



Figure 3: Locality surrounding the subject site (Source: Geocortex)

3. BACKGROUND AND DA HISTORY

The following is a list of Development Applications related to the subject site.

| DA No. | Lodged | Proposed Development | Determination |
|-------------|--------------|--|--------------------------|
| DA-812/2021 | 16 July 2021 | Demolition of existing structures and Construction of two x two storey detached dwellings with basement, inground swimming pool and two lot subdivision. | Refused 6 August 2021 |

| | | | |
|--------------------|-------------------------|---|-------------------|
| <p>DA-985/2021</p> | <p>6 September 2021</p> | <p>The DA plans were amended on 2 December 2021 in response to issues raised by Council as follows:</p> <ul style="list-style-type: none"> - Remove the basement double garage and provide a single garage on ground level to each dwelling with reduced hardstand area and increased front landscaping; - Reduce overall building height; - Remove steps to front entry and remove balconies on the front and side elevations of ground floors; - Reduce proposed cut and fill on the site; and - Increase the rear setbacks from 4m on the ground floor to 5.7m. | <p>Current DA</p> |
|--------------------|-------------------------|---|-------------------|

4. DETAILS OF THE PROPOSED DEVELOPMENT

The development application seeks approval for the demolition of existing structures, construction of two double storey dwelling houses with inground swimming pools and Torrens Title Subdivision into Two lots. The proposal would specifically consist of the following:

Demolition

- The existing dwelling, a detached freestanding brick shed and associated structures are proposed to be demolished entirely to accommodate the proposed development.

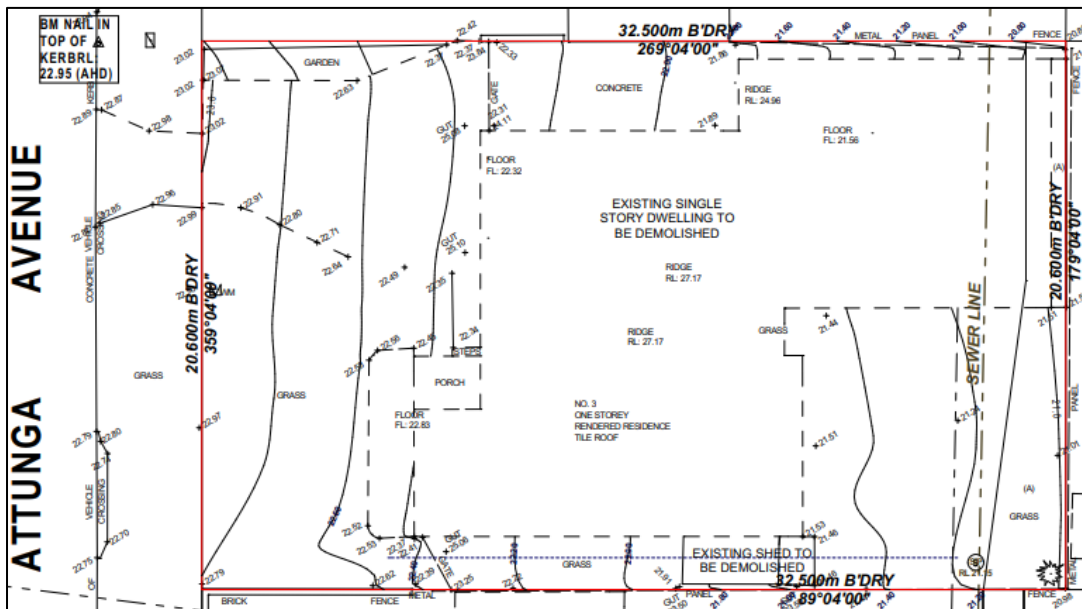


Figure 3. Proposed Demolition Plan.

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Construction of two (2) double-storey detached dwelling houses

- Dwelling A (northern)
 - Ground Floor – Study room, bathroom, laundry, open plan kitchen/family/dining, single garage, alfresco and swimming pool.
 - First Floor – Four bedrooms (one with balcony, ensuite and walk in robe) and a bathroom.
- Dwelling B (southern)
 - Ground Floor – Study room, bathroom, laundry, open plan kitchen/family/dining, single garage, alfresco and swimming pool.
 - First Floor – Four bedrooms (one with balcony, ensuite and walk in robe) and a bathroom.

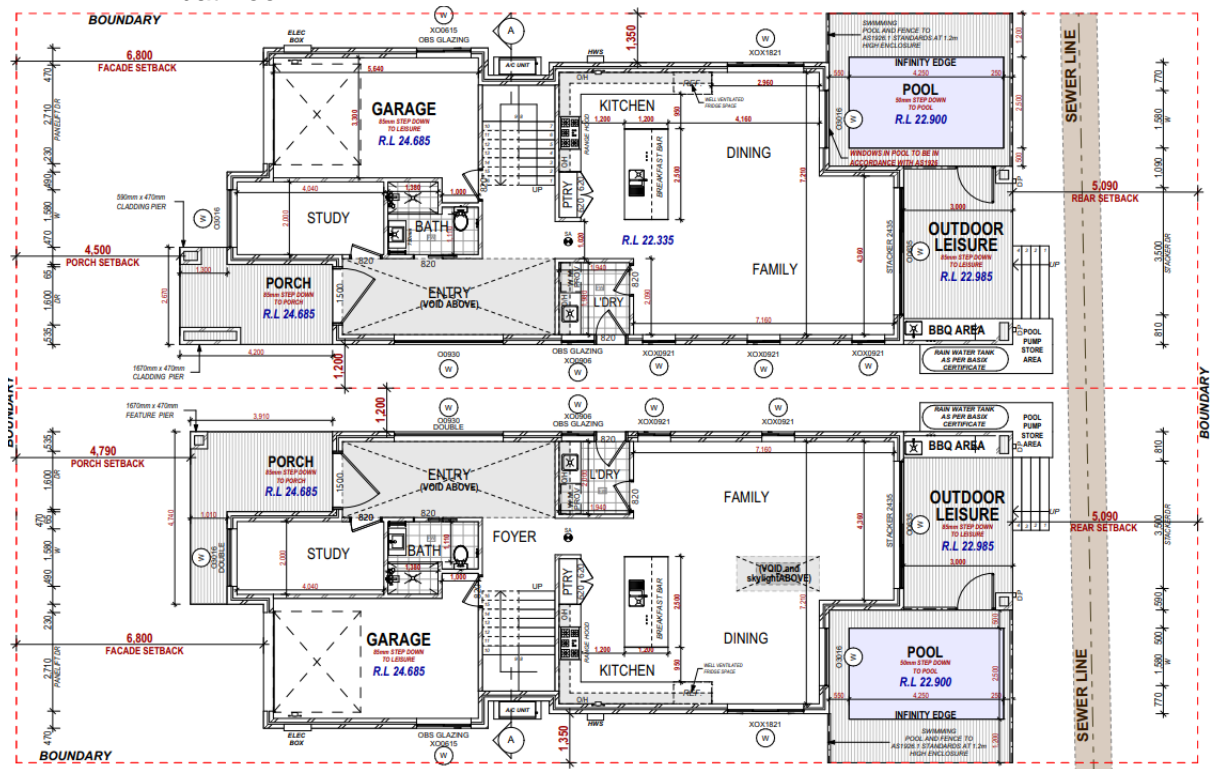


Figure 4. Proposed Ground Floor Plan.

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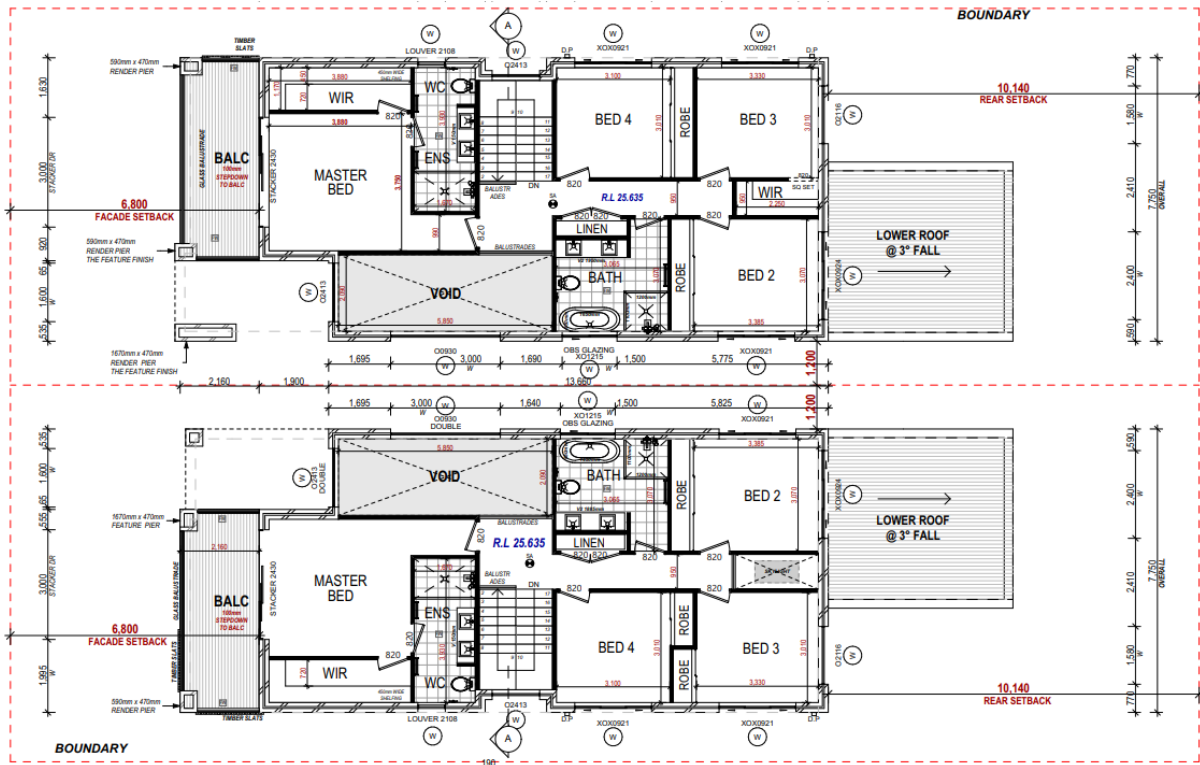


Figure 5. Proposed First Floor Plan.

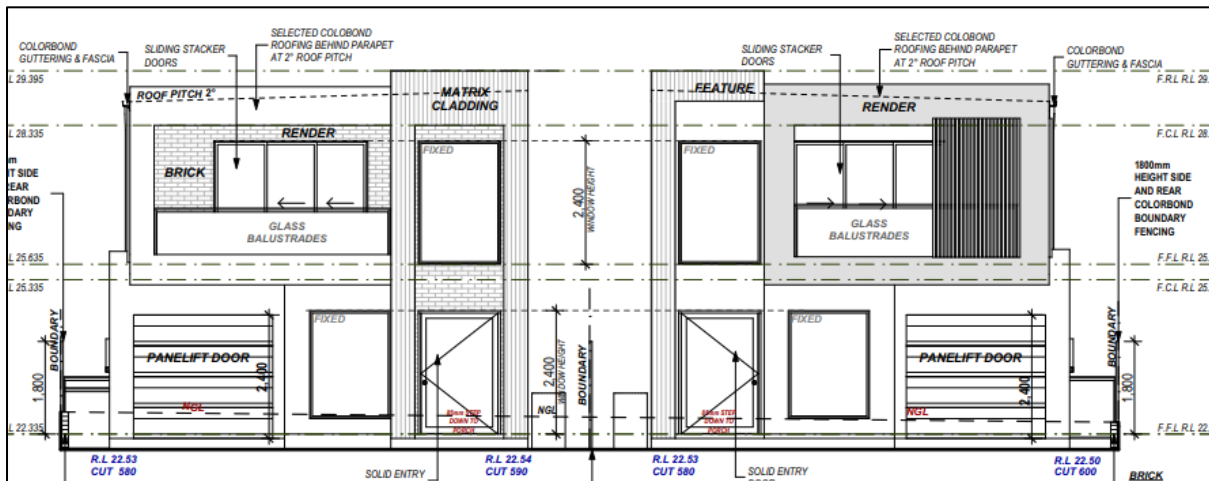


Figure 6: Proposed Front Elevations.

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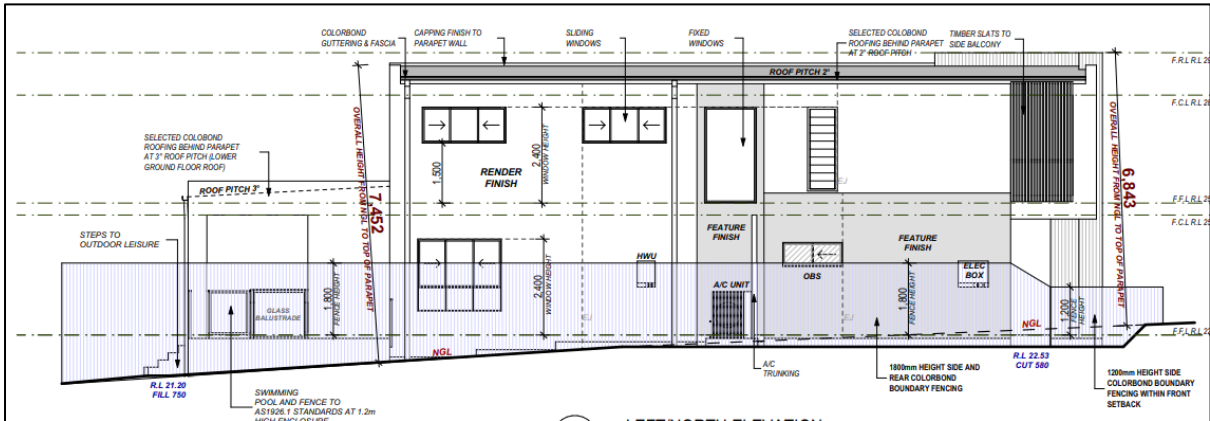


Figure 6: Proposed Dwelling A North Elevation.

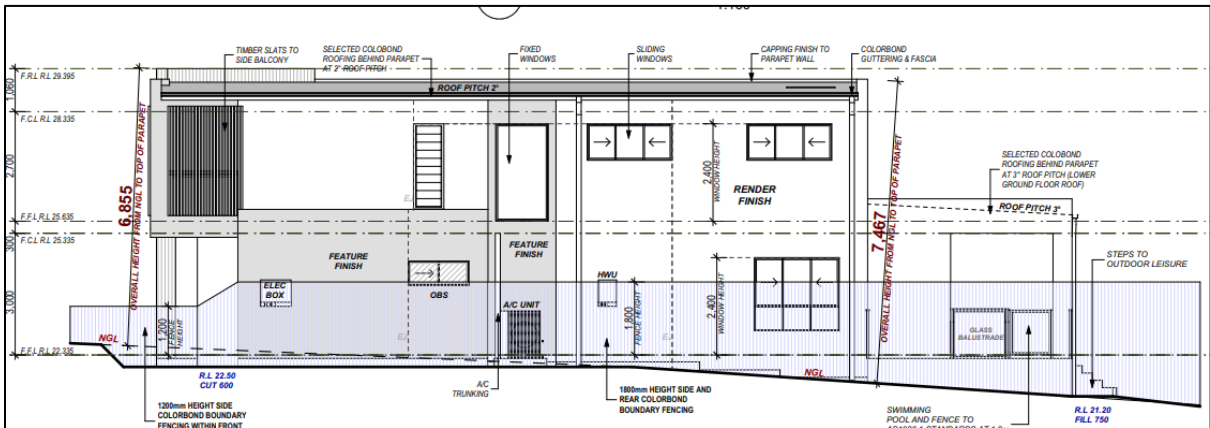


Figure 7: Proposed Dwelling B South Elevation.

Torrens Title Subdivision

- The subject site currently has a site area of 669.47m². The Torrens Title subdivision would incorporate proposed Lot A to the north of the site which would have an area of 334.75m². Proposed Lot B would be located to the south of the site and would have an area of 334.75m².

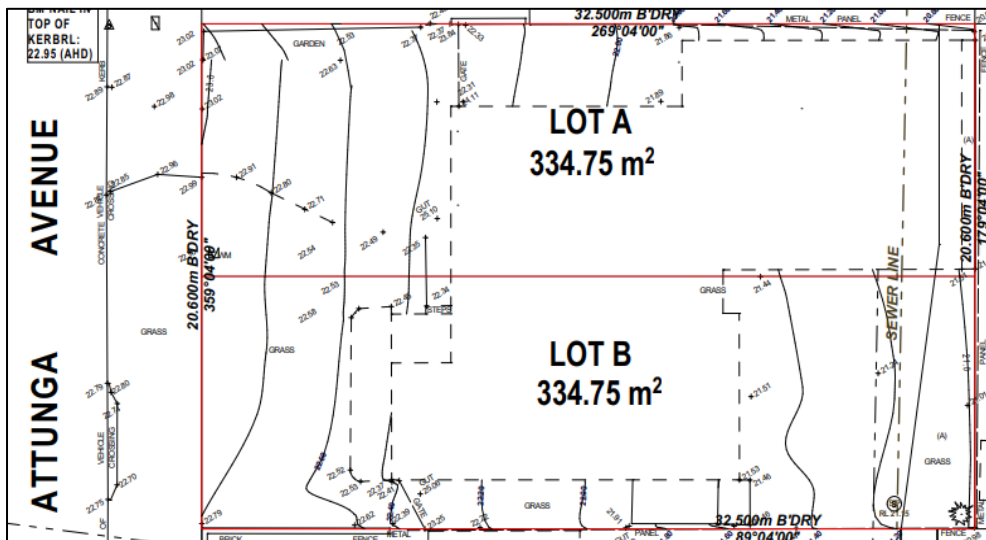


Figure 6. Proposed Torrens Title Subdivision.

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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 (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Liverpool Local Environmental Plan (LLEP) 2008; and
- Liverpool Development Control Plan (LDCP) 2008:
 - Part 1: General Controls for All Development; and
 - Part 3.5: Dwelling Houses on land less than 400sqm in the R2, R3 and R3 zones.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021, as follows:

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

(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such Chapter 11 (Georges Rivers Catchment) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application. Chapter 11 (Georges Rivers Catchment) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The application was referred to Council's Land Development Engineering team who reviewed stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment beyond the existing development of the site.

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

A BASIX Certificate has been submitted for the dwellings which identifies satisfactory compliance with water and energy efficiency targets and thermal comfort.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, the following shall be addressed:

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| 4.6 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, | The site has been used for residential purposes for a prolonged period of time, therefore would unlikely contain any contaminated land. |
| (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and | The site has been used for residential purposes for a prolonged period of time, therefore would unlikely contain any contaminated land. |
| (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. | No remediation works required. |

Aerial images of the site on Council's GIS map show the existing dwelling on the site since 2009, with the site being used for residential purposes for at least the past 20 years.

Council's internal records and customer request system (Pathway) includes no records of any dumping or contamination complaints, or activities associated with the subject site.

With consideration to the abovementioned points there is sufficient evidence to suggest that the land is not contaminated and therefore a land contamination assessment is not considered to be necessary.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R2 Low Density Residential in accordance with the Liverpool Local Environmental Plan (LLEP) 2008, as shown in Figure 4 below.

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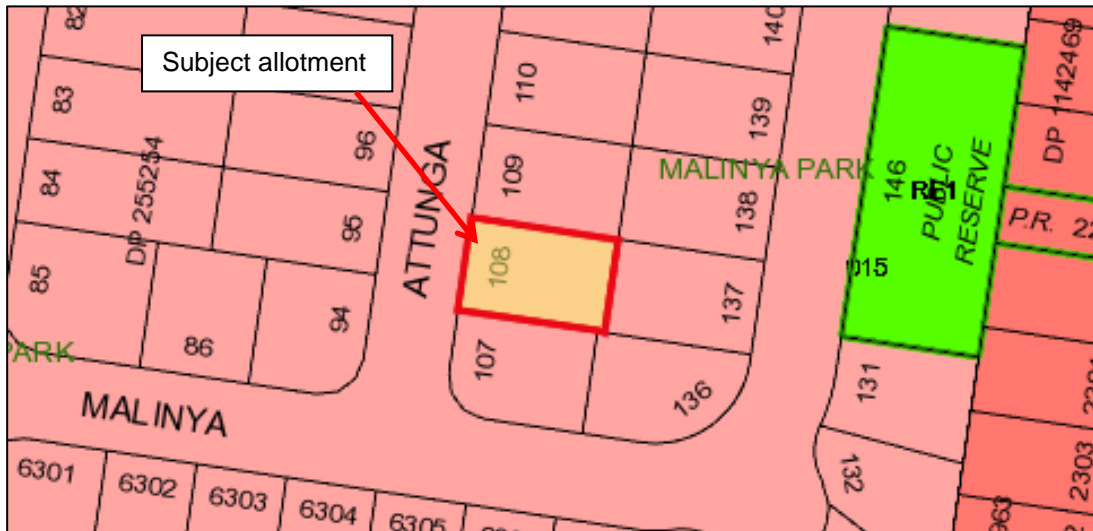


Figure 7: Zoning Map of the subject site (Source: Geocortex)

(ii) Permissibility

The proposed development is best defined as **subdivision** and two **dwelling houses** which are permissible forms of development in the zone with development consent.

Subdivision is permissible in the R2 Low Density Residential zone in accordance with clause 2.6 of LLEP 2008, with development consent.

The LLEP 2008 defines dwelling house as “a building containing only one dwelling”.

(iii) Objectives of the Zone

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposal is a permissible type of development within the R2 Low Density Residential zone and is consistent with the above zone objectives. The proposal will provide for the housing needs of the community within a low-density residential environment. The proposed development will be in keeping with the low scale residential character in the area and will have access to services and facilities and ensure a high level of residential amenity is achieved and maintained.

(iii) Principal Development Standards

The LLEP 2008 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided in the table below.

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| LLEP 2008 - Principal Development Standards | | |
|--|--|---|
| Development Provision | Requirement | Comment |
| 2.7 Demolition requires development consent | The demolition of a building or work may be carried out only with development consent. | Complies by Conditions. The existing dwelling is to be demolished. |
| 4.1 Minimum Lot Size | Minimum lot size permitted: 300m ² | Complies. Torrens title subdivision of one lot into two is proposed as follows: Lot A (Northern Lot) = 334.75m ² Lot B (Southern Lot) = 334.75m ² |
| 4.3 Height of Buildings | Maximum height permitted: 8.5m | Complies. The maximum proposed height is 7.4m. |
| 4.4 Floor Space Ratio (FSR) | Maximum FSR permitted: 0.5:1. | Complies. Lot A = Proposed FSR is 0.49.7:1 (166.44m ² / 334.75m ²) Lot B = Proposed FSR is 0.49.9:1 (166.78m ² / 334.75m ²) |
| 4.6 Exceptions to Development Standards | Provisions relating to exceptions to development standards | Not Applicable. The application does not propose any variations to development standards. |
| 7.7 Acid Sulfate Soils | Class 1, 2, 3, 4 or 5 | Not Applicable. The site is not mapped as containing acid sulfate soils. |
| 7.31 Earthworks | Council to consider matters listed (a)-(g) | Complies by Conditions. Minimal earthworks occurring regarding basic cut and fill for this development. Standard conditions will apply regarding earthworks. |

As demonstrated in the above compliance table, the proposed development complies with the applicable development standards of the LLEP 2008.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposed dwelling houses have been assessed under the following provisions of LDCP 2008:

- Part 1 of the LDCP 2008 which covers general controls relating to all types of development within the Liverpool LGA;
- Part 3.5 of the LDCP 2008 as the proposed lots are less than 400sqm in the R2, R3 and R4 Zone; and
- Part 8 for class 10 structures on lots greater than 300m² but less than 900m² in the R1, R2, R3 Zones.

The proposal generally complies with all applicable controls under the LDCP 2008, except for 'Fencing' control where it does not comply and is considered acceptable. This control is discussed in the table below.

| Part 3.5 Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 Zone | | |
|--|--|--|
| Control | Requirement | Proposed |
| Landscaping and Fencing | Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped. | Boundary fencing will be 1.8m and is constructed of colourbond in lieu of timber or masonry. This is considered acceptable as it will remain consistent with the existing fencing characteristics of the area. |

Compliance Tables can be found in Attachment 1 of this report.

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

There are no planning agreement or draft planning agreements that apply to the site.

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. 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. The landscape plan proposes the planting of more mature trees as well as a number of shrubs and plants on the proposed lots.

The proposed development is unlikely to create unreasonable adverse impacts on the surrounding built environment, the locality and future character of the area as there will be a small increase in density within the area.

There are no expected additional impacts generated from the existing dwellings, and the built environment and residential amenity will be maintained in accordance with the development standards and controls for this type of development and zoning.

Social Impacts and Economic Impacts

The proposal is likely to result in a positive socio-economic outcome for the locality through the provision of diversity in housing choice. The proposal is unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development type in the zone and for 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 provisions that are applicable to development in the locality. It is therefore considered that the site is 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 |
|------------------------------|--|
| Land Development Engineering | No objections, subject to conditions of consent. |
| Traffic | No objections, subject to conditions of consent. |
| Landscaping | No objections, subject to conditions of consent. |

(b) External Referrals

No external referrals have been required for this application.

(c) Community Consultation

The Development Application was not required to be notified to adjoining and adjacent properties pursuant to the Liverpool Community Participation Plan 2019. Notwithstanding, the application received 19 submissions objecting to the proposal. The submissions are summarised below.

- *The proposal does not fit with existing low scale residential character of the area*
- *The development is oversized and too bulky*
- *Overshadowing concerns*
- *Privacy concerns*
- *The development will block views affecting property value*
- *Lack of infrastructure*

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Issue 1: *The proposal does not fit with existing low scale residential character of the area.*

Comment:

The subject site is zoned R2 Low Density Residential pursuant to the Liverpool Local Environment Plan 2008, and the proposal is consistent with the objectives of the zone by providing by encouraging a range of housing types within the locality. Further, the proposed development has been designed to be generally consistent with the key controls outlined in the Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008 and is a permissible form of development within the zone.

Issue 2: *The development is oversized and too bulky.*

Comment:

The development plans have been amended on 2 December 2021 in response to issues raised initially by Council and within the submissions received, relating to building design appearance and visual bulk (refer to below figures 8 & 9).

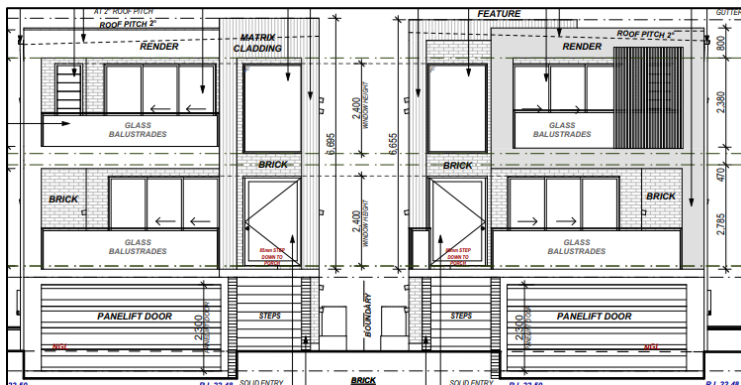


Figure 8: Previous front elevation prior to amendments requested by Council.

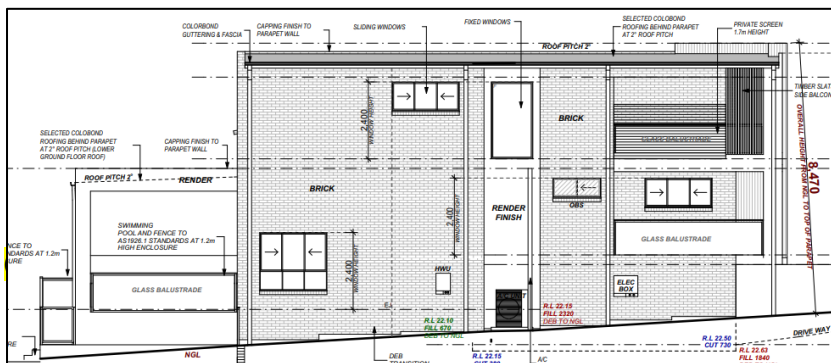


Figure 9: Previous side elevation prior to amendments requested by Council.

The applicant responded to these concerns by making the following amendments:

- Removal of the basement double garage and provision of a ground level single garage for each dwelling, resulting in reducing the hardstand area and increase front landscaping;
- Reducing overall height which appeared to exceed the maximum 8.5m LEP requirements;

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- Removal of steps to front entry and front balconies on the front and side elevations of ground floor.
- Reduce proposed cut and fill on the site.
- Increase the rear setbacks from 4m on the ground floor to 5.7m.

In consideration of the above re-design changes, the applicant has demonstrated that issues relating to size and visual bulk are now acceptable, and the development complies with height, setback and design requirements.

Issue 3: Overshadowing concerns

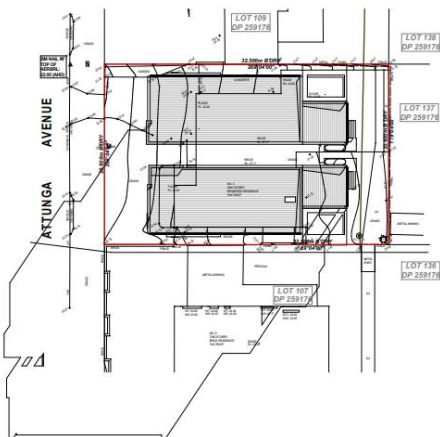
Comment:

This issue was raised previously by Council in the initial assessment, which was responded to by the applicant by providing hourly shadow diagrams between 9am and 3pm during the mid-winter period on 21st June. The submitted shadow diagrams identify some additional overshadowing resulting from the proposed development, predominantly located within the properties directly to the south and east. The property to the south has its POS located to the north and east, and the properties to the east and south-east have their POS to the west. (Refer to Figure 1 of this report). The Liverpool DCP 2008 requires:

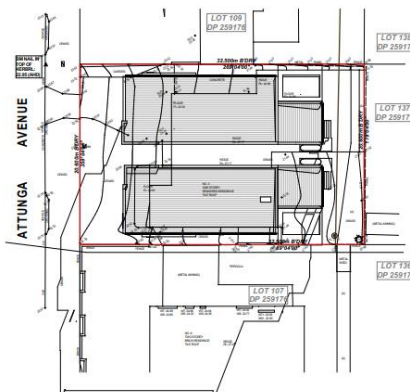
Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least

- One living, rumpus room or the like; and
- 50 % of the private open space.

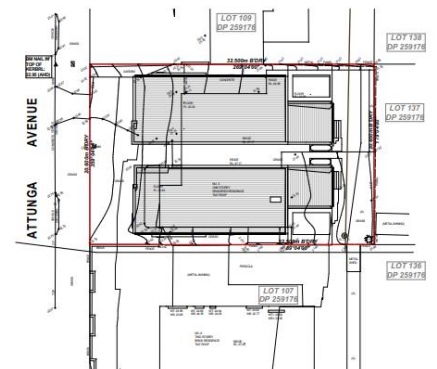
The submitted shadows demonstrate that at least 50% of POS and one living, rumpus room or the like will receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June for each of the adjoining properties that will be impacted by shadows.



SHADOW PROJECTIONS 9am 21st JUNE



SHADOW PROJECTIONS 10am 21st JUNE



SHADOW PROJECTIONS 11am 21st JUNE

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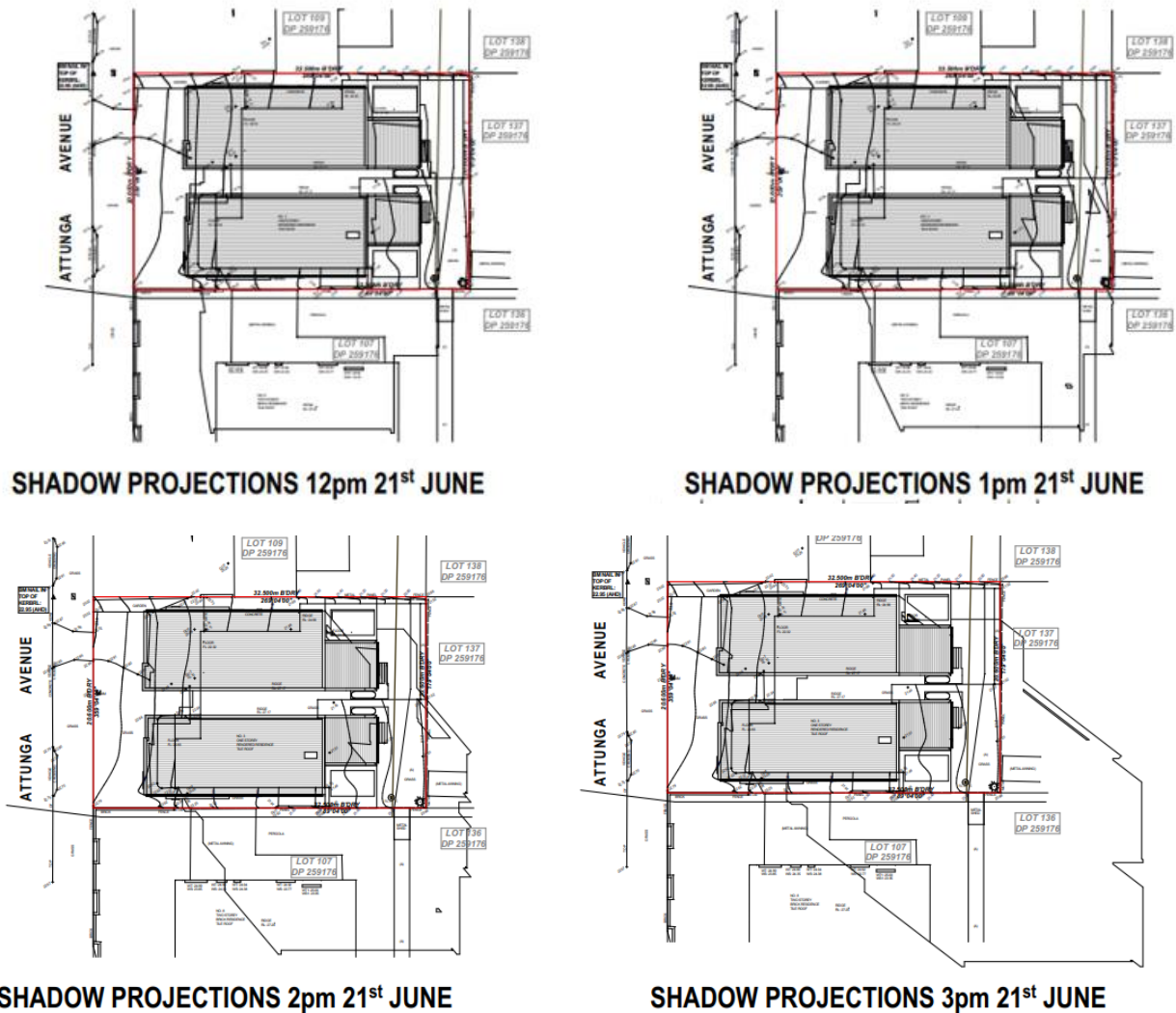


Figure 10: Hourly shadow diagrams.

As the transition of built form is from a single storey dwelling to two double-storey dwelling houses, some solar access loss is to be expected to the south, however, the proposal complies with Council's requirements for solar access.

Issue 4: Privacy concerns

Comment:

The proposal will include a minimum of 1.8m high boundary fencing, which will maintain privacy and limit overlooking from the ground level into adjacent properties. Meanwhile, habitable room windows on the upper level side elevations have been all generally provided with either window sill heights of 1.5m, as measured from the finished floor levels, or with obscured glazing. This is with the exception of upper level bedroom windows on the east (rear) elevation, noting that these windows will be setback at least 10 metres from the rear boundary. To this effect, a condition of consent will be included requiring the provision of 1.5m window sill height to these windows to avoid any potential overlooking into adjacent properties.

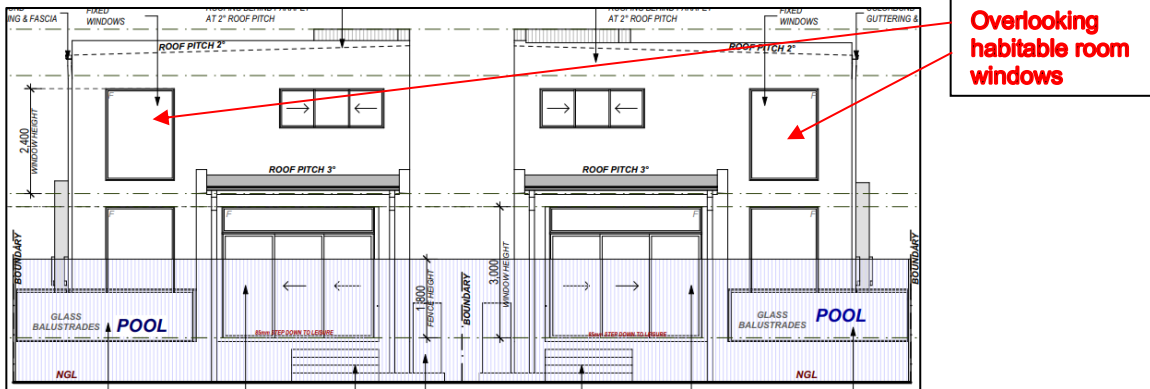


Figure 11: Proposed rear elevations.

Issue 5: The development will block views affecting property value

Comment:

The proposed development has been amended and is now consistent with the maximum height requirements of the Liverpool LEP 2008. The proposal will not contribute to view loss of the adjoining properties, as the site does not abut a public reserve. Regarding the concern relating to potential decrease in property value, no evidence has been submitted to suggest adjoining property values will be affected by the development.

Issue 6: Lack of infrastructure

Comment:

As demonstrated previously in this report, the proposal is located within proximity of public infrastructure, including schools, retail shops, a medical centre and bus services. In addition, it is a permissible form of development within the zone.

(d) The Public Interest

The development is consistent with the objectives of the R2 Low Density Residential zone and is generally compliant with the relevant planning provisions and controls contained under the LLEP 2008 and LDCP 2008. Where non-compliances have been identified, these have either been considered justifiable in the circumstances, or addressed by way of consent conditions. As such the proposal is within the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Contributions have been applied to the development in accordance with Liverpool Contributions Plan 2018 – Established Areas, and have been imposed as a condition of consent.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, and the Environmental Planning Instruments, including the applicable *Liverpool Local Environmental Plan 2008*, *Liverpool Development Control Plan 2008*, and the relevant codes and policies of Council.

The proposed development is unlikely to result in unreasonable impacts upon neighbouring

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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-985/2021 seeking consent for demolition of existing structures, construction of two double-storey detached dwelling houses with inground swimming pools and Torrens Title subdivision into two lots, be approved subject to conditions of consent.

10. REPORT ATTACHMENTS

- 1. COMPLIANCE TABLES**
- 2. CONDITIONS OF CONSENT**
- 3. PLANS OF PROPOSAL**

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ATTACHMENT 1: COMPLIANCE TABLES

| LDCP 2008 - Part 1 General Controls for all Development | | | |
|--|--|--|------------------------|
| Control | Requirement | Proposed | Comment |
| Section 2 – Tree Preservation | Consider impact of development on existing vegetation | The site is clear of vegetation. | Not Applicable |
| Section 3 – Landscaping and Incorporation of Existing Trees | Incorporation of existing trees into development where appropriate | The site is clear of vegetation. | Not Applicable |
| Section 4 – Bushland and Habitat Preservation | Consider impact of development on bushland and habitats | Minimal to no impact on bushland and habitats considering the location of the development. | Not Applicable |
| Section 5 – Bushfire Risk | Land on or adjacent to bushfire prone land to comply with RFS requirements | The site is not mapped as bushfire prone land. | Not Applicable |
| Section 6 – Water Cycle Management | Consideration of stormwater and drainage | The stormwater plans have been reviewed by Council's Land Development Engineer who have no objections to the proposal, subject to conditions of consent. | Complies by Conditions |
| Section 7 – Development Near a Watercourse | Consideration of impact to riparian corridors | The site is not located within 40m of a watercourse. | Not Applicable |
| Section 8 – Erosion and Sediment Control | Sediment Control Plan or Soil and Water Management Plan required | Sediment control details have been provided with the application and will be conditioned. | Complies by Condition |
| Section 9 – Flooding Risk | Flood affection of property to considered | The site is not mapped as flood prone land. | Not Applicable |
| Section 10 – Contaminated Land Risk | Previous use to be considered in assessing risk | Existing and historical use of residential dwelling does not warrant a land contamination assessment. | Not Applicable |
| Section 11 – Salinity Risk | Salinity Management response required for affected properties | To comply with BCA requirements via conditions of consent. | Complies by condition |

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| Section 12 – Acid Sulfate Soils Risk | Affected properties to consider impact of development on soils | The subject site is not identified as containing acid sulphate soils. | Not Applicable |
| Section 13 - Weeds | Noxious weeds to be removed as part of development where applicable | No noxious weeds are known to be present on site. | Not Applicable |
| Section 14 – Demolition of Existing Development | Appropriate measures proposed | Demolition of existing dwelling and shed. | Complies by Conditions |
| Section 15 – Onsite Sewage Disposal | S68 Application required where connection to sewer not available | The site is connected to sewer. | Complies |
| Section 16 – Aboriginal Archaeology | AHIA required where items of aboriginal archaeology exist | No known items of aboriginal archaeology are present on the subject property. | Not Applicable |
| Section 17 – Heritage and Archaeology | Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas. | Site is not a heritage item or within a heritage conservation area. | Not Applicable |
| Section 19 – Used Clothing Bins | Applies to any charity bins located on either private or Council land. | No charity bins are located within the subject property. | Not Applicable |
| Section 20 – Car Parking and Access | Two (2) car parking spaces required for each dwelling. | Each dwelling will be provided with a 2 car spaces in the form of a single garage and a tandem space. | Complies |
| Section 21 - Subdivision of Land and Buildings | Residential Zones Subdivision of land shall meet the minimum lot width requirements as set out in Table 7. R2, 300sqm, 9m lot width | The site is mapped as having a minimum lot size of 300m ² therefore is subject to a minimum lot width of 9m. Each of the proposed lots will have a minimum of 10.3m frontage to Attunga Avenue. | Complies |
| Section 22 - Water Conservation | This section applies to all development involving the use of water. | A compliant BASIX Certificate has been provided which outlines water conservation commitments. | Complies |

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| Section 23 - Energy Conservation | This section applies to development involving the use of energy | A compliant BASIX Certificate has been provided which outlines energy conservation commitments. | Complies |
| Section 24 - Landfill | This section applies to development, which involves cutting and or filling of land. It does not involve land cut and filling in conjunction with a development application for a building(s). | Buildings proposed. | Not Applicable |
| Section 25 - Waste Management | Waste Management Plan shall be submitted for demolition, construction and on-going waste management. | A Waste Management Plan for demolition of existing structures has been provided and will be conditioned. | Complies by Condition |
| Section 26 - Outdoor Advertising and Signage | Controls relating to signage and advertising material | The proposed development does not involve outdoor advertising and signage. | Not Applicable |

| Part 3.5 Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 Zone | | | |
|--|--|--|-----------------------|
| Control | Requirement | Proposed | Comment |
| Site Planning | Dwelling layout designed around site attributes | The dwellings are considered to have been designed in accordance with the site constraints. | Complies |
| | Direct link from living area to POS | There are direct links from the living areas to the Private Open Space of the dwellings. | Complies |
| | Minimise overlooking from first floor windows to private open space of neighboring properties. | Appropriate conditions will be imposed to ensure overlooking from first floor windows to POS of neighboring properties is minimised. | Complies by condition |
| | Stormwater drained satisfactorily | Stormwater plan with OSD has been assessed as satisfactory by Council's Land Development Engineer. | Complies |
| Setbacks | Front Setback - Other streets: Front ground 4.5m First floor 5.5m | <u>Dwelling A:</u> 4.5m (from porch) & 6.8m <u>Dwelling B:</u> 4.7 (from porch) m & 6.8m | Complies |

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| | Garages 1m behind main face of dwelling | The garages are setback 1m behind the main dwelling face on both dwellings. | |
| | A secondary side setback of 2.5m is required for the ground floor, as well as the first floor component. | Not Applicable. | Not Applicable |
| | Verandahs, balconies, eaves and other sun control devices may only encroach on the minimum secondary setback by up to 1m. | Not Applicable. | Not Applicable |
| | Side 0.9m ground & first floor | <u>Dwelling A:</u> 0.9m both sides ground floor. 1.2m both sides first floor. <u>Dwelling B:</u> 0.9m both sides ground floor. 1.2m both sides first floor. | Complies |
| | Rear 4m ground, 7m first floor | <u>Dwelling A:</u> Ground – 5m (measured from alfresco). First floor – 10.1m <u>Dwelling B:</u> Ground – 5m (measured from alfresco). First floor – 10.1m | Complies |
| Setbacks Zero Lot Line | Easement for access and maintenance 0.9m wide created adjacent to proposed zero lot on adjoining property. | Not Applicable | Not Applicable |
| | Lot has a cross slope not exceeding 5%. | | |
| | Zero lot line situated on the down slope side of the lot and not on the up-slope side. No excavation permitted to zero lot and filling is to have a dropped edge beam to natural ground. | | |
| | Construction meets the Fire Resistance level requirements of | | |

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| | <p>the BCA, with no windows along the zero lot line.</p> | |
| | <p>Piers to min. depth of 500mm to be provided beneath the wall structure on the zero lot line.</p> | |
| | <p>Zero lot line construction is permissible only on one side boundary of the lot, with min. setback of 1.2 m to the opposite boundary.</p> | |
| | <p>Zero lot line wall shall have select face brickwork, rendered or similar finish.</p> | |
| | <p>Fencing is not to be constructed immediately adjacent to the zero lot line as this may aid the access of termites into the dwelling.</p> | |
| | <p>It can be demonstrated that the zero lot line wall will have a similar impact on the solar access to the adjoining lot to that of a wall setback 900mm from the boundary.</p> | |
| | <p>The zero lot line wall will not have an adverse impact on the streetscape.</p> | |
| | <p>The max wall length for a detached house abutting a property boundary is 50% (for one storey) or 30% (for two storeys) of the total depth of the building.</p> | |
| | <p>Where a dwelling is to be situated on the zero lot line, the dwelling shall have a physical barrier termite</p> | |

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| | treatment | | |
| Landscaping | Min 25% site to be landscaped | <u>Dwelling A:</u> 31.6% (106.20sqm) <u>Dwelling B:</u> 31.6% (106.20sqm) | Complies |
| | Min 50% front setback landscaped | <u>Dwelling A:</u> 52% <u>Dwelling B:</u> 51% | Complies |
| | 4 x 5m area at rear | Both lots have a 4 x 5m area in the rear that can facilitate the POS area. | Complies |
| | 3 x 3m area in front | Both lots provide areas of 3 x 3m in the front setbacks | Complies |
| Private Open Space | Min 60sqm with clothes drying area with 2 hours sun between 9am-5pm on 21 June | <u>Dwelling A:</u> 110sqm <u>Dwelling B:</u> 110sqm Clothes drying area will be able to be supplied and receive more than 2 hours between 9am-5pm on 21 June. | Complies |
| | Principle POS 4 x 6m, directly accessible from a living area with 50% sunlight cover for 3 hours between 9am-5pm on 21 June | Both lots are able to achieve a principal POS area of 4 x 6 metres which is able to receive with 50% sunlight cover for 3 hours between 9am-5pm on 21 June. | Complies |
| Cut and Fill | Max cut 600mm Max fill under slab 1000mm | The elevations provided show that the proposed maximum site cut is 600mm and maximum site fill is 750mm. | Complies |
| | All retaining walls masonry construction | Brick retaining walls are proposed along the front portion of the side boundaries. | Complies |
| Building Design | Units with street front orientate entrance to street and living area where possible | Entrances of both dwellings are orientated towards the street. | Complies |
| | Entry visible | Entries are visible from the street. | Complies |
| | The front building facades shall be articulated. The front façade should incorporate porches, entries, pergolas and verandahs. | Articulation is provided for both dwellings with porches, balconies and differing façade treatment. | Complies |

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| | Developments that face two street frontages or a street and public space must address both frontages by the use of verandas, balconies, windows or similar modulating elements. | Not Applicable. | Not applicable. |
| | Side walls to be articulated if over 14m | The length of each side wall of proposed dwellings will be articulated by the use of windows and feature finishes. | Complies |
| | 2 storey dwelling balcony above garage | A balcony is provided and the element above the garage is a different colour/ material. | Complies |
| | No balconies on side or rear of buildings. | No balconies are located on side or rear of the buildings. | Complies |
| | Garage door <50% front façade width | Garage doors are not greater than 50% of the façade width. | Complies |
| Internal Design | Habitable rooms orientated to street | Habitable rooms are oriented to face the street. | Complies |
| | Access to POS from living room | POS can be accessed from living areas. | Complies |
| | Min storage area 8m ³ | A minimum of 8m ³ storage has not been shown on plans and will be requested in a condition. | Complies by condition |
| Landscaping and Fencing | Plan to include canopy trees. One with mature height 8m in front and rear setbacks | Canopy trees have been incorporated in the landscape plans for the proposal. Four (4) new trees are proposed with mature height of 8m as well as one (1) additional tree at a maturity height of 10m. Nonetheless, Council's Landscape Officer has requested the replacement of the Palm Tree at the site frontage with a different feature tree which will be requested via a condition. | Complies by condition |
| | The maximum height of a 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. | No front fencing is proposed. | Not Applicable |

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| <p>The front fence may be built to a maximum of 1.8m only if:</p> <ul style="list-style-type: none"> - The primary frontage is situated on a Classified Road. - The fence is articulated by 1m for 50% of its length and has landscaping in front of the articulated portion. - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site. | | | |
| <p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> | | | |
| <p>The front fence must be 30% transparent.</p> | | | |
| <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> | | | |
| <p>Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p> | | <p>Boundary fencing will be 1.8m, and constructed of colourbond in lieu of timber or masonry. This is considered acceptable as it will remain consistent with the existing fencing characteristics of the area.</p> | <p>Considered Acceptable.</p> |
| <p>Side fencing facing a public street or open space must not be constructed of sheet metal.</p> | | <p>Not Applicable.</p> | <p>Not Applicable</p> |
| <p>For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the</p> | | | |

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| | remaining fence / wall may then be raised to a maximum of 1.8m. | | |
| Car Parking | 2 spaces per dwelling. 1 behind front setback | Each dwelling can provide for 2 car parking spaces with 1 in the garage and 1 hardstand space within the driveway. | Complies |
| Overshadowing | Adjoining properties receive 3 hours sunlight to 50% of POS and living area | Adjoining properties are able to receive the required amounts of solar access to their POS and one living room. | Complies |
| Privacy | Landscaping to be used where possible to increase visual privacy between dwellings and adjoining properties. | Landscaping has been incorporated at the rear of the lots. | Complies |
| | Windows of habitable rooms facing side boundaries are to be offset by at least 1 m from any adjoining facing window. | Windows on the dwellings facing side boundaries are located and designed to mitigate any overlooking of adjoining dwellings. | Complies |
| | Except where they face a road or public open space, habitable room windows to the side are to avoid unreasonable overlooking by having a minimum sill height of 1.5m. | Upper level habitable room windows on the east (rear) elevation will be conditioned to have a minimum sill height of 1.5m to avoid potential overlooking. | Complies by condition |
| Acoustic Impact | Measures to protect from impact of rail and/or traffic related noises as required | The site is not located in an area that is affected by road or rail noise. | Not Applicable. |
| Waste Management | Waste disposal facilities to be provided at front of site adjacent to driveway | Waste management plan submitted with proposal and waste storage areas can be provided in an appropriate area for each dwelling. | Complies |
| Letterboxes | Sympathetic to design of buildings | To be conditioned. | Complies by condition |

LDCP 2008 Part 8 Dwelling houses & class 10 structures on lots greater than 300m² but less than 900m² in the R1, R2, R3 Zones

Dwelling A – Swimming Pool (2.5m x 4.2m)
Dwelling A – Swimming Pool (2.5m x 4.2m)

| Control | Required | Proposed | Comment |
|----------------|----------------------|------------------------------|----------------|
| Setbacks | Front setback of the | Each pool is located in rear | Not |

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| | pool must be 4.5m. | setback of property. | Applicable. |
| | Side setback of the pool must be 0.5m | Side setback of each proposed pool is 1.2m. | Complies |
| | Rear setback of the pool must be 0.5m | Rear setback of each pool is over 0.5m. | Complies |
| Location & Design | Pools are only located in a front setback where there is a secondary street frontage. | Pool is located in the rear setback of the property and does not have a secondary street frontage. | Not Applicable |
| | For resuscitation purposes, there is a space measuring 2.0m x 2.0m clear of all obstructions within the pool area and located adjacent to at least one pool access point. | Resuscitation area can be provided and to be conditioned to be maintained. | Complies by condition |
| | Where backwash water is produced, the filtration equipment discharges to sewer. | Filtration equipment is to discharge backwash water to sewer. | Complies by condition |
| | The pool excavation is located outside the zone of influence of any adjacent structure, or a structural engineer has certified that there are no structural impacts to adjoining properties. | The pool is constructed approximately 1.2m from the existing sewer line. A condition has been included to ensure a Structural Engineer certifies there are no structural impacts to adjoining properties and existing infrastructure. | Complies by condition. |
| | Where the pool is located less than 1.0m from a boundary, the pool coping is designed to collect water spilling from the pool | Pool is to not located close to the boundary. | Complies |
| | No decking is proposed that is more than 0.6m above ground level. | Alfresco near the pool will have pool fencing on top of it. | Complies |

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ATTACHMENT 2: 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 plans/reports marked as follows:
 - a) Architectural plans prepared by MRZ Designs,

| Name | Project Number | Date | Page Number | Issue |
|-----------------------------------|----------------|----------|-------------|-------|
| Site Plan | MRZ-21-491 | 01.02.22 | 2 | G |
| Ground Floor Plan | MRZ-21-491 | 01.02.22 | 3 | G |
| First Floor Plan | MRZ-21-491 | 01.02.22 | 4 | G |
| Roof Plan | MRZ-21-491 | 01.02.22 | 5 | G |
| Elevations | MRZ-21-491 | 01.02.22 | 6 | G |
| Elevations | MRZ-21-491 | 01.02.22 | 7 | G |
| Elevations | MRZ-21-491 | 01.02.22 | 8 | G |
| Section and Streetscape Elevation | MRZ-21-491 | 01.02.22 | 9 | G |
| Site Sediment Control Plan | MRZ-21-491 | 01.02.22 | 10 | G |
| Site Sediment Control Plan | MRZ-21-491 | 01.02.22 | 11 | G |
| Subdivision Plan | MRZ-21-491 | 01.02.22 | 13 | G |
| Shadows | MRZ-21-491 | 01.02.22 | 14 | G |
| Shadows | MRZ-21-491 | 01.02.22 | 15 | G |
| External Materials and Colours | MRZ-21-491 | 01.02.22 | 21 | G |
| Demolition Plan | MRZ-21-491 | 01.02.22 | 22 | G |
| Landscape Plan | MRZ-21-491 | 01.02.22 | 25 | G |

- b) Stormwater Management Plans prepared by AVN Infinity,

| Name | Sheet Number | Job Number | Date | Revision |
|---|--------------|------------|------------|----------|
| Stormwater Drainage Plan – Ground Floor | C100 | C210622 | 27.04.2022 | 6 |
| Catchment Plan | C101 | | | |
| Drainage Details Sheet 1 | C200 | | | |
| Drainage Details Sheet 2 | C201 | | | |

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| Drains Input/Outputs | C202 | | | |
| Erosion and Sediment Control Plan | C300 | | | |
| Erosion and Sediment Control Details | C301 | | | |

- c) Waste Management Plan prepared by MRZ Designs and dated 28 June 2021.
- d) BASIX Certificate for the development, prepared By Frys Energywise, Certificate No: 1217932S_02 Dated: 06 December 2021.
- e) BASIX Certificate for the development, prepared By: Frys Energywise, Certificate No: 1217933S_02, Dated: 06 December 2021.

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.

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 commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

National Construction Code

- 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,
 - (c) or a combination of (a) and (b).

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:

Design Changes

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5. The amendments in red on the approved Elevation Plan prepared by MRZ Designs, Revision G, Dated 1/2/2022, Page Number 7, shall be incorporated into construction certificate drawings, which incorporate the following:
 - The two windows marked in red are to be replaced with two windows with a minimum sill height of 1.5m as measured from the respective finished floor level.
6. The amendments in red on the approved Ground Floor Plan prepared by MRZ Designs, Revision G, Dated 1/2/2022, Page Number 3, shall be incorporated into construction certificate drawings, which incorporate the following:
 - A minimum storage area of 8m³.
 - Resuscitation area measuring 2.0m x 2.0m clear of all obstructions within the pool area and located adjacent to at least one pool access point.
7. The amendments in red on the approved Landscape Plan prepared by MRZ Designs, Revision G, Dated 1/2/2022, Page Number 25, shall be incorporated into construction certificate drawings, which incorporate the following:
 - One feature tree to be planted in an appropriate location at the front of the property. The tree must be a canopy tree i.e. not *Palm* or *Conifer* and must be able to achieve a mature height of approximately 5 to 6 metres tall. The tree shall be planted at a pot purchase size not less than 35 litres and located a minimum 3 metres from the building envelope.

Section 7.11 Payment (Liverpool Contributions Plan 2009)

8. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$13,812** and will be adjusted at the time of payment in accordance with the contribution plan.

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

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form (Attachment 2).

Fee Payments

9. 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

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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.

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

Site Development Work

- 11. 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.

Telecommunications Services

- 12. 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, including NBN.

Notification

- 13. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor license 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.

S138 Roads Act – Minor Works in the public road

- 14. 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:
 - (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - (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

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Service (RMS) for classified roads.

15. 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 1.5m wide concrete footpath paving in site frontage.

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

On-Site Detention

16. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AVN Infinity, reference number C210622, Sheets C100, C200 and C201, revision 6, dated 27/04/2022.

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

17. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the *Local Government Act*, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for stormwater drainage connections to the existing 1.2m wide drainage easement at the rear of the site.

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

No Loading on Easements

18. 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.

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Dilapidation report

19. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Attunga 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.

Traffic

20. Detailed design drawings of the driveways and car parks including grades prepared in accordance with Council DCP and Australian Standards (AS2890) requirements.

Pool excavation

21. A structural engineer certification is required to ensure there are no structural impacts due to pool excavation to adjoining properties and existing infrastructure.

C. PRIOR TO WORKS COMMENCING

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

Demolition Works

22. 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 AS26012001– The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW 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 SafeWork NSW requirements.

Commencement of Building Work

23. 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

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any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Sydney Water

24. Development plans must be processed and approved by Sydney Water.

Construction Certificates

25. 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 6.6 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 certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
- e) The principal certifier 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.

26. 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.

Residential Building Work

27. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council 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.

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28. 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.

Traffic

29. 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.

Site Facilities

30. 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.

Sediment & Erosion Control

31. 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.

Matters to be addressed prior to commencement of Subdivision Works

32. Work on the subdivision shall not commence until:

- (a) a Construction Certificate (if required) has been issued,
- (b) a Principal Certifying Authority has been appointed for the project, and
- (c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

D. DURING CONSTRUCTION

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

Identification Survey Report

33. 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

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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 principal certifier, a copy of the survey shall be provided to Council within three (3) working days.

34. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Excavation

35. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (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.

Toilet Facilities

36. 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) be connected to 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.

Sign Notice board

37. A sign must be erected and maintained in a prominent position on the site, which contains the following details:

- a) name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)

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- b) name, address and telephone number of the principal certifier
- c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Refuse Disposal

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

Security Fence

39. 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.

Traffic

40. 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.
41. 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 are to be paid prior to the release of any approval.
42. 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 Management Section of any interruption to pedestrian or vehicular traffic within the road reserve, expected to be caused by the construction of this development.
43. A Traffic Control Plan, prepared by a suitably qualified person, must be submitted to and approved by Council's Transport Management Section, at least 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
44. Applications must be made to Council's Transport Management 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.

Waste Management Plan

45. 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.

Erosion Control - Measures

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

E. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Completion of Subdivision Works

47. 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.

Stormwater Compliance

48. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the On-site detention system/s:
- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - (b) Have met the design intent with regard to any construction variations to the approved design.
 - (c) 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

49. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the On-site detention system/s shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

50. 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 Attunga Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Subdivision Compliance

51. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
 - (b) 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.

Linen Plans and 88B Instruments

52. 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).
53. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
54. The following restriction as to user must be placed over proposed Lot A and Lot B. Details shall be submitted with the application for a Subdivision Certificate.
- (a) No Construction Certificate shall be issued for a building on the lot burdened until on site drainage detention has been designed in accordance with Council's On-Site Detention Policy and Construction Specification, and
 - (b) No Occupation Certificate for a building shall be issued until the designed on-site detention system has been constructed on the subject lot and a licensed Surveyor prepares a "Work As Executed" plan and is certified as complying with the approved detention design by an appropriate accredited professional engineer.

Details shall be submitted with the application for a Subdivision Certificate.

55. The final plan of subdivision must be supported by an 88B Instrument, agreed to by Council. The 88B Instrument must burden each lot with a restriction as to user that the dwellings to be erected on each lot are to be sited and constructed in accordance with approved plans and notice of determination (Development Consent) issued by Council for Development Application No. DA-985/2021. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. The preparation of an 88B Instrument will not be required if construction has reached a stage where all brickwork is a minimum 500mm above finished floor level and the construction is in accordance with the development consent and the CC's.

Service Providers

56. The following documentation is to be provided prior to the release of the subdivision certificate:

- (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

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

- (b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i. The requirements of the Telecommunications Act 1997;
 - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Footpaths

57. 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

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

F. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

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Certificates

59. The premises must not be utilised until an OC is issued by the 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 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.

All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.

Section 73 Sydney Water

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

Works as executed

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

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

Stormwater Compliance

62. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the on-site detention 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/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

63. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to on-site detention system shall be registered on the title of the property.

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The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

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

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

Footpaths

65. 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

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

Bonds

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

Landscaping

68. 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.

Fencing

69. Boundary fencing is to be maintained to a maximum height of 1.8m.

Display of Street Numbers

70. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of the dwelling. The number should be a minimum height of 120mm and be visible at night.

Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of the dwelling.

Roads Act/Local Government Act

71. 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.

BASIX

72. 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.

G. CONDITIONS RELATING TO USE

The following use conditions shall be complied with at all times:

Landscaping

73. 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.

H. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

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- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.

g) “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.

h) 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.

- i) 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 has been made by Council. 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.

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

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SECTION 7.11 PAYMENT FORM

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2018 (Established Areas Moorebank)

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. These figures have been calculated to the current CPI Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-985/2021

APPLICANT: Mark Zeina

PROPERTY: Lot 108 DP 259176

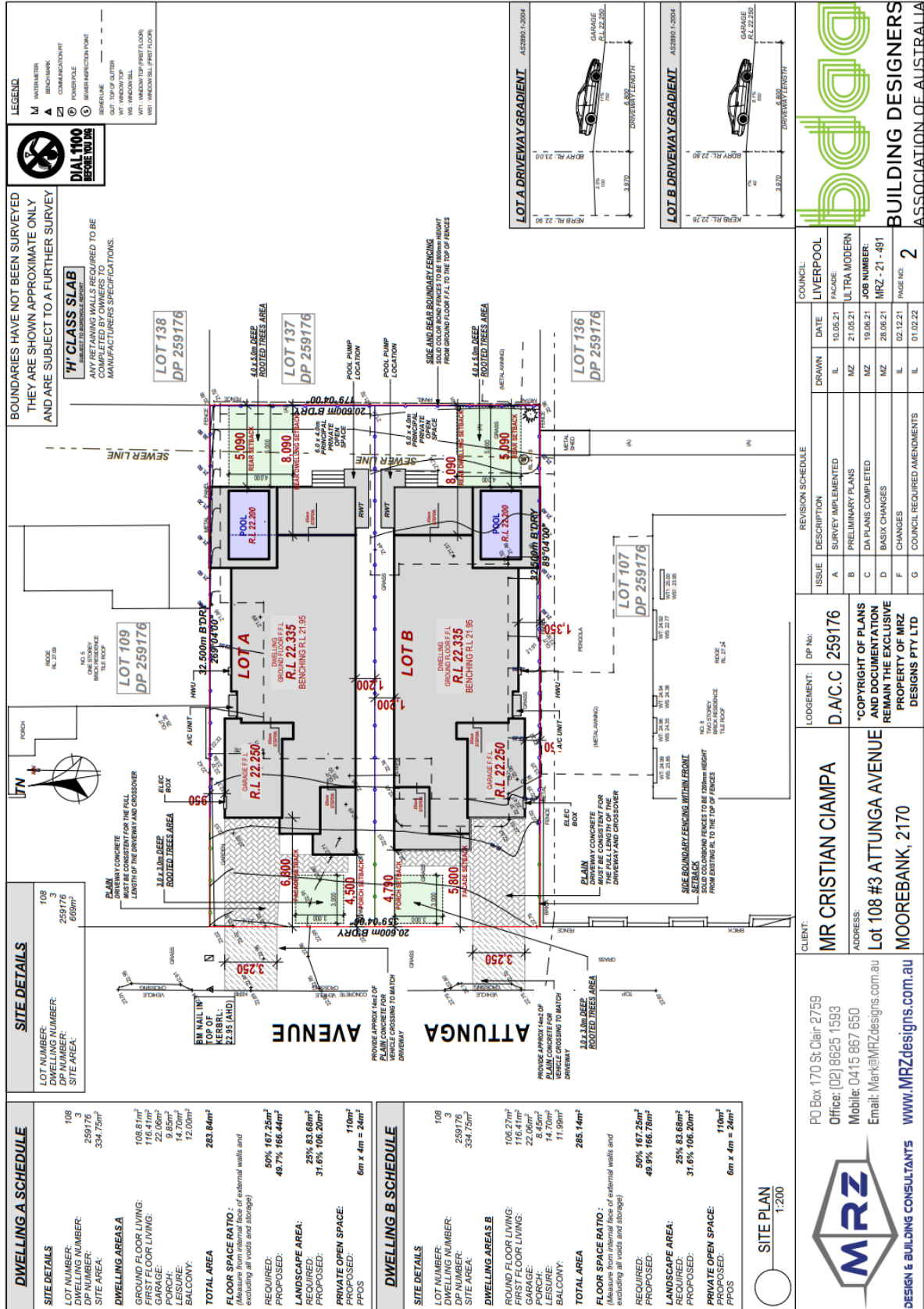
PROPOSAL: Demolition of existing structures, construction of two (x2) double storey dwelling houses with inground swimming pools and Torrens Title subdivision into two lots.

| <u>Facilities</u> | <u>Amount</u> <u>(\$)</u> | <u>Job No.</u> |
|--|------------------------------|----------------------|
| Liverpool Contributions Plan 2018 Established Areas | | |
| Community Facilities - works | | |
| Eastern | \$1,207 | GL.10000001870.10098 |
| District Sporting Fields - works | | |
| Eastern | \$4,061 | GL.10000001869.10212 |
| District Passive Open Space - works | | |
| Eastern | \$2,538 | GL.10000001869.10092 |
| Local Passive Open Space - works | | |
| Moorebank | \$3,553 | GL.10000001869.10100 |
| Transport - Bikeways - works | | |
| Eastern | \$496 | GL.10000001865.10208 |
| Transport - Traffic management - works | | |
| Eastern | \$1,412 | GL.10000001865.10214 |
| Drainage - works | | |
| Eastern | \$339 | GL.10000001866.10210 |
| Administration | \$204 | GL.10000001872.10104 |
| <u>TOTAL</u> | <u>\$13,812</u> | |

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ATTACHMENT 3: PLANS OF THE PROPOSAL



DWELLING A SCHEDULE

| SITE DETAILS | |
|------------------|-------------------|
| LOT NUMBER: | 108 |
| DWELLING NUMBER: | 3 |
| DP NUMBER: | 259176 |
| SITE AREA: | 669m ² |

| DWELLING AREAS A | |
|----------------------|----------------------------|
| GROUND FLOOR LIVING: | 108.81m ² |
| FIRST FLOOR LIVING: | 116.41m ² |
| GARAGE: | 22.00m ² |
| PORCH: | 9.85m ² |
| BALCONY: | 12.00m ² |
| TOTAL AREA | 283.84m² |

| FLOOR SPACE RATIO: | |
|--|----------------------------|
| (Measure from internal face of external walls and excluding all voids and storage) | |
| REQUIRED: | 50% 167.25m ² |
| PROPOSED: | 49.7% 166.44m ² |

| LANDSCAPE AREA: | |
|-----------------|----------------------------|
| REQUIRED: | 25% 83.66m ² |
| PROPOSED: | 31.6% 106.20m ² |

| PRIVATE OPEN SPACE: | |
|---------------------|----------------------------|
| REQUIRED: | 110m ² |
| PROPOSED: | 6m x 4m = 24m ² |

DWELLING B SCHEDULE

| SITE DETAILS | |
|------------------|----------------------|
| LOT NUMBER: | 108 |
| DWELLING NUMBER: | 3 |
| DP NUMBER: | 259176 |
| SITE AREA: | 334.75m ² |

| DWELLING AREAS B | |
|---------------------|----------------------------|
| ROUND FLOOR LIVING: | 106.27m ² |
| FIRST FLOOR LIVING: | 116.41m ² |
| GARAGE: | 22.00m ² |
| LEISURE: | 14.70m ² |
| BALCONY: | 11.59m ² |
| TOTAL AREA | 265.14m² |

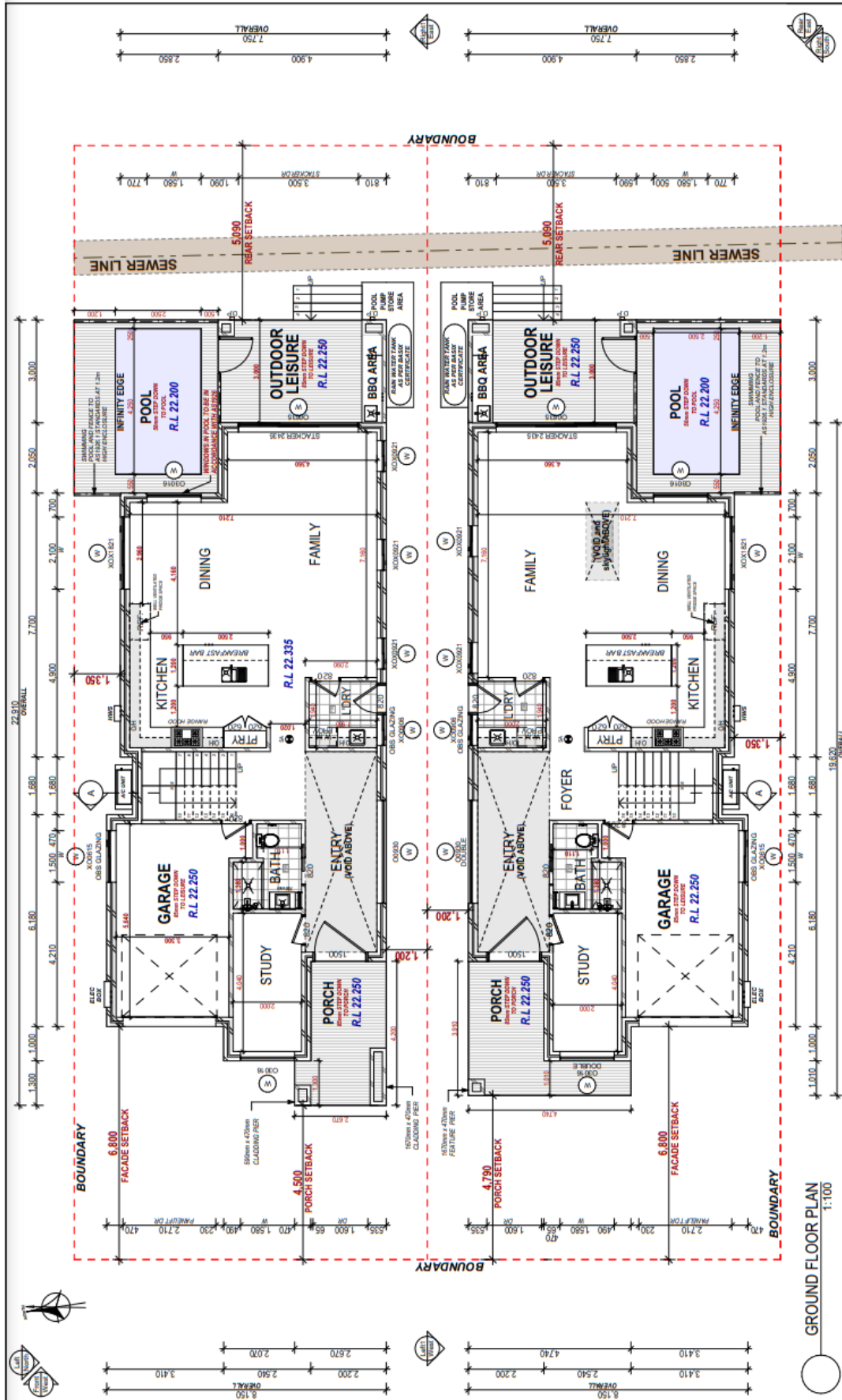
| FLOOR SPACE RATIO: | |
|--|----------------------------|
| (Measure from internal face of external walls and excluding all voids and storage) | |
| REQUIRED: | 50% 167.25m ² |
| PROPOSED: | 49.9% 166.70m ² |

| LANDSCAPE AREA: | |
|-----------------|----------------------------|
| REQUIRED: | 25% 83.66m ² |
| PROPOSED: | 31.6% 106.20m ² |

| PRIVATE OPEN SPACE: | |
|---------------------|----------------------------|
| REQUIRED: | 110m ² |
| PROPOSED: | 6m x 4m = 24m ² |

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GROUND FLOOR PLAN
1:100

| | | | |
|--|----------------------------------|---|--|
| CLIENT: MR CRISTIAN CIAMPA ADDRESS: Lot 108 #3 ATTUNGA AVENUE MOOREBANK, 2170 | LODGE: D.A.C.C. 259176 | REVISION SCHEDULE | |
| | | ISSUE A SURVEY IMPLEMENTED B PRELIMINARY PLANS C DA PLANS COMPLETED D BASIC CHANGES F CHANGES G COUNCIL REQUIRED AMENDMENTS | DATE 10.05.21 21.05.21 19.06.21 28.06.21 02.12.21 01.02.22 |
| COUNCIL: LIVERPOOL | | JOB NUMBER: MRZ - 21 - 491 | |
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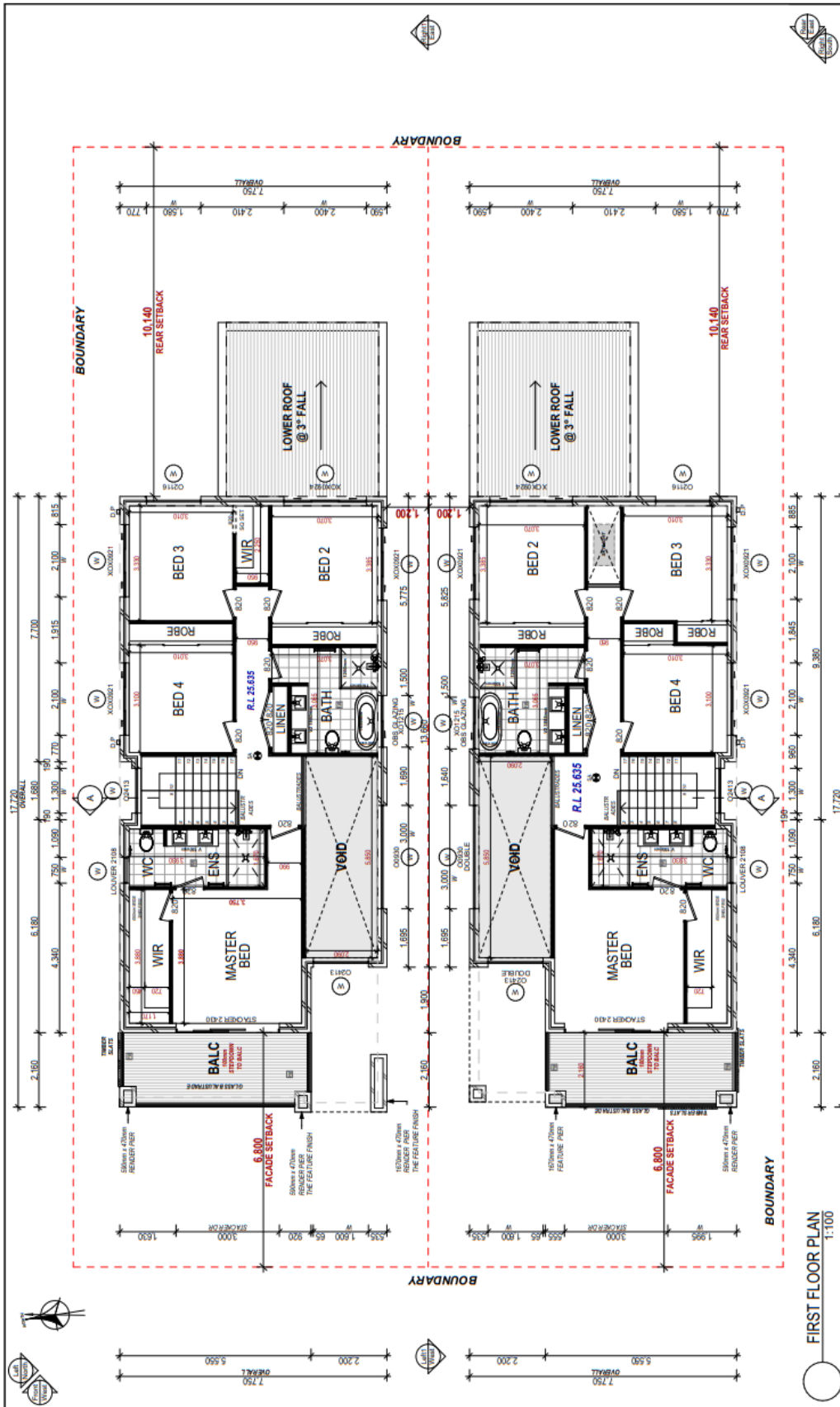
DESIGN & BUILDING CONSULTANTS
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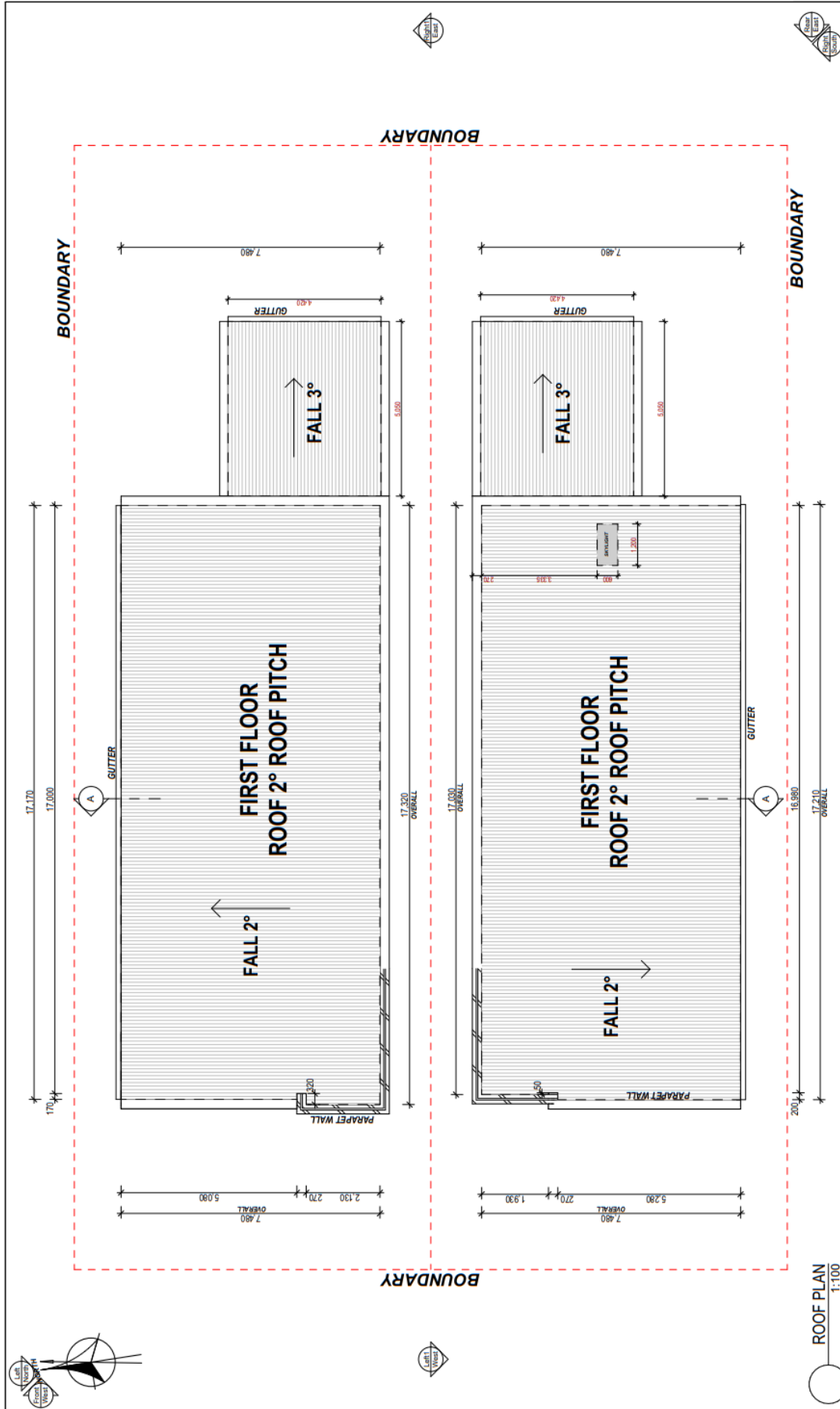
Monday 30th May



| | | | | | |
|---|--|----------------------------------|--------------------|-----------------------|-------|
| <p>CLIENT: MR CRISTIAN CIAMPA ADDRESS: Lot 108 #3 ATTUNGA AVENUE MOOREBANK, 2170</p> | <p>LODGEMENT: D.A.C.C 259176 *COPYRIGHT OF PLANS AND DOCUMENTATION REMAIN THE EXCLUSIVE PROPERTY OF MRZ.</p> | <p>REVISION SCHEDULE</p> | | COUNCIL: LIVERPOOL | |
| | | ISSUE | DESCRIPTION | DATE | DRAWN |
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| F | CHANGES | 02.12.21 | IL | | |
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LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

Monday 30th May



ROOF PLAN
 1:100

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 ADDRESS:
**Lot 108 #3 ATTUNGA AVENUE
 MOOREBANK, 2170**

PO Box 170 St. Clair 2759
 Office: (02) 8625 1593
 Mobile: 0415 867 650
 Email: Mark@MRZdesigns.com.au

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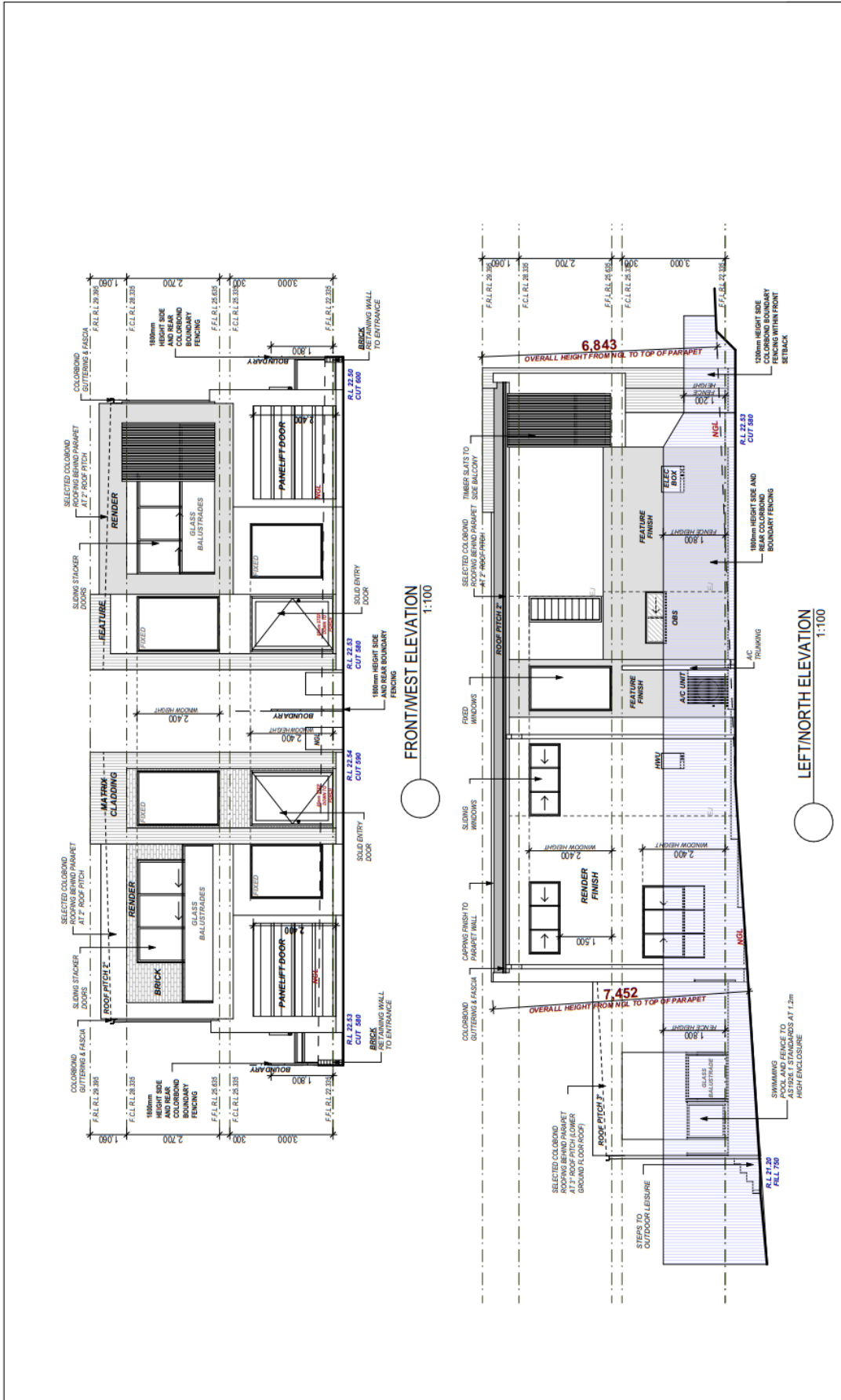
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ULTRA MODERN
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PAGE NO:
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LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

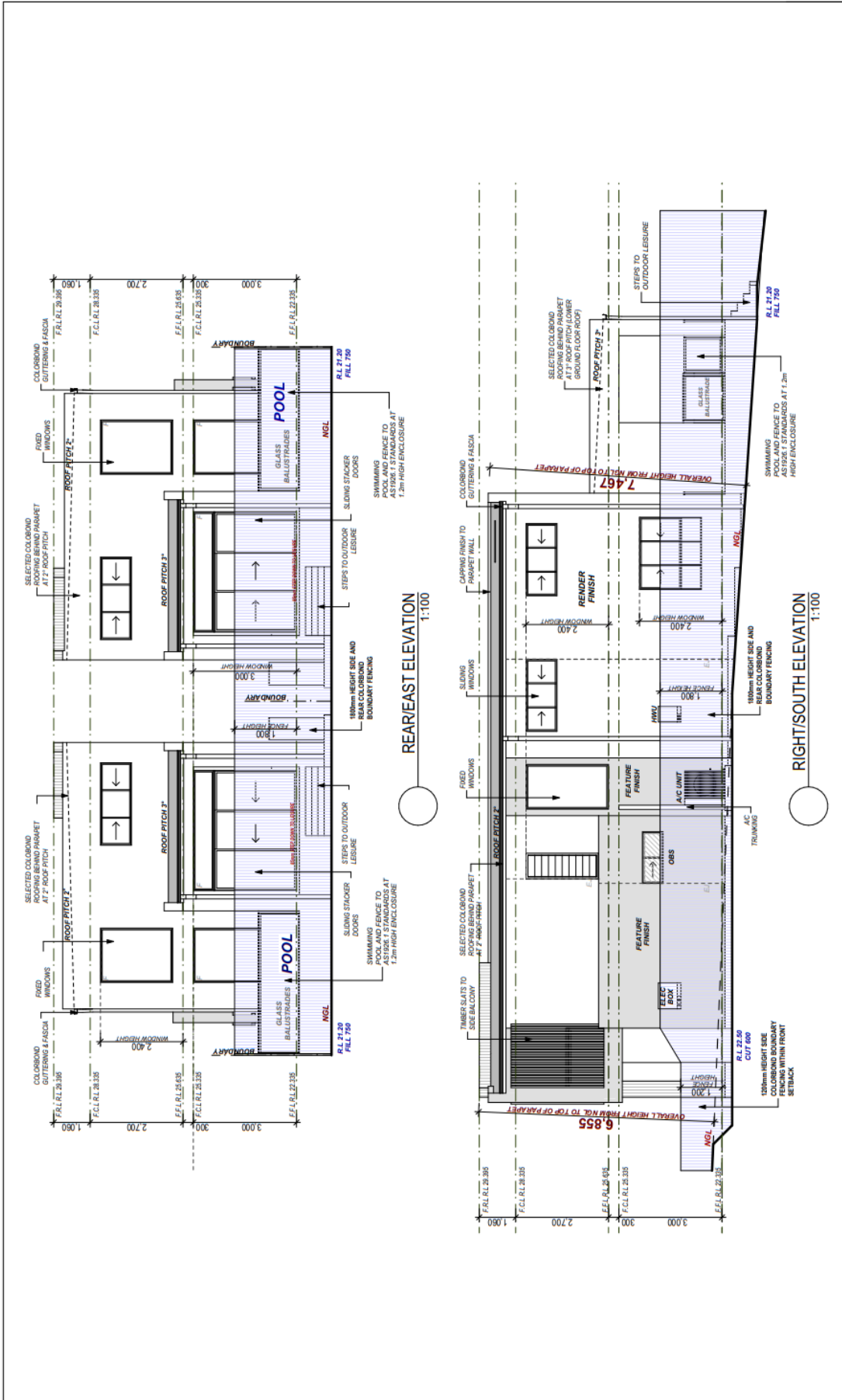
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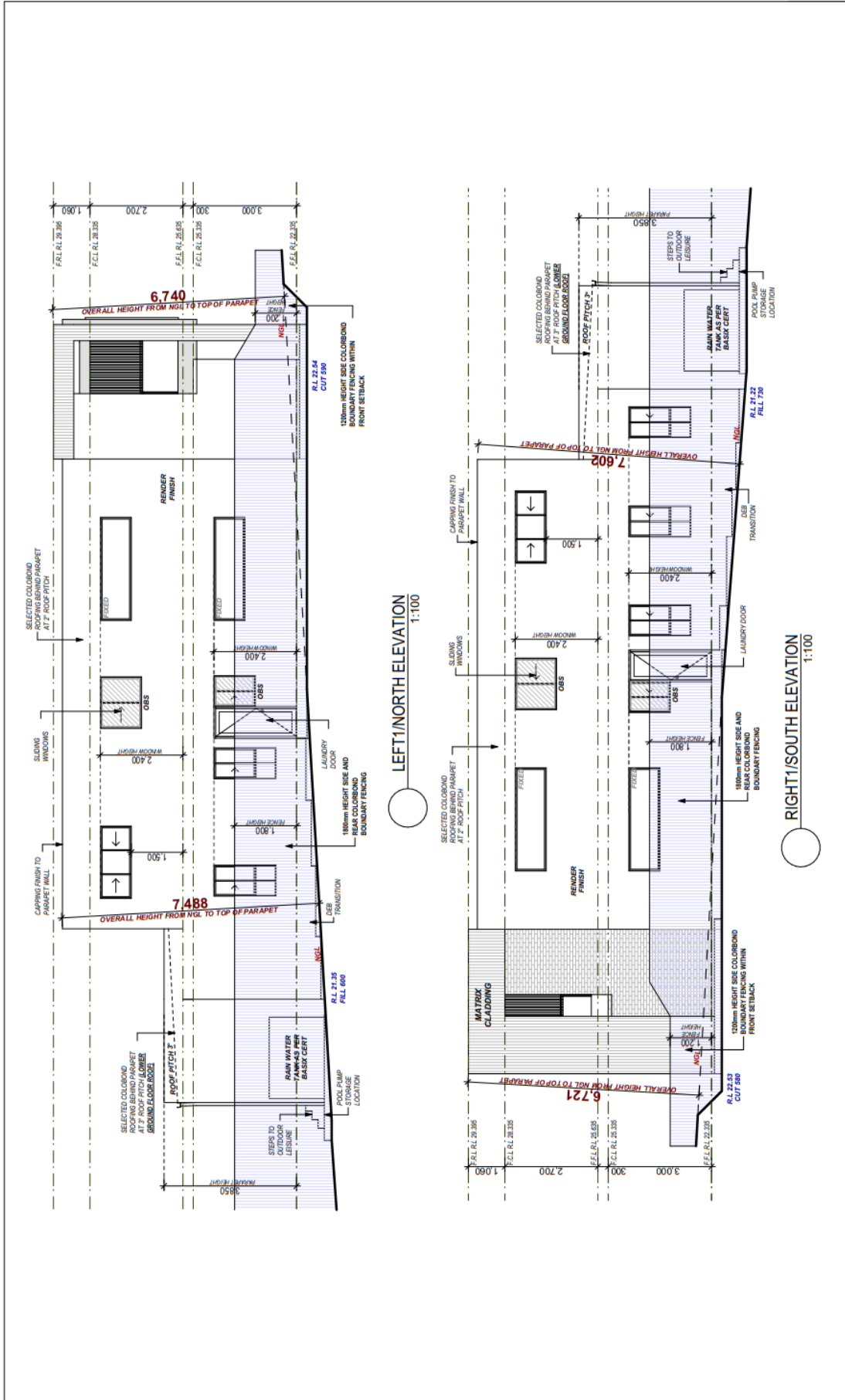
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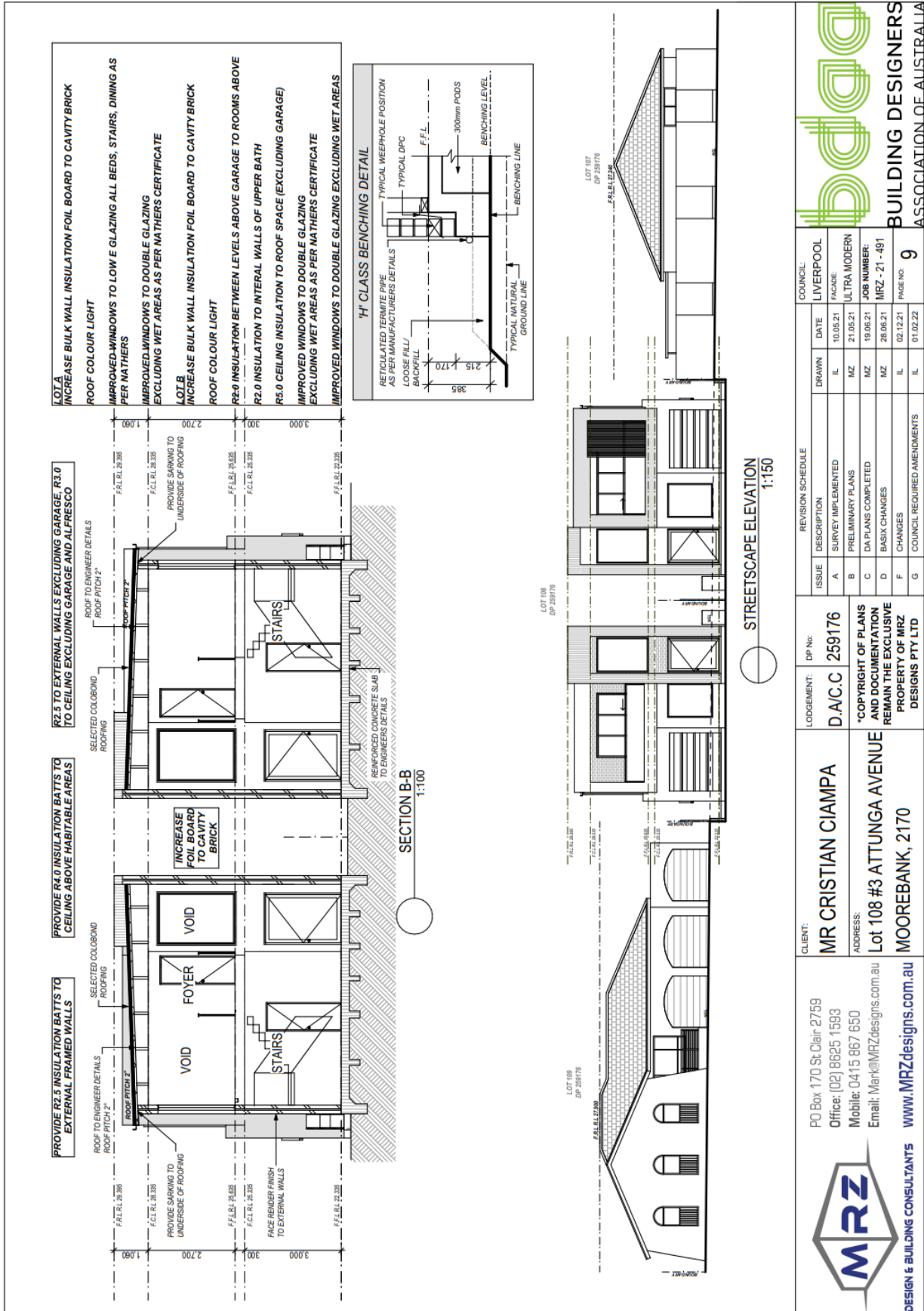


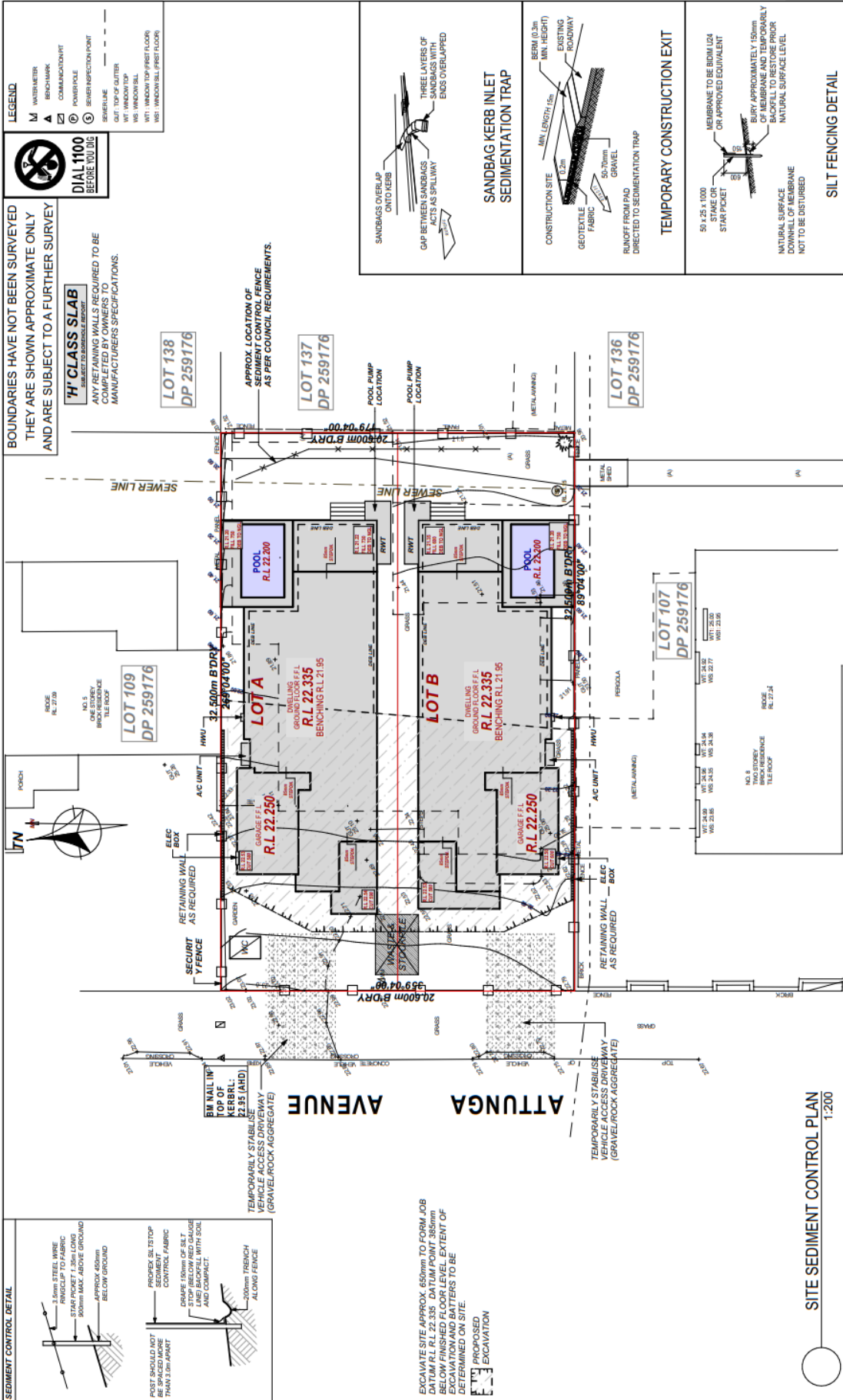
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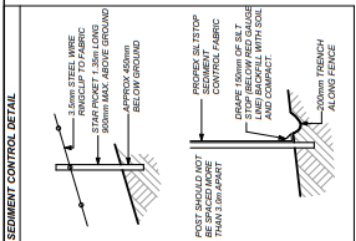
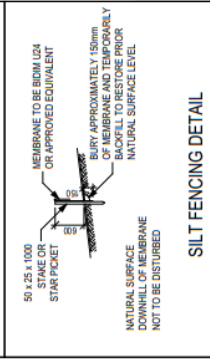
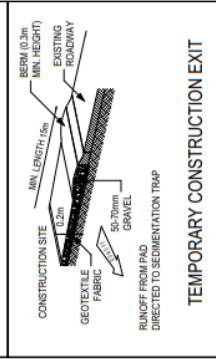
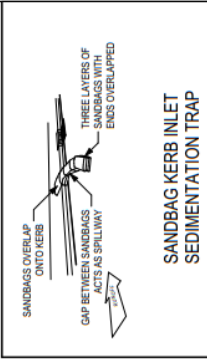


BOUNDARIES HAVE NOT BEEN SURVEYED
 THEY ARE SHOWN APPROXIMATE ONLY
 AND ARE SUBJECT TO A FURTHER SURVEY

H' CLASS SLAB
 ANY RETAINING WALLS REQUIRED TO BE
 COMPLETED BY OWNERS TO
 MANUFACTURERS SPECIFICATIONS.

DIAL 1100
 BEFORE YOU DIG

- LEGEND**
- M WATERMETER
 - A BENCHMARK
 - COMBINATION POINT
 - POWER POLE
 - SEWER INSPECTION POINT
 - SEWERLINE
 - OUT: TOP OF GUTTER
 - WT: WINDOW TOP
 - WT: WINDOW TOP OF FIRST FLOOR
 - WT: WINDOW TOP OF SECOND FLOOR



EXCAVATE SITE APPROX. 650mm TO FORM JOB DATUM R.L. 22.335 DATUM POINT 385mm BELOW FINISHED FLOOR LEVEL. EXTENT OF EXCAVATION AND BATTERS TO BE DETERMINED ON SITE.

SEE EXCAVATION

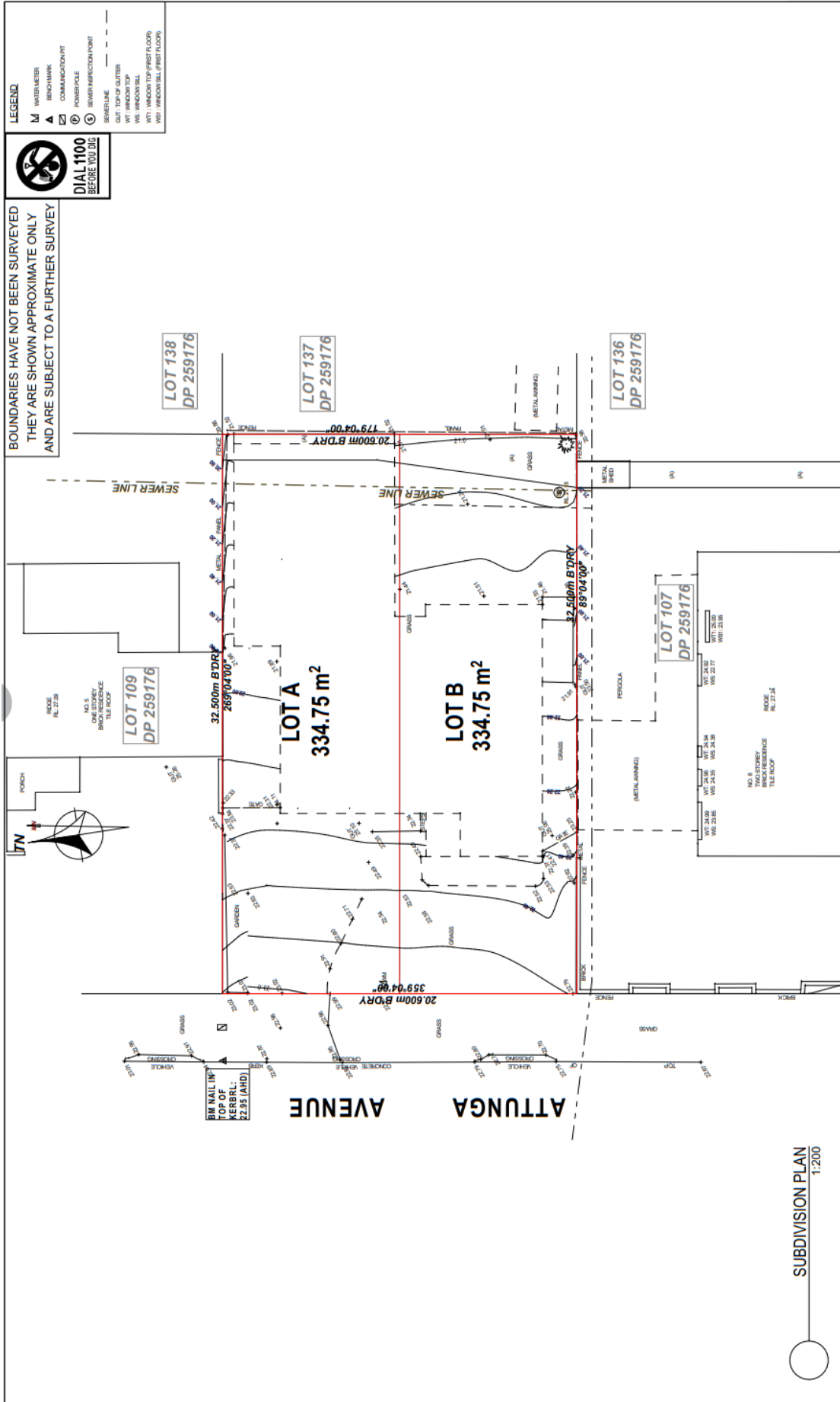
SITE SEDIMENT CONTROL PLAN
 1:200

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LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

Monday 30th May



- LEGEND**
- M WATER METER
 - ▲ BENCHMARK
 - COMMUNICATION PIT
 - ⊕ POWER POLE
 - ⊙ REVERSE INSPECTION POINT
 - SEWER LINE
 - CUT TOP OF GUTTER
 - CUT TOP OF GUTTER (METAL WING)
 - WT WINDOW TOP
 - WS WINDOW SILL
 - WT WINDOW TOP (FIRST FLOOR)
 - WS WINDOW SILL (FIRST FLOOR)



BOUNDARIES HAVE NOT BEEN SURVEYED
 THEY ARE SHOWN APPROXIMATE ONLY
 AND ARE SUBJECT TO A FURTHER SURVEY

NO. 5
 ONE STOREY
 BRICK RESIDENCE
 TEL: 2734

NO. 6
 TWO STOREY
 BRICK RESIDENCE
 TEL: 2734

NO. 7
 TWO STOREY
 BRICK RESIDENCE
 TEL: 2734

SUBDIVISION PLAN
 1:200



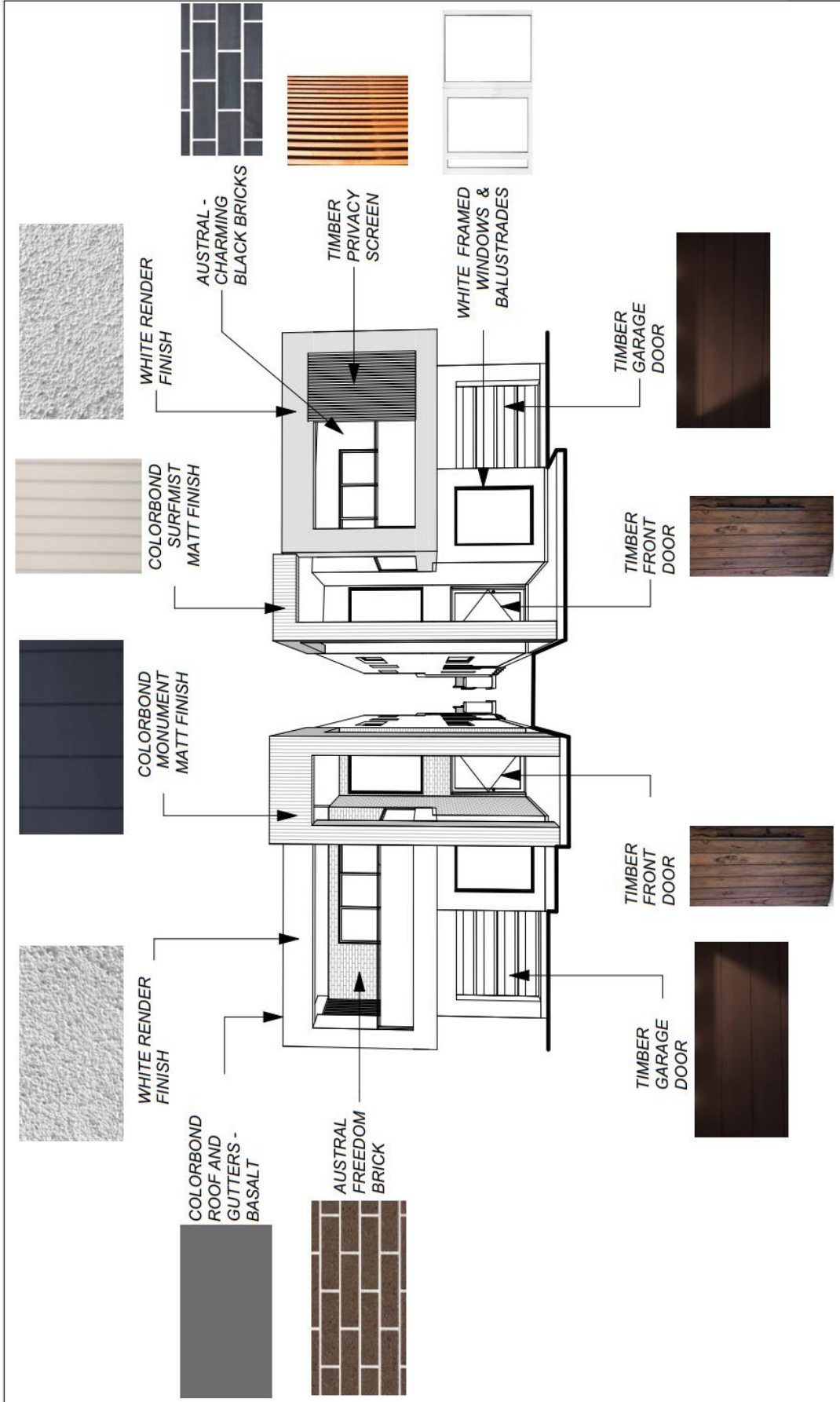
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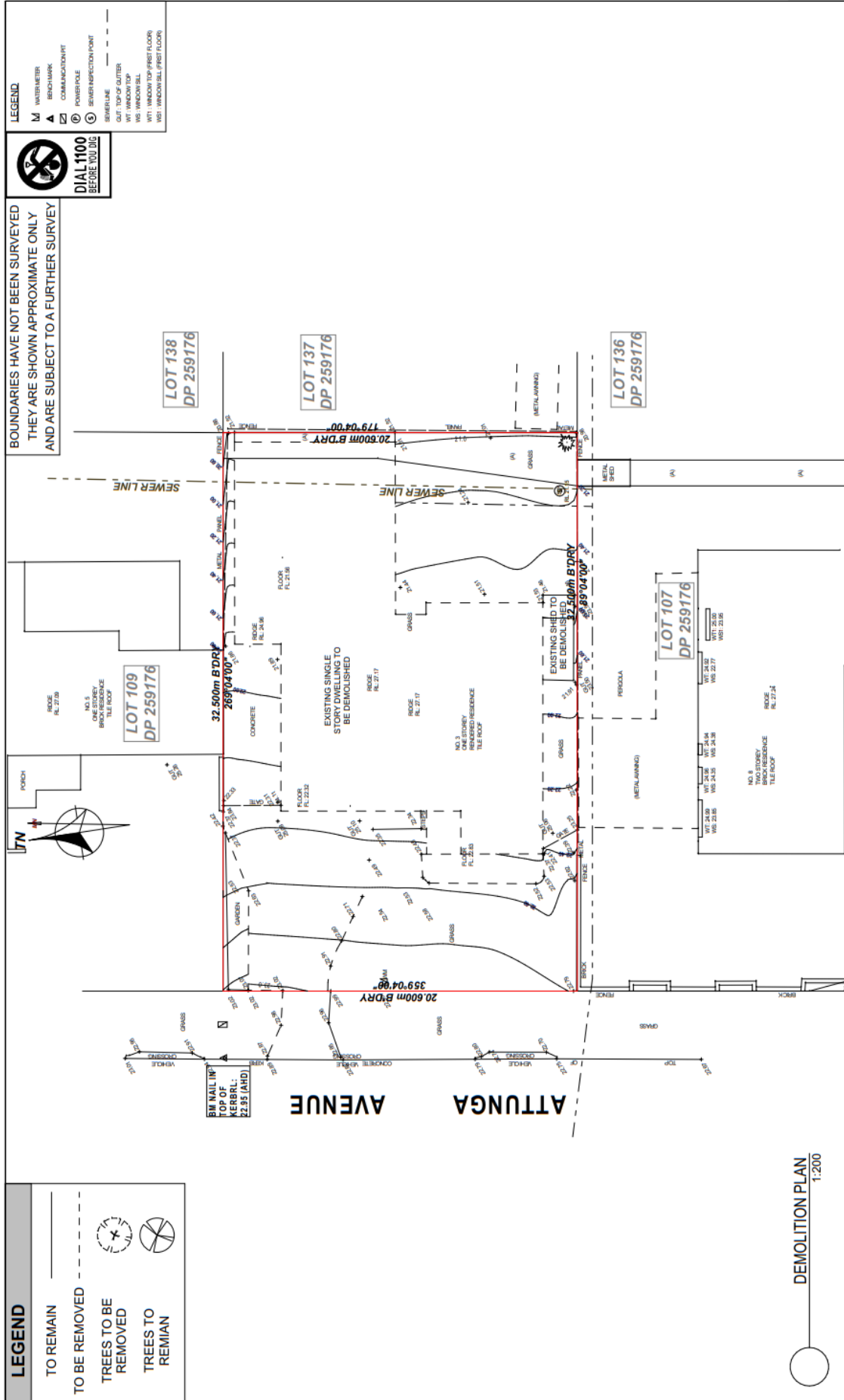




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LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

Monday 30th May



LEGEND

| | |
|---|------------------------|
| M | WATER METER |
| ▲ | BENCHMARK |
| ⊠ | COMMUNICATION PIT |
| ⊙ | POWER POLE |
| ⊕ | SEWER INSPECTION POINT |
| — | SEWER LINE |
| — | WATER MAIN |
| — | WINDY WIRE |
| — | WINDY WIRE |
| — | WINDY WIRE |
| — | WINDY WIRE |
| — | WINDY WIRE |
| — | WINDY WIRE |

DIAL 1100 BEFORE YOU DIG

BOUNDARIES HAVE NOT BEEN SURVEYED
 THEY ARE SHOWN APPROXIMATE ONLY
 AND ARE SUBJECT TO A FURTHER SURVEY

LOT 109
 DP 259176

LOT 136
 DP 259176

LOT 137
 DP 259176

LOT 138
 DP 259176

LOT 107
 DP 259176

LOT 109
 DP 259176

LOT 136
 DP 259176

LOT 137
 DP 259176

LOT 138
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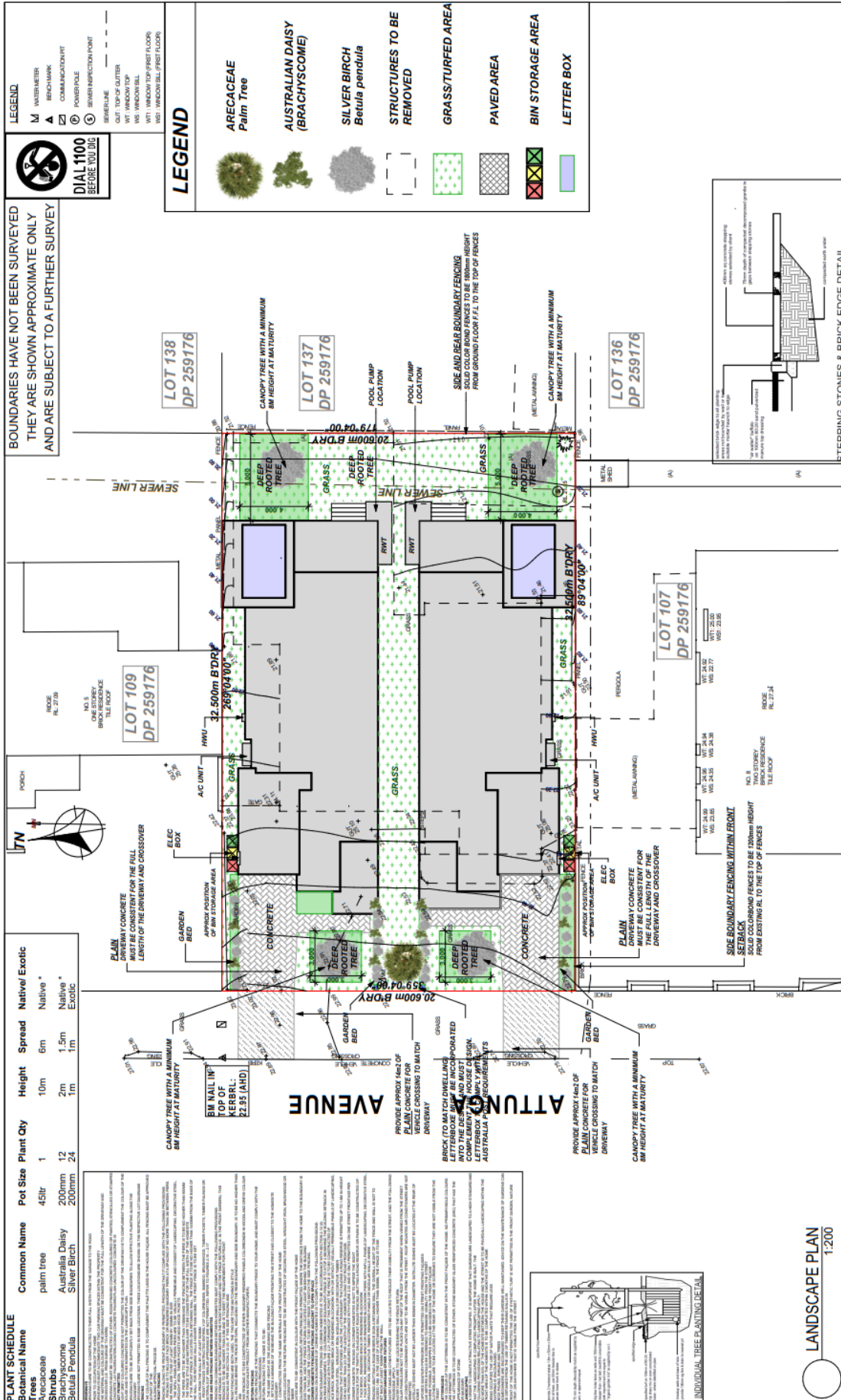
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DEMOLITION PLAN
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Monday 30th May



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LEGEND:

- M WATERMARK
- A BENCHMARK
- COMBINATION POINT
- POWERSPOLE
- SEWER INSPECTION POINT
- SEWERLINE
- OUT: TOP OF OUTLET
- WT: WINDMILL TOP
- WV: WINDMILL
- WT: WINDMILL TOP/FIRST FLOOR
- WV: WINDMILL/FIRST FLOOR

DIAL 1100 BEFORE YOU DIG

LEGEND:

- ARECACEAE Palm Tree
- AUSTRALIAN DAISY (BRACHYSYCOME)
- SILVER BIRCH *Betula pendula*
- STRUCTURES TO BE REMOVED
- GRASS/TURFED AREA
- PAVED AREA
- BIN STORAGE AREA
- LETTER BOX

STEPPING STONES & BRICK EDGE DETAIL

REVISION SCHEDULE

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COUNCIL: LIVERPOOL
DRAWN: IL
DATE: 10.05.21
FACE: FRONT
JOB NUMBER: MRZ - 21 - 491
PAGE NO.: 25
ASSOCIATION OF AUSTRALIA BUILDING DESIGNERS

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

Monday 30th May

| | |
|------------------------------|--|
| Item no: | 2 |
| Application Number: | DA-516/2021 |
| Proposed Development: | Subdivision of 3 residue superlots into 23 Torrens Title residential allotments. The application is Integrated Development requiring approval from the NSW Rural Fire Service under the Rural Fires Act 1997. |
| Property Address | Lots 320 & 321 Dunkirk Road & Lot 318 Fry Road, Edmondson Park |
| Legal Description: | Lots 320, 321 & 322 in DP 1257351 |
| Applicant: | Gobbo Holdings Pty Ltd |
| Land Owner: | Gobbo Holdings Pty Ltd |
| Date Lodged: | 21 May 2021 |
| Cost of Works: | \$5,000 |
| Zoning: | R1 – General Residential under Liverpool Local Environmental Plan 2008 |
| Recommendation: | Approval, subject to conditions of consent |
| Assessing Officer: | Robert Micallef |

2. EXECUTIVE SUMMARY

Council has received a Development Application (DA-516/2021) seeking consent for the subdivision of 3 residue superlots into 23 Torrens Title residential allotments, on a site currently consisting of 3 allotments legally known as Lots 320, 321 & 322 in DP 1257351, and formally known as Lots 320 & 321 Dunkirk Road & Lot 318 Fry Road, Edmondson Park. The application is Integrated Development requiring approval from the NSW Rural Fire Service under the Rural Fires Act 1997.

The site is zoned as R1 – General Residential, pursuant to Liverpool Local Environmental Plan (LEP) 2008 with the proposed development being permissible with consent. The proposal is generally compliant with Council's applicable local provisions and an acceptable form of development in that regard. The proposal also involves a variation under Clause 4.6 of the Liverpool LEP 2008 in regard to Clause 4.1 – Minimum Lot Size, consisting of a variation of 33% over 4 lots, of which two of these four allotments are mapped as having the zone boundary line between two adjoining minimum lot size areas, being 300sqm and 450sqm.

The proposal was not required to be notified in accordance with Liverpool Community Participation Plan 2019. Notwithstanding, no submissions have been received on the application.

The key issues associated with the assessment of the subject Development Application relate to the variation to the minimum lot size development standard, and land being mapped by the NSW Rural Fire Service as bushfire prone land. As demonstrated in the report, the variation to the minimum lot size development standard is considered acceptable in this instance.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020*, as the development falls in the category of:

Departure from Development Standards

Development that contravenes a development standard imposed by an Environmental Planning Instrument (EPI) by more than 10% or non-numerical development standards.

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 land for this application consists of three parcels of land which are currently residue lots from a previous development application, DA-270/2017. Descriptions of the lots are provided in the table below.

| Address | Lot & DP | Area (sqm) |
|----------------------|--------------------|------------|
| Lot 320 Dunkirk Road | Lot 320 DP 1257351 | 3151 |
| Lot 321 Dunkirk Road | Lot 321 DP 1257351 | 4351 |
| Lot 318 Fry Road | Lot 322 DP 1257351 | 2250 |

Lot 320 is a rectangular block with a frontage of 119.845m to Dunkirk Road to the north and a depth of 26.29m. Lot 321 is also a rectangular lot but with three street frontages of 75.245m to Fry Road to the north, 42m to Dunera Road to the east and 75.245m to Dunkirk Road to the south along with two splay corners in the north-east and south east of 8.515m and 8.455m respectively. Lot 322 is also rectangular with two street frontages of 58.055m to Dunera Road to the west and 29.435m to Dunkirk Road to the south, with a splay corner of 8.515m in the south-west.

The sites are currently vacant and the roadways have been constructed around these residue lots under Development Consent DA-270/2017, with earthworks and general subdivision civil works also approved under Development Consent DA-270/2017. The location of the sites can be seen in the aerial view in the Figure below.

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Figure 1: Aerial view of subject site (in red) (Source: Geocortex)

2.2 The locality

The site and its immediate locality is transitioning from rural residential to suburban / urban residential as seen in Figure 1. The proposed subdivision represents the type of development that the established planning controls have been put in place to achieve.

| | |
|------------|--|
| NORTH | A rural residential parcel adjoins the northern boundary of the site. |
| NORTH-EAST | Adjoining undeveloped land and TransGrid Electricity Transmission Easement |
| SOUTH | A residential development site for DA-1021/2017 adjoins to the south. New houses currently under construction. |
| EAST | A new subdivision has been constructed to the east and south east of the site. |
| WEST | Croatia Avenue and new residential subdivision. New houses are currently under construction. Public Reserve |

The site is located approximately 250m east of the new Bernera Road extension which is under construction to connect Camden Valley Way directly to Edmondson Park Railway Station and the Edmondson Park Town Centre. By road, the site is approximately 1.2 kilometres from the Edmondson Park Railway Station, 1km from Camden Valley Way and 2.5km west of the Crossroads Homemaker Centre and Industrial District. This area is within the Maxwells Creek catchment, which is a tributary within the Georges River Catchment.

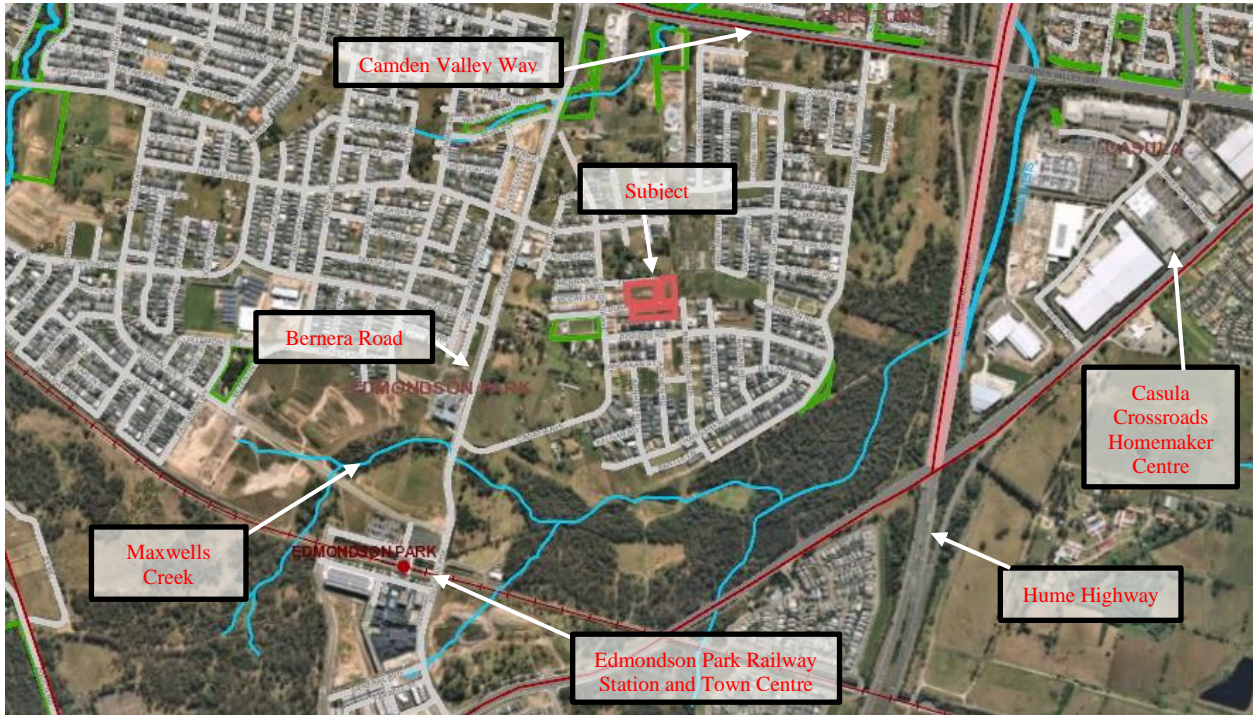


Figure 2: Locality Surrounding the Proposed Development (Source: Geocortex)

3. BACKGROUND/HISTORY

- The subject DA was lodged with Council on 21 May 2021.
- Request issued to the Applicant for a public domain plan on 7 June 2021. Submitted by the Applicant on 11 June 2021.
- 17 September 2021 – Applicant advised of requirement for additional information including bushfire report requirement for integrated development.
- 18 October 2021 – Bushfire report provided by the applicant.
- 25 October 2021 – Referral sent to NSW Rural Fire Service via the NSW Planning Portal.
- 20 December 2021 – NSW Rural Fire Service requested additional information via the NSW Planning Portal. Applicant apparently made aware of this on 19 January 2022.
- 5 January 2022 – Application reallocated to current assessing officer.
- 2 March 2022 – Applicant provided response to the NSW Rural Fire Service request for information.
- 27 March 2022 – General Terms of Approval issued by NSW Rural Fire Service.

| DA No. | Proposed Development | Determination |
|---------------|--|----------------------------|
| DA-270/2017 | Subdivision of one existing allotment into a Torrens Title subdivision of 38 residential lots and 1 residue lot. Construction of roads and associated civil works and OSD. | 3 May 2019 |
| DA-270/2017/A | Modification to DA for staging, civils, road and kerb design, errors and contributions. | 9 September 2019 |
| DA-516/2021 | <i>Subdivision of 3 residue superlots into 23 Torrens Title residential allotments.</i> | <i>Subject Application</i> |

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4. DETAILS OF THE PROPOSAL

This development application seeks the development consent for a residential subdivision to create 23 Torrens title allotments. The application also consists of the connection of these lots to the necessary services required.



Figure 3: Proposed subdivision of site

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 (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008;
 - Part 1: General Controls for All Development; and
 - Part 2.11: Land Subdivision and Development in Edmondson Park

Contributions Plans

- Liverpool Contributions Plan 2008 (Edmondson Park) applies pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

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

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

(a) State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use with the potential under the former SEPP 55 guidelines to be a site that could be potentially contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 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 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.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

| Clause 4.6 - 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 | Contamination and remediation addressed as part of the development consent issued under DA-270/2017 for the subdivision and civil works of the parent allotment, which formed part of the conditions of consent. |
| (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and | The sites are suitable for the future residential use of the land. |

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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 site is not required to be further remediated. This aspect was looked at by Council's Environmental Health Section who have found no issues with the proposal. A standard condition of consent will be included for potential unexpected finds.</p> |
|---|--|

The proposal has provided satisfactory information to demonstrate that the site is suitable for residential use and is in accordance with SEPP (Resilience and Hazards).

(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 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 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

| Clause 11.6 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>Proposal reviewed by Council's Land Development Engineer and considered satisfactory subject to conditions.</p> |
| <p>(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,</p> | <p>The engineering plans were submitted and reviewed by Council's Land Development Engineer. Conditions of consent apply with respect to sediment and erosion mitigation measures.</p> |
| <p>(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),</p> | <p>The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.</p> |
| <p>(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),</p> | <p>Consistent with the strategy.</p> |

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|--|---|
| (f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice, | The application was not required to be referred to the Natural Resource Access Regulator (NRAR) and the proposal is consistent with the guidelines. |
| (g) whether there are any feasible alternatives to the development or other proposal concerned. | No. The site is located in an area nominated for residential development. |
| When this Part applies the following must be taken into account: | Planning principles are to be applied when a consent authority determines a development application. |
| Clause 11.7 Specific Principles | Comment |
| (1) Acid sulfate soils | The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping. |
| (2) Bank disturbance | No bank disturbance is proposed. |
| (3) Flooding | The site is not flood affected. |
| (4) Industrial discharges | Not applicable. |
| (5) Land degradation | The proposed development is unlikely to cause land degradation. |
| (6) On-site sewage management | The site will be connected to a reticulated sewer system. |
| (7) River-related uses | Not applicable. |
| (8) Sewer overflows | Not applicable. |
| (9) Urban/stormwater runoff | Water management details provided in civil engineering details and approved by condition of consent by Council's Engineers. |
| (10) Urban development areas | The area is within an Urban Release Area. |
| (11) Vegetated buffer areas | Not applicable. |
| (12) Water quality and river flows | Erosion and sediment control and salinity measures to be implemented in construction. |
| (13) Wetlands | Not applicable |

It is considered that the proposal satisfies the provisions of the SEPP (Resilience and Hazards) 2021 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject sites are all zoned R1 – General Residential in accordance with the Liverpool Local Environmental Plan 2008. An extract of the zoning map is provided below.



Figure 4 – Extract of LLEP 2008 zoning map

(ii) Permissibility

The development is categorised as subdivision, which is permissible pursuant to Clause 2.6 of the Liverpool Local Environmental Plan 2008.

(iii) Objectives of the zone

The objectives of the R1 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.*

It is considered that the proposal is consistent with these zone objectives in the fact that it will supply housing to the community and propose a density that is in line with the area.

(iv) Principal Development Standards

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

| Clause | Provision | Comment | Complies |
|-------------------------------|--|--|----------|
| Clause 2.6 Subdivision | Land to which this Plan (LLEP 2008) applies may be subdivided with | Consent is being sought for subdivision of land. | Yes |

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| Clause | Provision | Comment | Complies |
|--|---|---|--|
| | development consent. | | |
| Clause 4.1 Minimum Subdivision Lot Size | The development site is identified as having a minimum subdivision lot size of 300 m ² and 450m² | The proposed subdivision has 4 lots at 300.1sqm and 19 lots at 450.1sqm. The four 300.1sqm lots are subject to a Clause 4.6 variation, with 2 of these lots straddling the zone boundary for minimum lot size. | Considered acceptable – see Clause 4.6 - Variation assessment below. |
| Clause 4.3 Height of Buildings | The development site is identified as having a maximum building height of 12m and 8.5m. | No built form is proposed. | N/A |
| 4.6 Exceptions to Development Standards | Provisions relating to exceptions to development standards | Clause 4.6 request to vary Clause 4.1 Minimum Lot Size considered as part of this application. | See 4.6 discussion below. |
| Clause 6.5 Public Utility Infrastructure | Public utility infrastructure must be available | Provided by conditions of consent but servicing should be available to the sites as the surrounding lots are registered and developable and servicing arrangements were made under Development Consent DA-270/2017. | Complies by conditions |
| 7.7 Acid Sulfate Soils | Class 1, 2, 3, 4 or 5 | The site is not mapped as containing acid sulfate soils. | N/A |
| 7.8 Flood Planning | To minimise the flood risk to life and property associated with the use of land | The site is not mapped as flood prone land. | N/A |
| Clause 7.11 Minimum Dwelling Density | The site is subject to a minimum dwelling density of 14dw/ha for majority of the site and 17dw/ha for small portion straddling west of Lot 321. | 23 lots achieved in 1.353ha (including roads) 16.99dw/ha overall | Yes |

Clause 4.6 – Exceptions to development standards (Variation to Clause 4.1 Minimum lot size)

Clause 4.1 (3) of the LLEP 2008 states;

“The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.”

The subject proposal seeks a variation to the minimum subdivision lot size contained in LLEP 2008. As stated in the LLEP 2008 table above, the minimum lot required for subdivision is 300m² and 450m². Proposed Lots 416, 417, 418 and 419 are proposed to have a lot size of be 300.1m². Lots 417 and 418 are mapped as having the zone boundary line between two adjoining minimum lot size areas, being 300sqm and 450sqm. Lots 416 and 419 are located within the area where the minimum lot size is 450m². Therefore, a variation of 149.9m² (33.3% variation) is proposed to the minimum required subdivision lot size sought for each of Lots 416 to 419, although Lots 417 and 418 are to be located on land which is mapped as having a minimum lot size of both 300sqm and 450sqm.

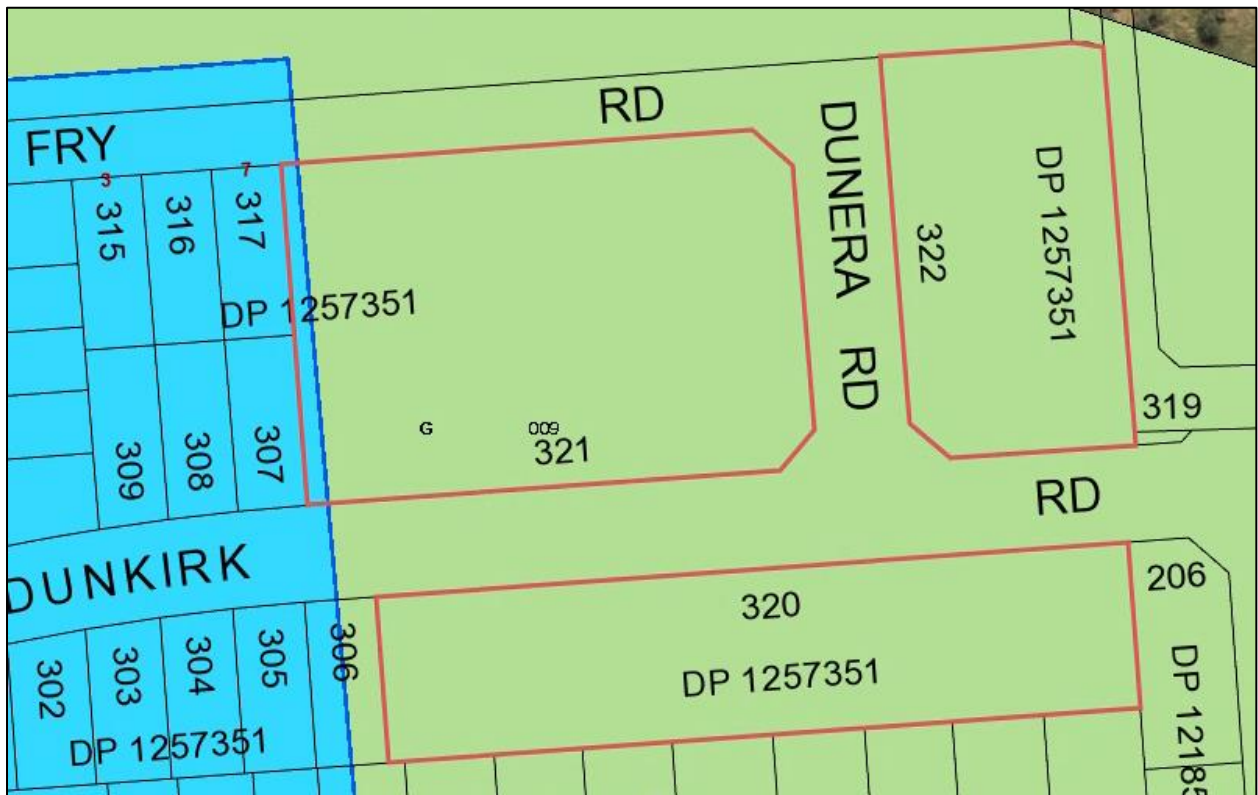


Figure 5 – Extract of LLEP 2008 minimum lot size map

Consequently, pursuant to Clause 4.6 of the LLEP 2008 the applicant has submitted a written request seeking a variation to the minimum subdivision lot size control as prescribed by Clause 4.1.

The objectives of Clause 4.6(1) are as follows:

- (a) *“to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

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- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*”

Clause 4.6(3) prescribes:

“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.*”

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

The applicant submitted a Clause 4.6 Variation Statement to the Minimum Lot Size Development Standard, dated 19 May 2021, in order to justify the variation described above. In conjunction with an examination of case law regarding 4.6 Variations, this document provides the following justifications based on the merits of the proposal:

Variation to Minimum Lot Size, Clause 4.1:

(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Four allotments (416 to 419) are 300m² in area with frontages of 11.1m. The minimum lot size boundary bisects Lots 417 and 418. As a result of historic subdivision approvals under Development Consent DA-270/2017, the balance land area between the 450m² lots and approved allotments is not sufficient to accommodate 450m² allotments. As such, Lots 416 and 419 are proposed to be 300m², consistent in streetscape and character to the existing approved allotments to the west.

The roadways approved under DC 270/2017 have now been constructed. As such, the residue lots as approved form set boundaries. The dimensions of residue Lot 321 do not accommodate delivery of sequential 450m² allotments between the eastern edge along Dunera Road and the constructed allotments along the western boundary. There is no scope to amend Lot 321, and as such, this application adopts an alternate lot size for two allotments, to allow the delivery of standard 300m² and 450m² allotments.

The NSW Land and Environment Court had established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (Refer Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 & Wehbe v Pittwater Council [2007] NSW LEC 827). The most common and appropriate manner of demonstrating that compliance is unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

The following discussion provides a response to each of the five (5) "tests" established by the court and demonstrates above that the objectives of the standard are achieved notwithstanding the noncompliance.

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We have also included Test 1(a) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the lot size standard at Clause 4.1 are as follows:

(a) to ensure that lot sizes are consistent with the desired residential density for different locations,

Comment:

The residential density for the subject land is listed as being a minimum density of 14 dwellings per hectare. The subject allotments directly adjoin land mapped as being a minimum of 17 dwellings per hectare. The proposal achieves a density of 17.4 dwellings per hectare, which is consistent with the intended density outcomes in the locality. The proposal is consistent with this objective.

(b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

Comment:

The proposed 300m² allotments (being lots 416 to 419) are consistent in lot width and depth to the adjoining allotments to the west approved under Development Consent DA-270/2017. Future dwellings are able to be accommodated on the allotments under both Council's Development Control Plan and NSW Housing Code. The proposal is consistent with this objective.

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

Comment:

The proposal does not result in any fragmentation of land. The proposal is consistent with this objective.

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

Comment:

The proposal does not incorporate any allotments on classified roads. Not applicable to this application.

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

Comment:

The proposed subdivision will not have any impact and the amenity of neighbouring properties.

The allotments are able to accommodate dwelling designs which are fully compliant with the DCP and relevant state policies. The proposal is consistent with this objective.

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

Comment:

The subdivision is wholly consistent with the predominant pattern and lot sizes within the locality and adjoining the proposed allotments. The proposed 300m² allotments are identical in width and depth to the adjoining allotments to the west. The proposal is consistent with this objective.

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

Comment:

The site is not situated in an area which accommodates any natural or cultural features. There are no key view lines or vegetation identified within the site or in proximity of the land. Not applicable to this application.

Test 1(a). The objectives of the zone

To provide for the housing needs of the community.

Comment:

The proposal seeks approval for the delivery of 23 residential allotments which will provide for the housing needs of the community. The proposal is consistent with the objective.

To provide for a variety of housing types and densities

Comment:

The proposal incorporates a range of lot sizes and frontages which will contribute to the variety of housing types and densities within the locality. The proposal is consistent with the objective.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment:

Not Applicable as the proposal does not seek approval for other (non-residential) land uses.

To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.

Comment:

The proposal seeks approval for a range of lot sizes and densities which transition from 450m² to 300m² directly adjacent to land identified to accommodate higher density development. The proposal is consistent with the objective.

To facilitate development of social and community infrastructure to meet the needs of future residents.

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Comment:

Not Applicable as the proposal does not seek approval for community infrastructure.

Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The application does not rely on this test for approval.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The application does not rely on this test for approval.

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The application does not rely on this test for approval.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The application does not rely on this test for approval.

Given the review above, strict compliance with the development standard is unnecessary.

Council Assessment of variation proposed

- The departure from the development standard is limited to two allotments within the land mapped with a minimum lot size of 450sqm. 2 allotments are bisected by the minimum lot size map and are mapped as having a minimum lot size of 300sqm and 450sqm.
- Residue lot 321 on which the variation occurs, is already set in its lot boundaries as the existing road network is already constructed. The subdivision of this land to be consistent with the minimum lot size of 450sqm for the majority of the site would result in lots much bigger than anticipated (600sqm) in an area where it would be a transition from 300sqm to 450sqm.
- Having a smaller lot size does not impact on the development potential of each allotment.
- This subdivision is one of the final subdivisions in the immediate locality that has land which straddles the minimum lot size boundary and therefore, this development is unlikely to set an undesirable precedent in the area, due to the existing site constraints which cannot be altered as well as the level of surrounding development.
- Adjoining subdivisions to the north and south of the site have incorporated variations to the minimum lot sizes proposed where the parent sites included a split in the minimum lot size mapping. Although variations were not to the extent proposed, these occurred over more allotments in the development, whereas this development proposes variations directly to the lots impacted, providing consistency with the minimum lot size through the rest of the development and allowing more compliance in the design of the subdivision as opposed to having multiple lots within the block requiring variations until the 450sqm minimum lot size can be met within the lot layout design.

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- The proposal is still within the characteristics of the density band of the site and is not considered to propose a density level which exceeds the specified band. Although right on the threshold at 16.99dw/ha, the development enables a subdivision pattern that is in the context of the area and is consistent with the objectives of the development standard and the zone.
- Besides the variation to minimum lot size given the circumstances, the applicant has enabled the proposal to achieve full compliance with all applicable requirements of the LLEP 2008 and LDCP 2008. Ensuring full compliance with all applicable standards and controls is considered to demonstrate that compliance with the standard is unreasonable in this case as the development can be sited with full adherence to local provisions and any future development on the allotments would still be able to provide a variation of housing products suitable for the area and provide for the housing needs for the community.

(b) There are sufficient environmental planning grounds to justify contravening the development standard

A detailed Statement of Environmental Effects (SEE) has been prepared and submitted with this application and provides a comprehensive environmental planning assessment of the proposed development. The SEE has demonstrated that the proposal is compliant with all adopted planning controls and guidelines for the site. The SEE has also demonstrated that there are no adverse environmental impacts as a result of the proposal.

The site is well located to provide walkable access to both the Edmondson Park Town Centre (400m) and the existing Rail Station (800m). The site is also situated in close proximity to pedestrian and cycle paths which facilitate access around Edmondson Park. The subject allotments are wholly consistent with the adjoining allotments and allotments on the southern side of the roadway in terms of sizes and widths providing consistency in the streetscape presentation.

Housing affordability and housing diversity are critical issues within the Sydney Metropolitan Region at present. This application provides an opportunity to immediately deliver supplementary housing supply and provide additional diversity in housing product available through a minor variation to the minimum lot size. The proposed allotments are able to accommodate dwellings which meet all relevant design controls and will provide for a consistent streetscape and built form within the locality.

The allotments subject to the variation are situated directly adjoining and opposite allotments of identical size and width and are well located to provide walkable access to the planned town centre, transport facilities and pedestrian / cycle connections. The proposal is therefore considered to be in the public interest.

Council Assessment of variation proposed

- The DA also is fully consistent with the provisions of the relevant SEPP's, as previously demonstrated in this report;
- The proposal has been made to suit the site attributes in order to reduce the scope of variations required to the minimum lot size.
- this subdivision is one of the final subdivisions in the immediate locality that has land which straddles the minimum lot size boundary and therefore, this development is unlikely to set an undesirable precedent in the area, due to the existing site constraints which cannot be altered as well as the level of surrounding development.

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- Adjoining subdivisions to the north and south of the site have incorporated variations to the minimum lot sizes proposed where the parent sites included a split in the minimum lot size mapping. Although variations were not to the extent proposed, these occurred over more allotments in the development, whereas this development proposes variations directly to the lots impacted, providing consistency with the minimum lot size through the rest of the development and allowing more compliance in the design of the subdivision as opposed to having multiple lots within the block requiring variations until the 450sqm minimum lot size can be met within the lot layout design.
- The proposed subdivision pattern is considered to be regular and consistent with the precinct and as such is considered to be an orderly development of the site.
- The development proposes residential lots that can accommodate dwellings and achieve appropriate amenity based on full compliance with relevant state and local policies. In this regard, refusing the application based on non-compliance with the minimum lot size requirement is unlikely to provide additional benefit to the locality.
- The development is considered to satisfy all of the relevant heads of consideration as per Section 4.15 (1) of the Act.

As a result of the assessment above, it is also considered that compliance with the minimum lot size development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The objectives of the Minimum Lot Size clause have also been addressed, as well as the objectives of the zone.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.1 Minimum subdivision lot size in this instance.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

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

The objectives of the minimum lot size standard are as follows:

- *To ensure that lot sizes are consistent with the desired residential density for different locations,*
- *To ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- *To prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*
- *To minimise traffic impacts resulting from any increase in the number of lots on classified roads,*
- *To minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- *To ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- *To ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.*

Comment: It is considered the proposed development would meet the objectives Development Standard 4.1 Minimum subdivision lot size, as listed below:

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- (a) *To ensure that lot sizes are consistent with the desired residential density for different locations.*

Comment: Edmondson Park is an area currently being developed and transitioning to an urban character. The density of the development is consistent with the site and intended density outcomes in the locality. Subsequently the proposed subdivision would still reflect the current desired subdivision pattern of the area which incorporates a combination of small and larger allotments providing housing variety and opportunities for more affordable dwelling designs while still achieving orderly development and a typical subdivision pattern.

- (b) *To ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.*

Comment: The proposed allotments will still be able to accommodate development that is suitable for its purpose and are consistent in lot width and depth to adjoining development in the locality. Future dwellings are able to be accommodated on the site in accordance with the relevant state and local policies, in particular compliance with Liverpool Development Control Plan 2008.

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

Comment: The proposal would not result in a fragmentation of land and would enable the extent of development to occur which is envisioned for this locality in an orderly manner.

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

Comment: The proposed development is not on a classified road and is expected to maintain safety of the network for vehicle and pedestrian movements.

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

Comment: The proposed subdivision pattern will accommodate dwelling houses and achieve appropriate amenity for neighbouring properties based on compliance with relevant state and local policies. The subdivision pattern would be consistent with the area and refusing the application based on non-compliance with the minimum lot size requirement would not provide nor reduce any additional benefit to the amenity of neighbouring properties. Additionally, maintaining a minimum lot size of 450sqm across the rest of the development would be beneficial to those neighbouring properties to the west as their lot sizes are consistent with the minimum lot size and are not varied to be below the minimum lot size, thus further restricting potential housing products on the site.

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

Comment: The proposed subdivision would reflect the predominant desired subdivision pattern of the area and is considered to be an orderly arrangement for this type of development on a corner lot.

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

Comment: The subject site does not contain any heritage items or special features such as significant trees or views, therefore the proposed lot sizes would allow appropriate siting of future dwellings.

Consistency with objectives of the zone – R1 – General Residential

Objectives of Zone R1 – General Residential

- *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.*

Comment: Based on the assessment of Clause 4.6 Variation provided above, the development is considered to be consistent with the objectives of the R1 – General Residential zone as it provides for the housing needs of the community by providing additional more affordable lot sizes for development and it still allows for a variety of types of housing to be proposed in consistency with the density envisaged for the area. The site is also located within an area close by to the Edmondson Park Town Centre, public transport including the railway station and is also within close proximity to public recreation areas and schools.

Consistency with Clause 4.6 objectives

Objectives of Clause 4.6 Exceptions to development standards:

- (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 the Minimum Lot Size development standard applicable to the subject site based on the town planning assessment of the Clause 4.6 Variation provided above. It is considered that achieving a reduced minimum lot size in this instance is unlikely to result in detrimental impacts to the built and natural environments and the development is consistent with the characteristics of the zone, locality and density envisioned for the area.

Recommendation

With considerations to the discussion above, the proposed variation to Clause 4.1 – Minimum lot size, adequately addresses the provisions of Clause 4.6 including the objectives of the development standard and the zoning. The proposal is also considered to be in the public interest and is therefore supported in this instance.

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 proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposed subdivision has been assessed under the following Parts of the LDCP 2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA;.
- Part 2.11 of the LDCP 2008 for Development in Edmondson Park

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008, except for Part 1 - Section 21 – Subdivision of Land and Buildings, in which the proposed development is subject to a Clause 4.6 variation to Minimum lot Size as discussed previously in this report and is considered to be acceptable. This control is discussed below as well as in an extract from the LDCP 2008 compliance table.

- Section 21. Subdivision of Land and Buildings
 - The development site is identified as having a minimum subdivision lot size of 300m² and 450m².
 - As discussed in Principal Development Standards CI4.1, the proposal incorporates a Clause 4.6 variation for some allotments and is deemed to be acceptable.
 - In R1 Zones where minimum lot size is 450m², minimum lot width is 12m and where minimum lot size is 300m², minimum lot width is 9m.
 - The minimum allotment widths throughout the development are mostly in compliance with the DCP, besides for Lots 16-19 subject to the Clause 4.6 variation, where they meet the minimum allotment width for lots with a minimum lot size of 300sqm.
 - These lots have a width of 11.115m which is in excess of the requirement for 300sqm lots and is considered to be a minor variation of 7.38% to the requirement of 12m for 450sqm lots.
 - The variation to the lot width is considered to be acceptable in the circumstances.

| LDCP 2008 - Part 1 General Controls for all Development | | | |
|--|--|---|--------------------------|
| Development Control | Provision | Comment | Complies |
| Section 21. Subdivision of Land and Buildings | The development site is identified as having a minimum subdivision lot size of 300m ² and 450m ² . | As discussed in Principal Development Standards CI4.1, the proposal incorporates a CI4.6 variation for some allotments. | As per CI 4.6 discussion |
| | Minimum Lot width: In R1 Zones where minimum lot size is | The minimum allotment width proposed is mainly | Considered Acceptable |

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| | | | |
|--|--|---|--|
| | 450m ² , minimum lot width is 12m and where minimum lot size is 300m ² , minimum lot width is 9m | compliant, besides where varied by C14.6 variation. | |
|--|--|---|--|

All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 1.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code. Accordingly, appropriate conditions of consent will be imposed where the NCC is relevant to the proposed subdivision works.

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. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

(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 is unlikely to generate any identifiable detrimental social impacts.

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 provisions that are applicable to development in the locality. It is therefore considered that the site is suitable for the proposed development.

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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 |
|---------------------------------|---|
| Land Development Engineering | Supported, subject to conditions of consent |
| Natural Environment – Landscape | Supported, subject to conditions of consent |

(b) External Referrals

| AGENCY | COMMENTS |
|------------------------|----------------------------------|
| NSW Rural Fire Service | General Terms of Approval issued |
| Endeavour Energy | No objection subject to comments |
| Sydney Water | No objection subject to comments |

(c) Community Consultation

The proposal was not required to be notified in accordance with Liverpool Community Participation Plan 2019. No submissions have been received on the application.

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

Approval of the proposed development is not contrary to the public interest. The development is consistent with the objectives of the R1 zone and may be conditioned to comply with the relevant provisions of the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with the Liverpool Contributions Plan 2008 (Edmondson Park).

A Special Infrastructure Contribution condition is also required.

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, LDGP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in 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.

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9. RECOMMENDATION

That Development Application DA-516/2021 seeking approval for the subdivision of 3 residue superlots into 23 Torrens Title residential allotments, be approved subject to conditions of consent.

10. REPORT ATTACHMENTS

- 1. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES**
- 2. PLANS OF THE PROPOSAL**
- 3. APPLICANT'S SECTION 4.6 VARIATION JUSTIFICATION**
- 4. CONDITIONS OF APPROVAL WITH ASSOCIATED EXTERNAL COMMENTS AND 7.11. PAYMENT FORM**

REPORT ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

| LDCP 2008 - Part 1 General Controls for all Development | | | |
|---|--|--|--------------------------|
| Development Control | Provision | Comment | Complies |
| Section 2. Tree Preservation | Controls relating to the preservation of trees | The sites are currently vacant and there is minimal vegetation. | Yes |
| Section 3. Landscaping and Incorporation of Existing Trees | Controls relating to landscaping and the incorporation of existing trees. | A landscape plan was submitted with the application demonstrating the street trees to be planted. Conditions of consent will apply regarding street trees and species. | Complies with conditions |
| Section 4 Bushland and Fauna Habitat Preservation | Controls relating to bushland and fauna habitat preservation | The site is mapped as bio-certified land. As such, further assessments on flora and fauna is not required. | Yes |
| Section 5. Bush Fire Risk | Controls relating to development on bushfire prone land. | The sites are mapped as bushfire prone land. General Terms of Approval have been provided by the NSW Rural Fire Service. | Complies with conditions |
| 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. | This aspect has been reviewed by Council's Land Development Engineer, who have raised no issues subject to conditions. | Yes |
| 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. | The proposal is not within 40m of a watercourse. | N/A |
| Section 8. Erosion and Sediment Control | Erosion and sediment control plan to be submitted. | Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented. | Complies with conditions |
| Section 9. Flooding Risk | Provisions relating to development on flood prone land. | The site is not identified as flood prone land. | N/A |

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| | | | |
|---|--|---|--------------------------|
| Section 10. Contaminated Land Risk | Provisions relating to development on contaminated land. | As per SEPP (Resilience and Hazards) 2021, contamination and remediation addressed as part of the parent Development Consent DA-270/2017. The development is considered acceptable and the sites are suitable for the future residential use of the land. | Yes |
| Section 11. Salinity Risk | Provisions relating to development on saline land. | Development to comply with the BCA requirements. | Complies with conditions |
| Section 12. Acid Sulphate Soils | Provisions relating to development on acid sulphate soils | The development site is not identified as containing acid sulphate soils. | N/A |
| Section 13. Weeds | Provisions relating to sites containing noxious weeds. | The site is not identified as containing noxious weeds. | N/A |
| Section 14. Demolition of Existing Development | Provisions relating to demolition works | No demolition proposed. | N/A |
| Section 15. On Site Sewage Disposal | Provisions relating to OSMS. | OSMS is not proposed. | N/A |
| 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. | The development site is not mapped as a potential area containing Aboriginal archaeology. Aboriginal Cultural Heritage assessed as part of DA-270/2017 and was considered acceptable subject to conditions of consent | Yes |
| Section 17. Heritage and Archaeological Sites | Provisions relating to heritage sites. | The development site is not identified as a heritage item or located within close proximity to a heritage item. | N/A |
| Section 20. Car Parking and Access | This section of the DCP specifies requirements in relation to vehicular access and car parking. | The proposed subdivision will result in allotments of an area capable of providing complying car parking and access to each Lot. | Yes |
| Section 21. Subdivision of Land and Buildings | The development site is identified as having a minimum subdivision lot size of 300m ² and 450m ² . | As discussed in Principal Development Standards Cl4.1, the proposal incorporates a Cl4.6 variation for some allotments. | As per Cl 4.6 discussion |
| | Minimum Lot width: In R1 Zones where | The minimum allotment width proposed is mainly | Considered Acceptable |

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| | | | |
|--|--|--|-----------------------|
| | minimum lot size is 450m ² , minimum lot width is 12m and where minimum lot size is 300m ² , minimum lot width is 9m | compliant, besides where varied by Cl4.6 variation. | |
| Section 22 and Section 23. Water Conservation and Energy Conservation | New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). | The application does not propose the construction of new dwellings. | N/A |
| Section 25. Waste Disposal and Re-use Facilities | Provisions relating to waste management during construction and on-going waste. | Waste not expected from proposed works, however, will be conditioned to ensure a waste management plan is provided prior to CC due to need for servicing lots. | Complies by condition |
| Section 26. Outdoor Advertising and Signage | Provisions relating to signage. | No signage proposed | N/A |
| Section 27. Social Impact Assessment | Provisions relating to social impact. | Social impact comment is not required. | N/A |

Consideration of LDCP 2008, Part 2.11 Development in Edmondson Park

The table below provides an assessment of the proposal in relation to the relevant sections of Part 2.11 of the Liverpool DCP 2008.

| DEVELOPMENT CONTROL | PROPOSAL | COMMENT |
|--|--|------------------------|
| PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK | | |
| 1.1 INDICATIVE LAYOUT To be in accordance with Figure 2 of the DCP | The Indicative Layout Plan is not impacted by the proposed development. The roads are existing and already built with the ILP being varied as part of Development Consent DA-270/2017. | Complies |
| 2.1 STREET NETWORK AND ACCESS Subdivision plans must indicate street type. | The proposed road layout and dimensions conform to the expected network pattern in the DCP as per the original development application in which the roads were constructed. | Complies |
| 2.2 PEDESTRIAN AND CYCLEWAY NETWORK Plans indicating non-vehicular connections and links in residential areas | The pedestrian and cycleway network and features were considered as part of development application DA-270/2017. | Complies |
| 2.3 STREETSCAPE AND STREET TREES Minimum of two trees per six metres of frontage | Landscaping plan provided for street tree planting and to be in accordance with DCP requirements. Conditions of consent will be imposed. | Complies by conditions |
| 2.4 OPEN SPACE | The proposal does not incorporate any | N/A |

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|---|--|------------------------|
| Provision of open space within the Edmondson Park precinct | provisions for public open space. | |
| 2.5 ENVIRONMENTAL MANAGEMENT Protection of vegetation and riparian corridors | The site does not have any significant vegetation which requires protection and there are no riparian corridors and waterways over the site. | N/A |
| 2.6 WATER CYCLE MANAGEMENT Appropriate management of stormwater quality and quantity | The proposed stormwater system for the site complies with the requirements of this section of the DCP. This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions. | Complies by conditions |
| 2.7 CONTAMINATION Potential for contamination to be assessed. | Contamination and remediation addressed as part of the original Development Consent DA-270/2017. This aspect was reviewed by Council's Environmental Health Section who have found no issues with the proposal. | Complies |

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REPORT ATTACHMENT 2: PLANS OF THE PROPOSAL

NOTE

- THIS PLAN IS NOT A PLAN OF TITLE AND SHOULD BE REFERRED TO AS A CONCEPTUAL PLAN.
- THE REFERENCE TO 'CONCEPTUAL' MEANS THAT THE PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES AND SHOULD BE REFERRED TO AS A CONCEPTUAL PLAN.
- DISTANCE AND AREA ARE BY TITLE AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- ALL AREAS ARE SUBJECT TO RURAL SURVEY AND RURAL DEVELOPMENT CONSIDERATIONS.
- ALL SERVICES ARE TO BE LOCATED AS SHOWN ON THE PLAN AND SHOULD NOT BE LOCATED ANYWHERE ELSE.
- ANY SERVICES TO BE PROVIDED BY THE SERVICE PROVIDERS SHOULD BE CONTACTED BY THE APPLICANT TO CONFIRM THE LOCATION AND SPECIFICATIONS OF THE SERVICES.
- THE PLAN IS SUBJECT TO LOCAL PLANNING PANEL APPROVAL AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE APPROVAL OF THE LOCAL PLANNING PANEL.
- THE PLAN IS SUBJECT TO LOCAL PLANNING PANEL APPROVAL AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE APPROVAL OF THE LOCAL PLANNING PANEL.
- THE TITLE BLOCK AND THE NOTES FORM AN INTEGRAL PART OF THIS PLAN AND SHOULD NOT BE REMOVED WITHOUT THE CONSENT OF NORTH WESTERN SURVEYS PTY LTD.

| PLAN NO. | DESCRIPTION | DATE | BY |
|----------|----------------|------------|----|
| 00 | ORIGINAL ISSUE | 12/03/2021 | |

| SUBMITTER | | PROJECT MANAGER | |
|-------------------|------------|-------------------|------------|
| A.S. | J.W. | J.W. | J.W. |
| 12/03/2021 | 12/03/2021 | 12/03/2021 | 12/03/2021 |
| SCALE @ A2 | SCALE @ A3 | SCALE @ A4 | SCALE @ A5 |
| 1:500 | 1:500 | 1:500 | 1:500 |
| PROJECT REFERENCE | | PROJECT REFERENCE | |
| M.G.A. | | M.G.A. | |
| 17209/205-DA | | 17209/205-DA | |

NORTH WESTERN SURVEYS

SURVEYING CIVIL ENGINEERING PROJECT MANAGEMENT
LAND DEVELOPMENT CONSULTANTS WATER SERVICES COORDINATION

PHONE (01) 961 2040 FAX (01) 961 2041 WEBSITE www.nwstps.com.au

THE PLAN OF PROPOSED SUBDIVISION

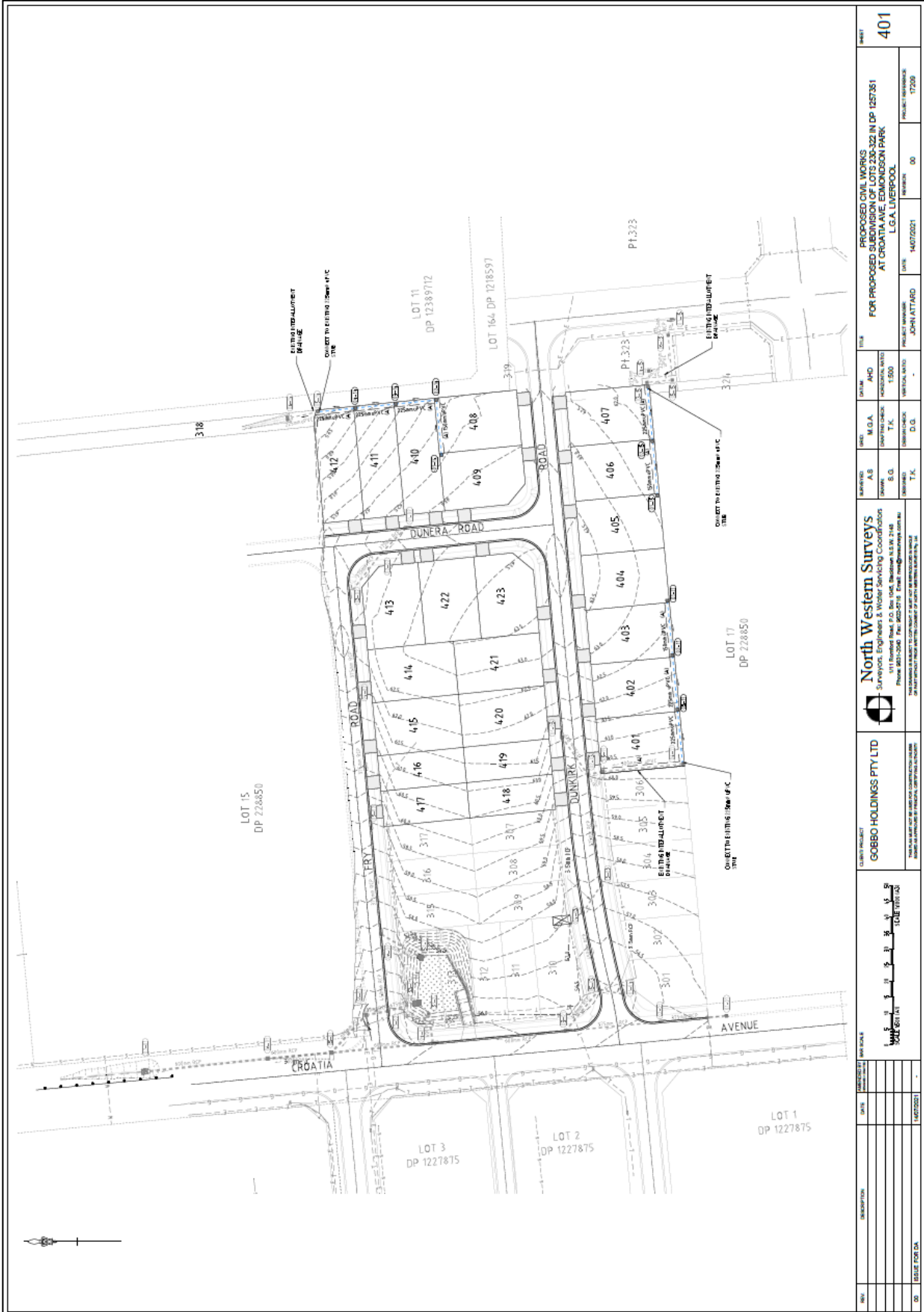
LOTS 250-322
DP 1257351
CROATIA AVENUE, AUSTRAL
L.G.A. LIVERPOOL

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LIVERPOOL CITY COUNCIL

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LANDSCAPE AND PLANTING SPECIFICATION FOR SCREENING TREES

IN ORDER TO COMPLEMENT THE VISUAL QUALITY OF THE DEVELOPMENT, SCREENING TREES WILL BE PLANTED ALONG THE PERIMETER OF THE DEVELOPMENT. THE SCREENING TREES WILL BE PLANTED IN A MANNER THAT PROVIDES VISUAL SCREENING OF THE DEVELOPMENT FROM THE PUBLIC HIGHWAY AND ADJACENT PROPERTIES.

- SCREENING TREES WILL BE PLANTED ALONG THE PERIMETER OF THE DEVELOPMENT, WITH A PARTICULAR EMPHASIS ON THE PERIMETER ADJACENT TO THE PUBLIC HIGHWAY.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM SPACING OF 3 METRES BETWEEN INDIVIDUAL TREES.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM HEIGHT OF 3 METRES AT THE TIME OF PLANTING.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM WIDTH OF 3 METRES FROM THE PERIMETER OF THE DEVELOPMENT.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM SPACING OF 3 METRES BETWEEN INDIVIDUAL TREES.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM HEIGHT OF 3 METRES AT THE TIME OF PLANTING.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM WIDTH OF 3 METRES FROM THE PERIMETER OF THE DEVELOPMENT.

NOTES:

- PLANTING SHALL BE IN ACCORDANCE WITH THE LIVERPOOL CITY COUNCIL PLANTING SPECIFICATION (LSCPS) 2018.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM SPACING OF 3 METRES BETWEEN INDIVIDUAL TREES.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM HEIGHT OF 3 METRES AT THE TIME OF PLANTING.
- SCREENING TREES SHOULD BE PLANTED AT A MINIMUM WIDTH OF 3 METRES FROM THE PERIMETER OF THE DEVELOPMENT.

PLANTING SCHEDULE

| ROAD | TREE TYPE | QUANTITY |
|----------------|-----------|----------|
| SMITH ROAD | BEHIND | 4 |
| ST. JOHNS ROAD | BEHIND | 5 |
| SMITH ROAD | BEHIND | 4 |

IN SUBJECT TO SEPARATE ANNUAL APPROVAL

PLANTING DETAIL

PLANNING PANEL REPORT

DATE: 15/05/2023
 DRAWN BY: J. SMITH
 CHECKED BY: M. SMITH
 SCALE: 1:500

PROJECT: PUBLIC DOMAIN PLAN FOR PROPOSED SUBDIVISION OF LOTS 233-322 IN DP 1527351 AT CROATIA AVENUE, EDMONDSON PARK, L.G.A. LIVERPOOL.

CLIENT: JOHN ATTMAD
 DRAWING NO: 140770221

DATE: 30/05/2023

PROJECT NUMBER: 172309

1:1 - HORIZONTAL SCALE
 1:1 - VERTICAL SCALE

**REPORT ATTACHMENT 3 – APPLICANT’S SECTION 4.6
VARIATION JUSTIFICATION**



CLAUSE 4.6 VARIATION REQUEST

RESIDENTIAL SUBDIVISION

Dunera Road
Edmondson Park

May 2021

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 30th May

Client: **Gobbo Holdings**
Document Type: **Clause 4.6 Variation Request**
Document Title: **Residential Subdivision | Development Application | Dunera Road,
Edmondson Park**
Version: **DA Issue – Revision B**
Issue Date: **19 May 2021**



Prepared By: **Michael Rodger | Director**



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| 2.2 | Site Context | 2 |
| 2.3 | Development Consent 270 / 2017 | 5 |
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| 5 | Is the Variation in the Public Interest | 12 |
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1 INTRODUCTION

On behalf of the proponent, we submit this Clause 4.6 variation request which accompanies a Development Application for the residential subdivision of the site to create 23 residential Torrens Title allotments.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline, Varying Development Standards: A Guide, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This request should be read in conjunction with the associated Statement of Environmental Effects (SEE) and supporting documentation lodged with the Development Application.

This proposal seeks support for a minor variation to deliver two allotments with a minimum lot size of 300m². These allotments directly adjoin the mapped minimum 300m² lot size area.

The subject site is situated within the Liverpool LGA and the Liverpool Local Environmental Plan (LEP) 2008 is the guiding planning instrument in relation to lot size provisions.

Clause 4.6 of the Liverpool LEP 2008 allows the Consent Authority to approve a development which contravenes a development standard, as sought under this application.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility in particular circumstances.

This report, and supporting plans and documentation demonstrate that support for the variation to lot sizes for two allotments is minor in nature. The proposed allotments maintain the intent of the planning provisions in delivering a transition in lot sizes from east to west and will deliver a content streetscape presentation.

2 SITE & CONTEXT

2.1 Land details

The subject site incorporates three allotments, which are residue lots created approved under Development Consent 270/2017.

The allotments are described as lots 320, 321 and 322 1257351, Dunera Road and Dunkirk Road, Edmondson Park.

The allotments have road frontages to Fry Road, Dunera Road, Dunkirk Road and Barbarrosa Road.

The site is located within the Liverpool Local Government Area (LGA).

The subject site incorporates a total land area of approximately 9,750m² and is shown in Figure 2 below.

The land has been cleared and earthworked for future development as part of the subdivision works.

2.2 Site Context

The site is located in the suburb of Edmondson Park within the Liverpool Local Government Area.

The site is well connected to major roads with access to Camden Valley Way to the north via a signalised intersection at Ardennes Ave. Croatia Ave and Soldiers Pde will provide direct vehicular access to Campbelltown Road to the south.

The site is located only 5km from the future Leppington Regional Centre and 6.5km from Liverpool CBD, both accessible by direct rail services from the Edmondson Park station.

The site is located in the south-eastern portion of the Edmondson Park release area, on the southern side of Changsha Road.

The site is situated approximately 400m from the northern edge of the Edmondson Park Town Centre and 800m from the Edmondson Park Railway Station.

Figure 1 below shows the site in its local context.



Figure 1 – Context Plan



Figure 2 – Site Plan

2.3 Development Consent 270 / 2017

Development Consent (DC) 270/2017 was issued by Liverpool Council on the 3rd May 2019, with a subsequent minor modification issued on 9th September 2019, relating to the development description and staging references.

DC 270/2017 granted Torrens Title subdivision approval for the subject land to create 17 residential lots and 7 residue lots and construction of associated roadways and services.

Three of the residue allotments (lots 320, 321 & 322) are the 'subject site' for this application.

The roadways approved under DC 270/2017 have now been constructed. As such, the residue lots as approved form set boundaries.

The dimensions of residue Lot 321 do not accommodate delivery of sequential 450m² allotments between the eastern edge along Dunera Road and the constructed allotments along the western boundary.

There is no scope to amend Lot 321, and as such, this application adopts an alternate lot size for two allotments, to allow the delivery of standard 300m² and 450m² allotments.

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3 OUTLINE OF THE PLANNING INSTRUMENT AND PROPOSED VARIATION

a) What is the name of the environmental planning instrument that applies to the land?

The Environmental Planning Instrument pertaining to the site is the Liverpool Local environmental Plan (LEP) 2008.

b) What is the zoning of the land?

The subject site is zoned R1 General Residential under the Liverpool LEP 2008.

c) What are the objectives of the zone?

The objectives of the R1 General Residential zone under the Liverpool LEP 2008 read 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.*

d) What is the development standard being varied?

This variation request relates to the minimum lot size provisions over the subject site.

The variation relates to two allotments, being lots 416 and 419.

All other allotments meet the minimum lot size provisions.

e) Under what clause is the development standard listed in the environmental planning instrument?

This variation request relates to Clause 4.1 Minimum subdivision lot size, which prescribes minimum lot size requirements over the subject site.

The minimum lot size Maps indicate a minimum lot size of 450m².

f) What are the objectives of the development standard?

The Objectives of Clause 4.3 Height of Buildings 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.

g) What is proposed numeric value of the development standard

The minimum lot size Maps indicate a minimum lot size of 450m².

h) What is proposed in the development application?

The Development Application seeks approval for the subdivision of the site to create 23 residential Torrens Title allotments.

The proposed variation relates only to 4 of the 23 allotments.

4 FIVE PART TEST

Clause 4.6 provides appropriate flexibility in the application of development standards to achieve enhanced planning and urban design outcomes where appropriate.

As required under Clause 4.6 (3) the proposed variation to lot sizes is considered appropriate as follows:

(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The NSW Land and Environment Court had established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (*Refer Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 & Wehbe v Pittwater Council [2007] NSW LEC 827*). The most common and appropriate manner of demonstrating that compliance is unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

The following discussion provides a response to each of the five (5) "tests" established by the court and demonstrates above that the objectives of the standard are achieved notwithstanding the noncompliance.

We have also included Test 1(a) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the lot size standard at Clause 4.1 are as follows:

(a) to ensure that lot sizes are consistent with the desired residential density for different locations,

Comment:

The residential density for the subject land is listed as being a minimum density of 14 dwellings per hectare.

The subject allotments directly adjoin land mapped as being a minimum of 17 dwellings per hectare.

The proposal achieves a density of XX dwellings per hectare, which is consistent with the intended density outcomes in the locality.

The proposal is consistent with this objective.

(b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

Comment:

The proposed 300m² allotments (being lots 416 to 419) are consistent in lot width and depth to the adjoining allotments to the west approved under Development Consent 270/2017.

Future dwellings are able to be accommodated on the allotments under both Council's Development Control Plan and NSW Housing Code.

The proposal is consistent with this objective.

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

Comment:

The proposal does not result in any fragmentation of land.

The proposal is consistent with this objective.

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

Comment:

The proposal does not incorporate any allotments on classified roads.

Not applicable to this application.

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

Comment:

The proposed subdivision will not have any impact and the amenity of neighbouring properties.

The allotments are able to accommodate dwelling designs which are fully compliant with the DCP and relevant state policies.

The proposal is consistent with this objective.

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

Comment:

The subdivision is wholly consistent with the predominant pattern and lot sizes within the locality and adjoining the proposed allotments.

The proposed 300m² allotments are identical in width and depth to the adjoining allotments to the west.

The proposal is consistent with this objective.

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

Comment:

The site is not situated in an area which accommodates any natural or cultural features.
There are no key view lines or vegetation identified within the site or in proximity of the land.
Not applicable to this application.

Test 1(a). The objectives of the zone

To provide for the housing needs of the community.

Comment:

The proposal seeks approval for the delivery of 23 residential allotments which will provide for the housing needs of the community.

The proposal is consistent with the objective.

To provide for a variety of housing types and densities

Comment:

The proposal incorporates a range of lot sizes and frontages which will contribute to the variety of housing types and densities within the locality.

The proposal is consistent with the objective.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment:

Not Applicable as the proposal does not seek approval for other (non-residential) land uses.

To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.

Comment:

The proposal seeks approval for a range of lot sizes and densities which transition from 450m² to 300m² directly adjacent to land identified to accommodate higher density development.

The proposal is consistent with the objective.

To facilitate development of social and community infrastructure to meet the needs of future residents.

Comment:

Not Applicable as the proposal does not seek approval for community infrastructure.

Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The application does not rely on this test for approval.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The application does not rely on this test for approval.

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The application does not rely on this test for approval.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The application does not rely on this test for approval.

Given the review above, strict compliance with the development standard is unnecessary.

(b) There are sufficient environmental planning grounds to justify contravening the development standard

A detailed Statement of Environmental Effects (SEE) has been prepared and submitted with this application and provides a comprehensive environmental planning assessment of the proposed development.

The SEE has demonstrated that the proposal is compliant with all adopted planning controls and guidelines for the site. The SEE has also demonstrated that there are no adverse environmental impacts as a result of the proposal.

The site is well located to provide walkable access to both the Edmondson Park Town Centre (400m) and the existing Rail Station (800m).

The site is also situated in close proximity to pedestrian and cycle paths which facilitate access around Edmondson Park.

The subject allotments are wholly consistent with the adjoining allotments and allotments on the southern side of the roadway in terms of sizes and widths providing consistency in the streetscape presentation.

5 IS THE VARIATION IN THE PUBLIC INTEREST

Housing affordability and housing diversity are critical issues within the Sydney Metropolitan Region at present.

This application provides an opportunity to immediately deliver supplementary housing supply and provide additional diversity in housing product available through a minor variation to the minimum lot size.

The proposed allotments are able to accommodate dwellings which meet all relevant design controls and will provide for a consistent streetscape and built form within the locality.

The allotments subject to the variation are situated directly adjoining and opposite allotments of identical size and width and are well located to provide walkable access to the planned town centre, transport facilities and pedestrian / cycle connections.

The proposal is therefore considered to be in the public interest.

6 CONCLUSION

This Clause 4.6 variation request seeks support for a minor variation to two allotments within the proposed subdivision, to provide lot sizes consistent with the adjoining lots to the west and lots on the southern side of Dunkirk Road.

The variation in lot sizes responds to the balance land retained as part of a superlot under Development Consent 270/2017 and provides for an efficient land use outcome.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances.

This variation request is considered appropriate in this circumstance as:

- The proposed allotments subject to the variation are consistent in their size and width with adjoining lots;
- The proposal will facilitate a consistent streetscape presentation;
- The proposed lots are consistent with the intent and principle of the planning provisions to deliver a transition in lot sizes from east to west over the property;
- The allotments are well located to provide walkable access to the planned town centre, transport facilities and pedestrian / cycle connections;
- There no environmental planning impacts relating to the proposed variation;
- The proposal is consistent with the objectives of the R1 General Residential zone;
- The proposal is consistent with the objectives of Clause 4.1 Minimum subdivision lot size, despite the non-compliance.

In this regard, we seek Council's support for the variation as sought.

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REPORT ATTACHMENT 4 – CONDITIONS OF APPROVAL

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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 in accordance with the following approved plans/reports marked as follows, except where modified by the undermentioned conditions.

| Plan Name | Project Reference | Revision | Date | Prepared By |
|------------------------------|--------------------------|-----------------|-------------|-----------------------|
| Plan of Proposed Subdivision | 17209/205-DA | 00 | 12/03/2021 | North Western Surveys |
| Public Domain Plan | 17209 Sheet 901 | 00 | 14/07/2021 | North Western Surveys |

NSW Rural Fire Service (RFS) General Terms of Approval (GTAs)

2. The development is to demonstrate compliance with all relevant General Terms of Approval issued by the NSW Rural Fire Service, dated 27 March 2022 (Attachment 3).

Endeavour Energy Requirements

3. The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 12 July 2021 (Attachment 4).

Sydney Water Requirements

4. The development is to demonstrate compliance with all relevant requirements issued by Sydney Water, issued 6 July 2021 (Attachment 5).

Council Waste-Water Requirements

5. The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

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.

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B. PRIOR TO THE 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.

Site Development Work

7. 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.

BCA Compliance

8. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

Fee Payments

9. 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.

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

Notification

11. The Principal 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

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- (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.

Waste Management Plan

12. A Waste Management Plan is to be submitted to the PCA for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of the Liverpool Development Control Plan and is to include potential waste generation, including any excavation material details and/or volumes during the construction phase. The waste management plan is to also take into account the on-going waste management for the future development.

S138 Roads Act – Minor Works in the public road

13. 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.

Access, Car Parking and Manoeuvring – General

14. 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.

Stormwater Concept Plan

15. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval prepared by North Western Surveys, reference number 17209., revision 00, dated 14-07-2021.
- 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.

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- 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

16. 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.

Retaining Walls on Boundary

17. All retaining walls, if proposed, shall be of masonry construction and must be wholly within the property boundaries, 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.

Inter-allotment drainage

18. 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.

Dilapidation Report

19. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fry Road, Dunera Road and Dunkirk Road is to be submitted to Liverpool City Council. The report is to include, but be not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

Provision of Services – Sydney Water

20. Prior to the issue of a Construction Certificate, an application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, is to 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, prior to the issue of a Construction Certificate.

Provision of Services – Endeavour Energy

21. 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, prior to the issue of a Construction Certificate.

Provision of Services – Telecommunications

22. 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.

C. PRIOR TO WORKS COMMENCING

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

Commencement of work

23. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 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.

Construction Certificates

24. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
25. 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.
26. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

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Notification/Principal Certifying Authority

27. 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.
28. The PCA must advise Council of the intended date to commence work which is the subject of the 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.
29. 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.
30. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Environmental Management

31. 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.

Site Notice Board

32. 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.

Traffic Control Plan

33. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 “Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority’s publication “Traffic Control at Worksites” and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

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

Matters to be addressed prior to commencement of Subdivision Works

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

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

Sediment & Erosion Control

35. 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.

Site Facilities

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

Facilities

37. 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*.

Waste Classification and Disposal of Contaminated Soil and Material

38. 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.

D. DURING CONSTRUCTION

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

Building Inspections

39. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
40. 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).

Security Fence

41. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note: Fencing is not to be located on Council's reserve area.

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Construction Requirements

42. 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.

Drainage Connection

43. If a connection of private drainage to Council's drainage system is required, 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.

Hours of Construction Work and Deliveries

44. 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.

Unidentified Contamination

45. 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.

Contamination

46. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Imported Fill Material

47. 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 (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

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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.

Record Keeping of Imported Fill

48. 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.

Removal of Dangerous and/or Hazardous Waste

49. 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.

Major Filling / Earthworks

50. 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.

Traffic Management

51. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.
52. 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.
53. 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

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submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of material, concrete pours etc.

54. 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.

Street Trees

55. The street trees to be used can be any or all of the following in the locations as shown on the approved plans;
- Eleocarpus reticulatus (Blue Berry Ash)
 - Fraxinus griffithii (Evergreen Ash)
 - Tristianopsis Laurina (Luscious Water Gum)
 - Leptosperum (Teatree)
 - Lagerstroemia (Crepe Myrtle)

Each tree is to have a minimum pot size of 75lt and the tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level.

General Site Works

56. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
57. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
58. 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.
59. 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.
60. 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.
61. 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.

62. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other

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than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

63. 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.
64. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Waste Management Plan

65. The Waste Management Plan approved by the PCA prior to a construction certificate 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.

Waste

66. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
67. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

Vegetation

68. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
69. 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.
70. 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.

Aboriginal Heritage

71. 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.

72. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significance of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate.
73. 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.
74. Copies of all relevant Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

E. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

SPECIAL INFRASTRUCTURE CONTRIBUTION

75. A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative. Information about this special infrastructure contribution can be found on the Department of Planning and Environment regarding arrangements for the making of a payment.

SECTION 7.11 PAYMENT - Liverpool Contributions Plan 2008 – Edmondson Park

76. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2008 Edmondson Park as amended.

The total contribution is **\$690,000** 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.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au. Payment must be accompanied by the attached form.

LIVERPOOL CITY COUNCIL

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Liverpool City Council clearance – Roads Act/ Local Government Act

77. 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.

Completion of subdivision works

78. Prior to the issue of a Subdivision Certificate for each stage, the Principal Certifying Authority shall ensure that all relevant 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.

Subdivision Compliance documentation

79. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans;
 - (b) 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; and
 - (g) Structural Engineer's construction certification of all structures.
 - (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:
 - a. Compaction reports for road pavement construction,
 - b. Compaction reports for bulk earthworks and lot regrading,
 - c. Soil classification for all residential lots, and
 - d. Statement of Compliance.

LIVERPOOL CITY COUNCIL

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Linen Plans & 88B

80. 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 if required.
81. The applicant shall pay the standard fee for purpose of Subdivision Certificate administration of plan checking and release.
82. 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.
83. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
84. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

Service Providers

85. 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.
 - (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.

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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.

Dilapidation Report

86. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
87. All disturbed areas must be turfed and all sediment controls must remain in place until the turf is established well enough to avoid any sediment loss.

Rectification of Damage

88. 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 Fry Road, Dunera Road and Dunkirk Road, will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Footpaths

89. Construction of a 1.5m wide footpath is to be provided for the frontage of Lots 408 & 409 to the satisfaction of the Council.

Street Trees

90. All proposed street trees must be planted or bonded prior to the issue of a Subdivision Certificate in accordance with the approved Public Domain Plan, project no. 17209 Sheet 901, Revision 00, dated 14/07/2021, prepared by North Western Surveys.

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

F. ADVISORY

- (a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- (b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2

LIVERPOOL CITY COUNCIL

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Monday 30th May

Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- (c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designed development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- (e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- (f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- (g) “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.

- (h) 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.

- (i) 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 has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

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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.

- (j) 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.
- (k) 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 letter box positioning and dimensions.
- (l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

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

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the most recent CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: DA-516/2021

APPLICANT: GOBBO HOLDINGS PTY LTD

PROPERTY: LOTS 320 & 321 DUNKIRK ROAD & LOT 318 FRY ROAD,
EDMONDSON PARK
LOTS 320, 321 & 322 IN DP 1257351

PROPOSAL: Subdivision of 3 residue superlots into 23 Torrens Title residential allotments.

| Facilities | Amount (\$) | Job No. |
|-----------------------------------|--------------------|----------------------|
| Community Facilities - Land | \$48,761 | GL.10000001870.10174 |
| Community Facilities - Works | \$0 | GL.10000001870.10175 |
| Open Space and Recreation - Land | \$237,101 | GL.10000001869.10176 |
| Open Space and Recreation - Works | \$0 | GL.10000001869.10177 |
| Transport and Access - Land | \$372,555 | GL.10000001865.10178 |
| Transport and Access - Works | \$0 | GL.10000001865.10179 |
| Drainage - Land | \$21,879 | GL.10000001866.10180 |
| Drainage - Works | \$0 | GL.10000001866.10181 |
| Technical Study Fees Recoverable | \$2,276 | GL.10000001872.10182 |
| Professional Fees | \$7,427 | GL.10000001872.10183 |
| | | |
| TOTAL | \$690,000 | |

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

RECORD OF PAYMENT

Total Amount paid: _____ **Date:** _____

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

**ATTACHMENT 3 – GENERAL TERMS OF APPROVAL
ISSUED BY NSW RURAL FIRE SERVICE**



NSW RURAL FIRE SERVICE

Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: DA-516/2021 (CNR-24011)
Our reference: DA20211123005110-Original-1

ATTENTION: Michael Stephen

Date: Sunday 27 March 2022

Dear Sir/Madam,

**Integrated Development Application
s100B - Subdivision - Subdivision
Dunkirk Road Edmondson Park NSW 2174, (none)**

I refer to your correspondence dated 17/11/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate and in perpetuity, the entire site of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and
- leaves and vegetation debris should be removed.

Water and Utility Services

Intent of measures: 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.

2. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

- This approval is for the subdivision of the land only. Future development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979*.
- The NSW RFS was not able to verify the assessment set out in the bush fire report submitted with the application. The NSW RFS has therefore undertaken an independent assessment of the proposal to determine compliance with *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Alastair Patton
Supervisor Development Assessment & Plan
Built & Natural Environment

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 30th May



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision - Subdivision
Dunkirk Road Edmondson Park NSW 2174, (none)
RFS Reference: DA20211123005110-Original-1
Your Reference: DA-516/2021 (CNR-24011)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alastair Patton

Supervisor Development Assessment & Plan
Built & Natural Environment

Sunday 27 March 2022

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 30th May

ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS



Chief Executive Officer
Liverpool City Council

12 July 2021

ATTENTION: Emmanuel Torres

Dear Sir or Madam

I refer to the referral of 21 June 2021 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-24011 for Liverpool City Council Development Application DA-516/2021 at DUNKIRK ROAD EDMONDSON PARK 2174 (Lots 320, 321 and 322 DP 1257351) for 'Subdivision of 3 residue superlots into 23 Torrens Title residential allotments'. Submissions need to be made to Council by 12 July 2021.

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

- An easement over the site benefitting Endeavour Energy (indicated by red hatching) for low voltage overhead power lines.
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables to the Dunkirk Road road verge / roadway.
- Low voltage underground cables to the Dunera Road and Fry Road road verges / roadways.

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

Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

- Network Capacity / Connection

Endeavour Energy has noted the Statement of Environmental Effects does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.



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

endeavourenergy.com.au

ABN 11 247 365 823

The Statement of Environmental Effects indicates 'There are no roadworks proposed under this application as the existing roads have been approved under Development Consent 270 / 2017'.

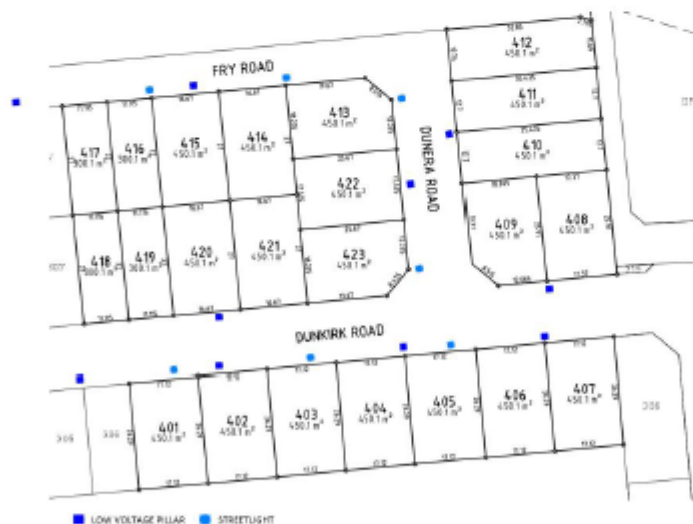
The below site plan from Endeavour Energy's G/Net master facility model shows the site is in a 'Developer Area' (depicted by the proposed subdivision layout) indicating enquiries and applications for contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply to an urban residential subdivision. The plan also indicates the conductors, low voltage pillars and streetlights as being 'Inservice'.

As such, Endeavour Energy's Network Connections Branch are managing the conditions of supply with the proponent and their Accredited Service Provider (ASP). However the applicant will need to contact Endeavour Energy's Network Connections Branch (via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666) 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 (ADMD) where demand is aggregated over a large number of customers providing an ADMD for the site / per lot. Depending on the actual development proposed for the site, the ADMD provided may not be sufficient.

Endeavour Energy's Network Connections Branch has provided the following advice.

As the number of lots in subdivision has now changed after the design was done, the customer will need to lodge a revised application for the subdivision with Network Connections Branch and the low voltage pillars to be relocated back to common boundaries – please refer to the following overlay of the location of the low voltage pillars and streetlights from Endeavour Energy's G/Net master facility model onto the now proposed plan of subdivision. So a new Level 3 design and Level 1 construction works are required.



The release of the revised Notice of Arrangement (NOA) would not be allowed until the above is addressed by developer. The subject area is covered under design for Urban Residential Subdivision URS24195 and as per Customer Application Management System (CAMS) NOA is not yet issued for this project. Network Connections Branch will inform the Level 3 Accredited Service Provider (ASP) that a new design to fix the assets that are now in middle of lots due to the change in property boundaries is required.

Network Connections Branch is currently not aware of any asset relocation / removal project happening for the overhead power lines in the easement affecting proposed lots 408, 410, 411 and 412.

- **Asset Relocation / Easement Release**

The application for an asset relocation / removal should be made to Endeavour Energy's Network Connections Branch who can be contacted via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 by completing either of the following attached forms:

- FPJ7006 Technical Review Request where the asset relocation is proposed as part of an application for connection of load to a proposed development.
- FPJ4015 Application for the Relocation / Removal of Electrical Network Assets.

As part of the application Endeavour Energy's Network Connections Branch will make the applicant (or their Accredited Service Provider) of the requirements for the associated release of easement. Under Endeavour Energy's Company Policy 9.2.3 'Property Tenure for Network Assets', the company will assess all applications for the release of easements to identify and manage risks to its network, commercial and community interests. The company may seek compensation for the extinguishment of property tenure. No easement is considered to be redundant or obsolete until it is released under this policy.

In some circumstances the release of easement may be for nil compensation eg. the affected land is subject to dedication as public road or as part of an asset relocation / capital works project where the alternative network arrangements occur at the same voltage and level of easement affectation. Otherwise the release may be subject to monetary compensation paid by the applicant having regard to the potential increase in value of the land as a result of the easement release / reduction in the extent of easement affectation (with appropriate consideration given to the applicant's alternative network arrangements).

- **Subdivision of Easements**

If a subdivision results in the incorporation of Endeavour Energy's easement into new or multiple lots, the easements, rights and restrictions, covenants etc. must be retained over the affected lots and in accordance with the requirements of NSW Land Registry Services (LRS). Depending on the age of the existing easement terms and the intended use of the site, Endeavour Energy may need to include additional requirements / restrictions to be registered on titles to each of the lots to ensure it can reasonably access and manage its existing electricity infrastructure within the easement.

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

Inadequate connection to the earth to allow a leaking / fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury. The earthing system is usually in the form of an earth electrode consisting of earth rods or mats buried in the ground. It should be designed by a suitably qualified electrical engineer / ASP following a site-specific risk assessment having regard to the potential number of people could be simultaneously exposed, ground resistivity etc.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- **Easement Management / Network Access**

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

- Not install or permit to be installed any buildings, structures or services within the easement site.
- Not alter the surface level of the easement site.

- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

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

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

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- General restrictions for Overhead Power Lines.

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

- Location of Electricity Easements / Prudent Avoidance

The incorporation of electricity easements into privately owned lots is generally problematic for both Endeavour Energy and the future landowners and requires additional easement management to ensure no uncontrolled activities / encroachments occur within the easement area.

Accordingly Endeavour Energy's recommendation is that whenever reasonably possible, easements be entirely incorporated into public reserves and not burden private lots. Endeavour Energy's preference is to have continuity of its easements over the most direct and practicable route affecting the least number of lots as possible.

This is also in keeping with a policy of prudent avoidance. In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

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

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

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

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

- Vegetation Management

The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Particularly for overhead power lines, ongoing vegetation management / tree trimming is a significant network cost and falling trees and branches during storms are a major cause of power outages.

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

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

Endeavour Energy's recommendation is that existing trees which are of low ecological significance in proximity of overhead power lines be removed and if necessary replaced by an alternative smaller planting. Any planting needs to ensure appropriate clearances are maintained whilst minimising the need for future pruning.

- 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> .

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

- Emergency Contact

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

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

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

With the COVID-19 health risk a significant number of Endeavour Energy staff are working from home. Access to emails and other internal stakeholders can accordingly be somewhat limited. As a result it may sometimes take longer than usual to respond to enquiries. Thank you for your ongoing understanding during this time.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

M: 0455 250 981

E: cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au





LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 30th May



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ATTACHMENT 5 – SYDNEY WATER REQUIREMENTS



6 July 2021

Emmanuel Torres
Council Assessing Officer
Liverpool City Council
torrese@liverpool.nsw.gov.au

RE: Development Application DA-516/2021 at Dunkirk Road, Edmondson Park

Thank you for notifying Sydney Water of DA-516/2021 at Dunkirk Road, Edmondson Park, which proposes subdivision of 3 residue super lots into 23 Torrens title residential allotments. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 100mm mPVC watermain (laid in 2018) on Dunkirk Road and a 100mm oPVC watermain (laid in 2017) on Dunkirk Road.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Our servicing shows that the trunk wastewater system should have adequate capacity to service the proposed development.
- Amplifications or extensions to the wastewater network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

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

Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbanqgrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", written over a horizontal line.

Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

LIVERPOOL CITY COUNCIL
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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 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 [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>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

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Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.