

**MATTERS FOR
LIVERPOOL LOCAL PLANNING PANEL
DETERMINATION**

**Monday 27th July 2020
Public meeting to be held at 11:45am**

To be Via '**Microsoft Teams**'

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday 24th July 2020.

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-358/2018</p> <p>Construction of two 6-storey Residential Flat Buildings containing a total of 61 apartments above two levels of basement car park to be developed over two stages.</p> <p>Stage 1: Construction of Building A containing 37 apartments, above two levels of basement parking and landscaping.</p> <p>Stage 2: Construction of Building B containing 24 apartments, above two levels of basement parking and landscaping (following the decommissioning and remediation of the OSD basin only on the basis that Council's Regional Stormwater Basin 14 is made operational and the development of the site to the south of the proposed development).</p> <p>LOT 24 DP 1228502 and Lot 38, Lot 39 and Lot 40 DP 1197095 LOT 24 DP 1228502 and Lot 38, Lot 39 and Lot 40 DP 1197095 Croatia Avenue, Edmondson Park</p>	1-95

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

27th July 2020

Item no:	1
Application Number:	DA-358/2018
Proposed Development:	Construction of two 6-storey Residential Flat Buildings containing a total of 61 apartments above two levels of basement car park to be developed over two stages. Stage 1: Construction of Building A containing 37 apartments, above two levels of basement parking and landscaping. Stage 2: Construction of Building B containing 24 apartments, above two levels of basement parking and landscaping (following the decommissioning and remediation of the OSD basin only on the basis that Council's Regional Stormwater Basin 14 is made operational and the development of the site to the south of the proposed development).
Property Address	Lot 24, Lot 38, Lot 39 and Lot 40 Croatia Avenue, Edmondson Park
Legal Description:	Lot 24 DP 1228502 and Lot 38, Lot 39 and Lot 40 DP 1197095
Applicant:	Vantage Property
Landowner:	EDMO 1 Pty Limited
Cost of Works:	\$17,797,923
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Greg Mottram

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No. 358/2018) seeking consent for the construction of two 6-storey Residential Flat Buildings containing a total of 61 apartments above a two level basement car park over two stages.

Stage 1: Construction of Building A containing 37 apartments, above two levels of basement parking and landscaping.

Stage 2: Construction of Building B containing 24 apartments, above two levels of basement parking and landscaping following the decommissioning and remediation of the OSD basin (only on the basis that Council's Regional Stormwater Basin 14 is made operational and the construction of the road network in the residential subdivision under DA-141/2015 has been completed).

The site is zoned R1 General Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was advertised/notified for a period of 14 days from 1 June 2018 to 18 June 2018 in accordance with Liverpool Development Control Plan 2008. No submissions were received during the public consultation period to the proposal.

The key issues associated with the proposal relate to: Communal Open Space, landscape area and visual privacy impacts.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of sensitive development.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by medium to high density residential development and is within Edmondson Park urban release area which is regulated by the Liverpool Local Environment Plan 2008 and Part 2.11 of the Liverpool Development Control Plan 2008.

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

East	Bernera Road (formerly Croatia Ave). The opposite side of this recently upgraded arterial road has the same development controls and precinct planning. A Pre-DA application has been lodged for a residential flat building. No development applications have been lodged.
West	The development faces a Costello Lane. The development is opposite vacant lots. The southern end of which (No. 31 and 32 Passendale Rd) has an approval for a 5-storey residential flat building for 36 Units (DA-356/2018). The northern end of this vacant land (Lot 33 DP 1197095) has an approval for 5 attached two-storey dwellings with detached garages facing the laneway (DA-726/2017 - refer to Figures 1 & 2 below for the locations).
South	The southern side of the development is a 2ha site at 200 Croatia Ave which has an approval for 25 residential lots and 4 residue lots with associated road construction (DA-141/2015). A Construction Certificate for the subdivision is pending. The site adjacent to the southern boundary of the neighbouring site (190 Croatia Ave) benefits from an approval for 3 residential flat buildings (DA-265/2018) for 135 dwellings over an area of approximately 6,100sqm giving a density of 225dw/ha.
North	The opposite side of Poziers Road consists of small residential lots with no current development application known to Council. Further north on Passendale Road, there is an approval for 2 residential flat buildings for 61 apartments (DA-1166/2014). Opposite this development at 245 Croatia Ave, construction is underway on 3 residential flat buildings for 105 apartments, which was approved by the Land and Environment Court (DA-765/2016).

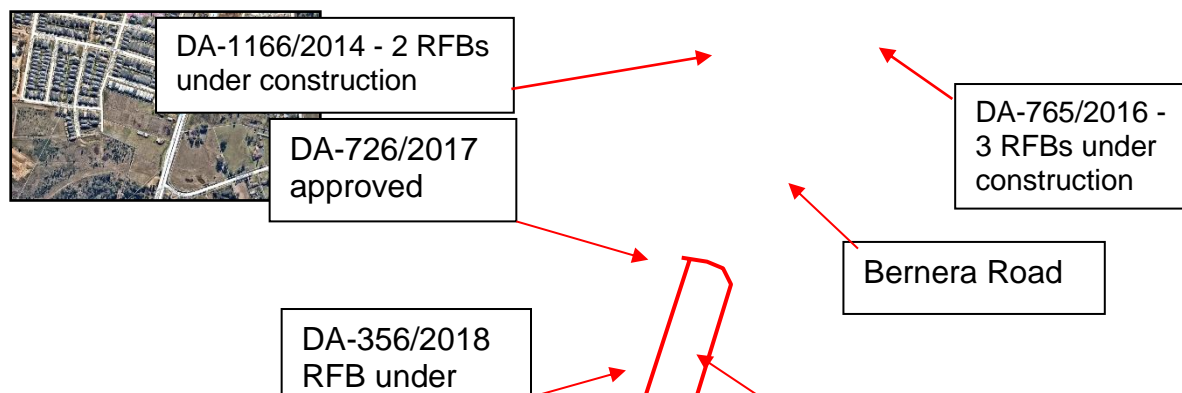
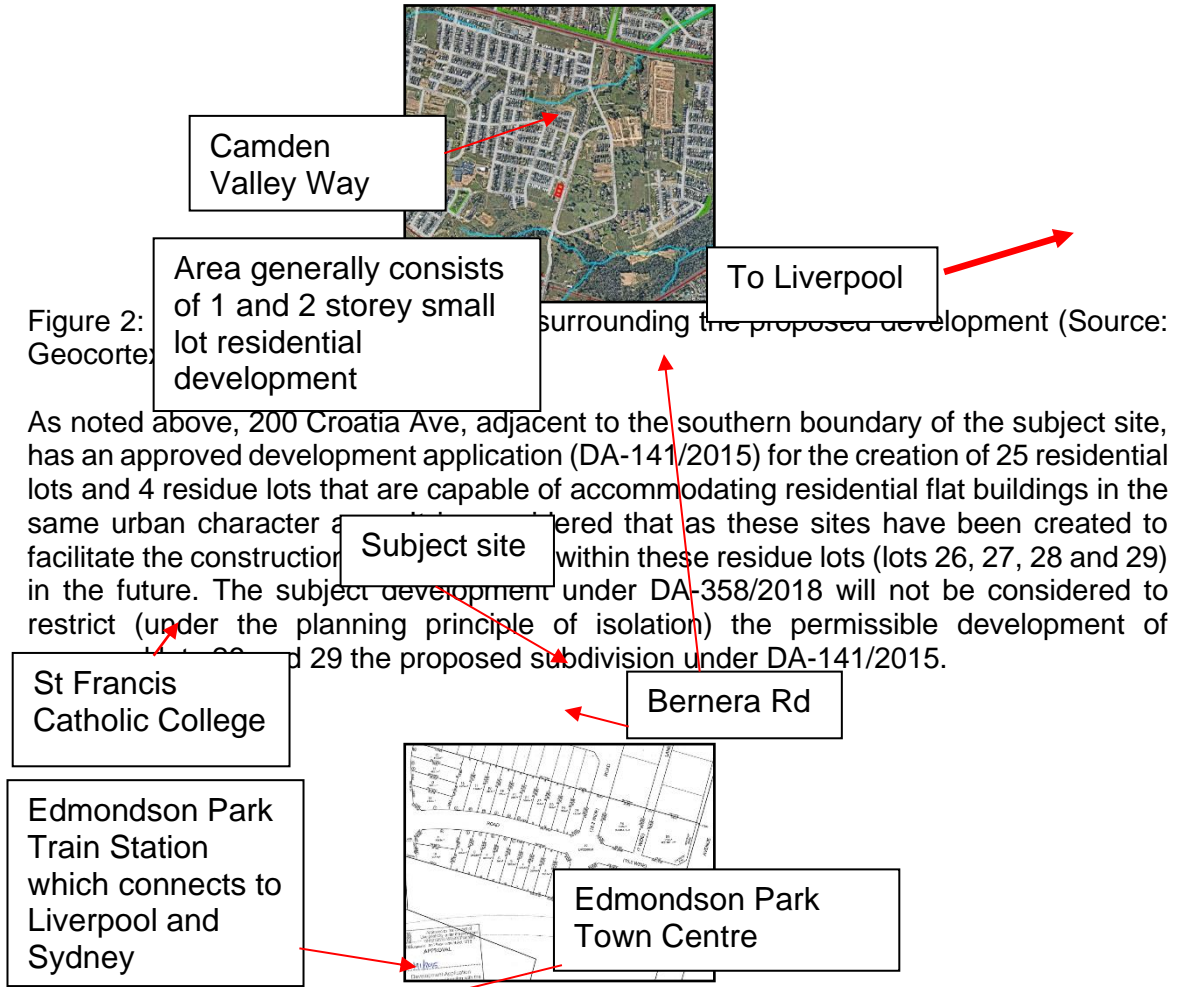


Figure 1: Context of the locality showing various approvals surrounding the proposed development (Source: Geocortex)



As noted above, 200 Croatia Ave, adjacent to the southern boundary of the subject site, has an approved development application (DA-141/2015) for the creation of 25 residential lots and 4 residue lots that are capable of accommodating residential flat buildings in the same urban character as the subject site. It is noted that as these sites have been created to facilitate the construction of residential flat buildings within these residue lots (lots 26, 27, 28 and 29) in the future. The subject development under DA-358/2018 will not be considered to restrict (under the planning principle of isolation) the permissible development of lots 26, 27, 28 and 29 the proposed subdivision under DA-141/2015.

Figure 3: Excerpt of approved subdivision (north to the top) of 200 Croatia Ave adjacent to the southern boundary of the proposed development site approved under DA-141/2015.

2.2 The site

The subject site is identified as Lot 24 in DP 1228502 and 38, 39 & 40 in DP 1197095 and is known as Lot 24 and Lots 38, 39 & 40 Croatia Avenue, Edmondson Park. It is regular in shape with a frontage of 97.7metres to Bernera Road (formerly Croatia Ave), 109.4m to Costello Lane on the western side of the site and a depth of 34.5m with a total area of 3,598.6m².

Currently, the subject site is vacant land with a temporary OSD basin located at the southern end of the development as part of the parent subdivision of land approved by DA-472/2014.



Figure 4: Aerial view of the vacant site showing existing OSD basin (approved under DA-472/2014). (Source: Geocortex).

3. BACKGROUND/HISTORY

3.1 History

- A pre-lodgement meeting held with Council on 30 September 2016 which included the subject site and the site being assessed under DA-356/2018 (31 & 32 Passendale Road) for three buildings containing 99 units. Essentially, the response to this meeting advised that the applicant was to comply with Floor Space Ratio, Height of Buildings and to provide basement parking to maximise landscaping and open space opportunities.
- A Pre-DEP meeting was held to discuss the above scheme on 16th February 2017 which the DEP did not support.
- The subject DA was lodged with Council on 2 May 2018.
- The application was briefed to the DEP on 13th September 2018 with the response discussed further below.
- Application deferred requesting:
 - Information regarding the waste management arrangements.
 - Revised plans to reflect the reduced lot size which resulted from land acquisition required to facilitate road widening as part of the Bernera Road upgrade works.
- Amended plans received are considered to have addressed the concerns raised.

3.2 Background

As part of the DA process, the proposed development was referred to the Design Excellence Panel (DEP) on 13 September 2018. The DEP was generally supportive of the proposal on the second occasion, subject to some design changes to be reviewed by Council. The comments from the latest DEP are provided below, including a response on how the comments have been addressed in the DA. The DEP minutes are attached to this report.

DEP COMMENT:

The Panel asked the proponent's architect to explain how the buildings engage with the street. In response, the proponent's architect advised that the design intent is to maintain same levels for the 2 buildings and as such, it is necessary to provide ramps to connect the street and the buildings. The panel recommends reconsideration of entry points to the buildings and an exploration of alternative and improved pedestrian access to the buildings. The pedestrian access from the building to the footpath and ultimately, the train station should be as direct as possible. The design of the entry and access points should also consider shelter and point for people to rest and create a relationship between the streets and the

buildings.

Response

In the revised plans provided following the DEP notes it is noted that while the applicant has not amended the location or design of the entrances to the buildings, the building has been lowered to reduce the requirement for ramps required to permit disabled access. Seating has been provided to facilitate the DEPs request.

DEP COMMENT:

The proposed fencing treatment to distinguish between the site and the public domain is considered less than satisfactory and not supported. The fencing proposed is considered unnecessary. The panel recommends design modifications to acknowledge the separation between private and public spaces, without the use of a fence. Level changes, planting and pathways were all suggested as useful elements in achieving this.

Response

The development includes reduced fencing along Croatia Ave which has been replaced by seating and along Poziers Road which has been replaced by landscaping and raised planter boxes to provide distinction between public and private realms.

DEP COMMENT:

Applicant advised that proposal achieves solar access and cross-ventilation, exceeding the requirements of the ADG. The proposed natural light to the lobby is a positive element and commended by the panel.

Response

Noted

DEP COMMENT:

The use of brick is supported. The Panel recommends a review of the design of the elevations which would seek to reduce the different materials, fenestration and general composition in favour of a less eclectic appearance.

Response

It is considered that the subsequent plans provided include materiality and design composition that is in accordance with the Panel's recommendations.

DEP COMMENT:

Sections through the entire project showing the change in scale and height and making reference to the natural ground line should be provided.

Response

The applicant has provided a sectional diagram in response to this request which illustrates the relation to the development and natural ground level. In this plan the building in Stage 2 has been lowered by 600mm to facilitate access and minimise ramps.

DEP COMMENT:

Details of rainwater collection for the proposal should be detailed and shown on the drawings.

Response

Applicant advised that rainwater will be used for irrigation purposes and has indicated stormwater pits on the plans provided. Conditions of consent will require that the development includes provisions to enable the reuse of stormwater for irrigation purposes.

DEP COMMENT:

The applicant advised that car parking provided for the scheme is based on RMS requirements, rather than Council as the site is located less than 800 metres from a train station. As such, the proposal provides for 1 car space per unit, which the Panel understand complies. This is supported by the Panel.

Response

Noted

DEP COMMENT

The proposed deep soil zones appear to be capable of supporting canopy trees. Diversity of Communal Open Space (COS) to allow for large groups, small family gatherings and outdoor recreation by single people or in pairs should be provided for the scheme. Long, narrow spaces which are dominated by circulation are not acceptable, and should be re-designed to accommodate numerous small groups, or single users.

Response

Revised plans have been provided by the applicant which provide embellishment and improvement to the amenity of the at grade level COS areas through the provision of additional seating spaces, BBQ facilities, replacement of fences with landscaping features. Additionally, the COS areas have been expanded along the western boundary. Furthermore, the panel's concerns have been resolved through the provision of an additional rooftop communal open space area on Building A of the development. This will be accessible by the residents of Building B when this stage is constructed and achieves the required solar access for the residents.

4. DETAILS OF THE PROPOSAL

The proposed development consists of the following:

Stage 1 – Construction of a six-storey residential flat building (Building A) consisting of 37 units with two levels of basement car park comprising;

Units

1 bedroom adaptable x 4
2 bedroom unit x 28 and
3 bedroom unit x 5

Basement Carpark

Basement Level 1 - A vehicular access ramp (6.15m wide) and a total of 12 car-spaces (1 accessible car-space with shared space, 11 standard car-spaces and 7 visitor spaces) with 4 motorcycle and 15 bicycle spaces. There are 7 residential storage areas, two elevators and two stairwells to the upper and lower levels, a pump and service room. Two garbage bin storage rooms are proposed as well as a bulk waste storage area, care takers facilities and a wash bay.

Basement Level 2 - A vehicular access ramp (6.31m wide) and a total of 40 car-spaces (36 standard spaces and 4 accessible spaces with shared space). There are 35 residential storage areas, two elevators and two stairwells to the upper levels.

Ground Floor Plan Layout

There are two separate pedestrian entrances (one from Bernera Road on the eastern side and one from Costello Lane on the western side) to each of the two lift lobbies.
Temporary bin area located adjacent to the front boundary and driveway.

Western Units with front POS - 1 x 3 bedroom and 2 X 1 bedroom and 3 x 2 bedroom
Eastern Units with balconies 1 X 3 bedroom (same unit as above) and 1 x 2 bedroom

The original scheme provided Communal Open Space areas that were short of the required solar access. As mentioned above, the issue of solar access has been resolved through the provision of a rooftop communal open space area on Building A of the development. This will be accessible by the residents of Building B when this stage is constructed. Additionally, the deep soil areas have been increased along the western boundary of the site.

Ground Floor

Units with west facing outdoor areas - 1 x 3 bedroom, 3 x 2 bedroom and 2 x 1 bedroom
Units with east facing outdoor areas – 1 x 3 bedroom (this unit faces west as well) and 1 x 2 bedroom

Level 1 Floor Plan Layout

Units with west facing balconies - 4 x 2 bedroom and 2 x 1 bedroom
Units with east facing balconies - 2 x 2 bedroom

Levels 2 & 3 Floor Plan Layout

Units with west facing balconies - 4 x 2 bedroom
Units with east facing balconies - 3 x 2 bedroom

Level 4 & 5 Floor Plan Layout (as amended)

Units with west facing balconies - 2 x 2 bedroom and 2 x 3 bedroom

Site Access

Vehicular access is in the form of a 6.38m wide two-way driveway onto Costello Lane, which permits forward direction entry and exit to the site.

Pedestrian access to the building consists of two entries to access the two lift lobbies and private access from Costello Lane and Bernera Road to the 6 of the Ground Floor units. Resident access to other units and the basement is via the internal elevators.

Landscaping

Landscaping consists of native tree species planted along all boundaries, as well as surrounding the private courtyards of the ground floor units.

The majority of deep soil landscaping is provided along the northern boundary of the development site. Deep soil landscaping is also provided along the western and northern boundaries within small pockets.

Stage 2: Construction of a six-storey residential flat building (Building B) consisting of 24 apartments, above two levels of basement parking and landscaping. Stage 2 will be conditioned to commence only on the basis that the decommissioning and remediation of the OSD basin once Council's Regional Stormwater Basin 14 is made operational and only on the basis that the civil works for the subdivision approved by DA-141/2015 has been completed to full the extent of the Costello Lane. This building comprises of:

Units

- 1 bedroom unit x 1
- 1 bedroom adaptable unit x 3
- 2 bedroom unit x 16 and
- 3 bedroom unit x 4

Basement Carpark

Basement Level 1 - A vehicular access ramp (6.38m wide created by stage 1) and a total of 15 car-spaces (1 accessible visitor car-space and 4 standard visitor spaces and 10 standard car-spaces, 5 of which are designated as visitor spaces). Level 1 contains 18 storage areas, one elevator and three stairwells to the upper and lower levels, and a wash/service bay. A garbage bin storage room is proposed adjacent to the lift well as well as bulk waste storage and a vehicle wash service bay. Connection to the basement of stage 1 will be required in order to facilitate access to stage 2 carpark.

Basement Level 2 - A vehicular access ramp (6.31m wide) and a total of 18 car-spaces (3 accessible car-spaces with shared space, 3 motorcycle spaces and 8 bicycle spaces and care taker facilities. There are 12 residential storage areas, one elevator and two stairwells to the upper levels.

Ground Floor Plan Layout

Central front hallway entry from both Costello Lane and Bernera Road leading to a central elevator.

Temporary bin area located adjacent to the front boundary to Costello Lane and driveway shared with Stage 1.

Units with west facing POS - 2 x 2 bedroom and 1 x 1 bedroom

Units with east facing POS - 2 x 2 bedroom

Communal Open Space courtyard with appropriate solar access and deep soil landscaped have been provided.

Levels 1-3 Floor Plan Layout

Units with west facing balconies - 2 x 2 bedroom and 1 x 1 bedroom
Unit with east facing balconies – 2 x 2 bedroom

Level 4 & 5 Floor Plan Layout

Units with west facing balconies - 2 x 3 bedroom

Site Access

Vehicular access is in the form of a 6.38m wide two-way driveway onto Costello Lane, which allows forward direction entry and exit to the site.

Pedestrian access to the building consists of two entries to access the elevator, and private access from Costello Lane to the 3 of the Ground Floor units.

Resident access to other units and the basement is via the lobby to the internal elevators.

Landscaping

Landscaping consists of native tree species planted along all boundaries, as well as surrounding the private courtyards of the ground floor units.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 2.11: Land Subdivision and Development in Edmondson Park

Other Plans and Policies

- Apartment Design Guide.

Contributions Plans

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

6. ASSESSMENT

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

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument**(a) State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development**

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

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

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed development is considered to respond to its context. The development has been designed to respond to the key natural features of the site by being narrow in design to permit appropriate solar access and cross ventilation.</p> <p>The proposed development is considered to respond to the desired future context for the surrounding locality and the subject site. The proposed development is considered to be of a nature that is consistent with the objectives of the zone in which it is located as well as remaining consistent with the objectives intended future built form that is expected on the site and the immediate surrounding locality.</p> <p>The subject site is located within the dwelling density of 28 dwellings/hectare under the LLEP 2008. This is the highest density afforded to Edmondson Park and it is envisaged, in the precinct planning for Edmondson Park, that high density development be constructed in this location. As such it is considered the proposal is consistent with the intended and desired future character of the locality. It is also considered appropriate to provide a higher density form of development at this location, given the development site's proximity to the Edmondson Park train station and the Edmondson Park Town Centre.</p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public</p>	<p>It is considered that the proposed development achieves a scale, bulk and height appropriate to the desired future character of the street and surrounding buildings.</p> <p>The buildings respond to the development that is under assessment and approved on the opposite side of the laneway to the west of the site by including 1.2m obscure glazing to balconies.</p> <p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been</p>

Design Quality Principle	Comment
<p>domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>reviewed by Council's Design Excellence Panel (DEP) on two occasions and is considered to have addressed the points raised by the Panel as described below.</p> <p>The development provides an appropriate form that enhances the streetscape and provides a direct response to the site characteristics. The buildings have been designed to improve casual and passive surveillance.</p>
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>It is considered that the proposed development achieves a high level of amenity. Each apartment meets the minimum requirements in terms of floor area and Private Open Space (POS). The proposed development achieves the required solar access and cross ventilation requirements under the ADG.</p> <p>The development is of a bulk and scale that is appropriate for the context and consistent with the DCP 2.11 objectives of the Urban character zone in which it is located as shown in the following excerpt from the DCP.</p> <div data-bbox="778 1014 1086 1227" style="text-align: center;"> </div> <p>In the neighbourhood, examples of high density development including 240 and 245 Croatia Ave.</p> <p>The proposed development provides a density that is consistent with the expected densities for the site and will provide an opportunity to encourage employment in the current and future commercial and community centres in the locality including the Edmondson Park Town Centre which is located approximately 580m to the south of the site. The high density is considered to be supported in this instance by public transport in the form of a regular bus service which provides access to Liverpool and surrounding suburbs as well as to Edmondson Park Train Station which then provides access to further employment and community opportunities.</p>
Design Principle 4 – Sustainability	

Design Quality Principle	Comment
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The proposed development provides for a sustainable design. The development is consistent with BASIX and has proposed a development that meets the minimum cross ventilation and solar access requirements under the ADG.</p>
Design Principle 5 – Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The proposed development provides a generous and extensive landscaping design and provides extensive landscaping along the boundaries of the development and within the communal open space areas.</p> <p>The landscape plan provided for the buildings within the communal open space areas creates a sense of place and encourages social interaction. The landscaping also extends to the rooftop communal open space area which includes raised garden beds for both passive shade and screen planting as well as active garden spaces to allow for the planting of vegetables.</p>
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed development achieves a high level of amenity for residents and neighbours. All apartments achieve the required room dimensions under the ADG as well as achieving the required solar access and natural ventilation under the ADG.</p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the</p>	<p>The proposed development has been designed to maximise active and passive surveillance where possible. The development has been designed to encourage casual and passive surveillance of the</p>

Design Quality Principle	Comment
<p>intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>street.</p>
<p>Design Principle 8 – Housing Diversity and Social Interaction</p>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed development achieves an appropriate apartment mix and sizes that will provide for a variable housing mix and choice for different demographics.</p> <p>The development has been designed with appropriately located and designed communal open space areas that encourages social interaction. This occurs at ground level with the provision of BBQs and picnic tables to separate park benches within the landscaping to allow for different uses.</p>
<p>Design Principle 9 – Aesthetics</p>	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed buildings have been designed with a good mix of building materials and contribute to a positive streetscape.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the development against the relevant provisions of the ADG.

Provisions	Comment
1A Apartment Building Types	
A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.	<p>Complies</p> <p>The proposed development is identified as a Tower Apartment Building. The building type is consistent with the context of the urban character locality, providing a strong vertical form while minimising the impacts of visual privacy and overshadowing by complying the appropriate setbacks and height of building controls.</p>
1B Local Character and Context	
Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre, or is designed within the context of an urban or suburban neighbourhood.	<p>Complies</p> <p>The proposed building meets the zone requirements and objectives and controls for the subject site, and responds to the urban character desired outcome, within close vicinity of a strategic centre including public transport, retail, community and educational facilities.</p>
1C Precincts and individual Sites	
Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.	<p>Complies</p> <p>The site is subject to the Edmondson Park urban release area provisions, and the site is identified as being a larger scale high density development area. The adjoining sites can be developed to their full potential in respect to the precinct planning available.</p>
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	<p>Complies</p> <p>The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p>
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	<p>Complies</p> <p>The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p> <p>The proposed building envelope provides for a desired future outcome. The density is compliant, and design of the building incorporates elements reducing overall impact in terms of bulk and height relative to the streetscape. The scale and design of the building is consistent with the precinct planning along Bernera Road especially given its proximity to Edmondson Park Station and the services available at the Edmondson Park Town Centre which is currently under construction.</p>
2C Building Height	

<p>Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.</p>	<p>Complies The proposed development complies, providing a two six storey buildings which, apart from a slight lift overrun and the upper portion of the rooftop Communal Open Space area located on the Building A, are compliant with the height of building permitted on the site. See discussion on HOB further in this report.</p>
2D Floor Space Ratio	
<p>Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.</p>	<p>Complies The FSR complies with the requirements for the proposed development and the building envelope includes a rear communal open area which helps limit overall density across the site.</p>
2E Building depth	
<p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation</p>	<p>Both buildings have a maximum apartment depth of between 12-18m.</p>
2F Building separation	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms 	<p><u>Between Buildings A and B</u></p> <p>Ground</p> <ul style="list-style-type: none"> • A separation of 12.84m is provided between Buildings A and B which complies. <p>Level 1 - 3</p> <ul style="list-style-type: none"> • A separation of 13.68m is provided between Buildings A and B which complies. <p><u>Building B</u></p> <p>As there is no building of a similar height located south of building B across the common southern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the south.</p> <p>Ground – Level 3</p> <ul style="list-style-type: none"> • A building setback of a minimum 7.88m is provided to the southern boundary, which complies.

<p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms 	<p><u>Between Buildings A and B</u></p> <p>Level 4</p> <ul style="list-style-type: none"> • A separation of 20.6m is provided between buildings A and B which complies. Refer to discussion below. <p>Level 5</p> <ul style="list-style-type: none"> • A separation in excess of 20.6m is provided between buildings A and B which complies. <p><u>Buildings B</u></p> <p>As there is no building of a similar height located south of building B across the common southern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the south.</p> <p>Levels 4-5</p> <ul style="list-style-type: none"> • A building setback of a minimum 10.7m is provided to the southern boundary, which complies.
<p>2G Street setbacks</p>	
<p>Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.</p>	<p>Variations Proposed – Considered Acceptable</p> <p>The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report. The objectives of the front setback are met in promoting an appropriate transition from the public to private realms.</p>
<p>2H Side and rear setbacks</p>	
<p>Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.</p>	<p>Variations Proposed – Considered Acceptable</p> <p>The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p>
<p>3A Site analysis</p>	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>The design of the proposed development is based on existing site conditions and constraints. The proposed development takes advantage of the northerly aspect where possible, within the constraints of the precinct planned development site, to maximise solar access to the development.</p> <p>This includes balconies to the units to the</p>

	<p>northern end of Building A in Stage 1 of the development. It is considered that the building includes a high level of articulation and materiality to improve presentation to the street which provides for an aesthetically pleasing development.</p> <p>The development addresses the potential visual privacy impacts to the 5 double storey attached dwellings on the western side of Costello Lane Approved under DA-762/2017 by providing frosted glazing to the balustrades of the balconies of the relevant units. Conditions of consent will require that privacy screening will be maintained on these balconies to ensure that this potential privacy impact is minimised.</p>
3B Orientation	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>The development provides for a building type and layout that optimises solar access to the individual units where possible and the POS and COS available for the development. Overshadowing may impact the POS areas of development to the south west achieving solar access from 9 am to 12pm.</p> <p>The proposal has been designed to minimise overshadowing on adjoining neighbours while also providing appropriate building separation to enable a similar development to be constructed on the western adjoining site in accordance with the height limits and FSR applicable to the site. Similarly, it is considered that the proposed development does will not negatively impact on the property to the south achieving the appropriate solar access.</p>
3C Public Domain Interface	
<p>3C-1 Transition between private and public domain is achieved without compromising safety and security</p>	<p>Complies A transition between the private and public domain is achieved through low height fencing while living area balconies are orientated towards the public domain to ensure a safe and secure transition between the private and public domain.</p>
<p>3C-2 Amenity of the public domain is retained and enhanced</p>	
3D Communal and public open space	
<p>Communal open space has a minimum area equal to 25% of the site. Communal open space is to have a minimum width of 3m, be co-located with deep soil areas and have equitable access from common circulation areas.</p>	<p><u>Lot 1 – Containing Buildings A and B</u> Site area = 3,652.5sqm COS required = 25% or 913.13sqm COS provided = 969.6m².</p> <p>Stage 1</p>

<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>444.3sqm</p> <p>Stage 2</p> <p>523.3sqm</p> <p>Total 969.6sqm</p> <p>The COS spaces includes a BBQ together with three picnic tables in the central location with benches located along pathways along the eastern boundary and in the COS to the south of Building B. The COS to the south of building B includes a BBQ and two picnic tables.</p> <p>In addition to the above at grade areas, the development also includes a 214sqm rooftop communal open space area on Building A in order to ensure that appropriate solar access to the communal open space is achieved. This area includes two picnic tables and two benches with raised planters.</p>
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3E Deep soil zones

Deep soil zones are to meet the following minimum requirements:

Q1.

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² to 1500m ²	3m	
Greater than 1500m ²	6m	
Greater than 1500m ² with significant tree cover	6m	

Complies

Site Area = 3,598.6sqm

Deep soil required = 7% or 251.9sqm with a minimum 6m width
 Deep soil provided = 20% or 725sqm with a minimum 6m width

3F Visual Privacy

3F-1 Minimum separation distance requirements from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
Up to 12m (4 storeys)	6m	3m
12m to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Complies

All buildings achieve the minimum separation distances from side and rear boundaries. Please refer to section 2F.

Ground Floor to Level 3
 Setback to Costello Lane 5.946m
 Costello Land 8m wide so half of this would create separation of 9.946m to development on western side of Costello Lane.

Level 4 & 5
 Setback to Costello Lane - 7.546m
 Costello Land 8m wide so half of this would create separation of 11.546m to

	development on the western side of Costello Lane.
3F-2 Communal Open space, common areas and access paths should be separated from private open space and windows to apartments particularly habitable room windows	Planter boxes are used as the separation method providing privacy to the users of the COS. Screening shall be conditioned to be provided to the lower floor units to minimise visual privacy impacts to the COS areas.
3G Pedestrian Access and Entries	
Building entries and pedestrian access connects to and addresses the public domain	<p>Complies</p> <p>The applicant has redesigned the development to reduce the height above ground level for the ground floor to improve the access. Individual access points have been provided to the ground floor apartments to further activate the street and laneway. At grade access has been provided with minimal ramps required to provide access to the buildings. Architectural gateways have been provided to indicate the pedestrian access to the buildings It is considered that this addresses the concerns raised by the DEP.</p>
Access, entries and pathways are accessible and easy to identify	
Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes and minimisation of excavation and driveway ramps	<p>Complies</p> <p>A single vehicular access point has been provided for the common basement parking area shared by both buildings. Council's traffic management engineers are supportive of this design with the exception that the applicant is to provide swept path diagrams that demonstrate waste collection vehicles are able to operate in Costello Lane. Prior to CC. Conditioned in consent.</p> <p>Noise to be in accordance with Clause 102 of SEPP Infrastructure.</p> <p>The driveway access point is located approximately 55m from the intersection of Poziers Road and Costello Lane. The</p>

	<p>driveway access point is opposite the proposed apartments in the proposed residential flat building. However, the separation distance between the developments will assist in mitigating this aspect.</p> <p>The garbage collection points are located within the basement of the building.</p>
<p>3J Bicycle and Car Parking</p>	
<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p> <p>5.4.3 of the RMS guideline requires parking for high density residential flat buildings in non-CBD areas at a rate of:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p> <p>8 x 1 bdm dwellings = 4.8 spaces 44 x 2 bdm dwellings = 40 spaces 9 x 3 bdm dwellings = 12 spaces 61/5 visitor spaces = 12.2 spaces Total = 69 spaces</p>	<p>Complies</p> <p>The subject site is within 800m of the Edmondson Park station located south of the site. As such the RMS parking rates have been applied to this development. Based on the RMS guide the proposed development requires 69 parking spaces including 13 visitor spaces. The development provides for 93 spaces, which complies.</p> <p>13 Visitor spaces are indicated on the plans provided.</p> <p>Car parking design is considered to be safe and secure. The design includes a provision for a total of 23 bicycle spaces and 7 motorcycle spaces in the basement garage.</p> <p>All basement parking facilities are located to minimise impacts on the surrounding locality in terms of visual impact and acoustic privacy.</p> <p>The proposed basement car park entrance is at or near grade level.</p>
<p>Parking and facilities are provided for other modes of transport</p>	
<p>Car park design and access is safe and secure</p>	
<p>Visual and environmental impacts of underground car parking are minimised</p>	
<p>Visual and environmental impacts of on-grade car parking are minimised</p>	
<p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites</p>	
<p>Natural ventilation should be provided on basement and sub-basement car parking areas. Ventilation grills or screening devices for car parking openings should be integrated into the façade.</p>	<p>The two level basement proposes a combination of natural and mechanical ventilation which is considered appropriate to facilitate ventilation.</p>
<p>4A Solar and Daylight Access</p>	

<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p>	<p>Complies 88.5% of living rooms and POS receive a minimum 2 hours of solar access at mid-winter.</p>												
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>Complies Less than 15% of apartments will not receive direct sunlight at mid-winter</p>												
<p>4B Natural Ventilation</p>													
<p>All habitable rooms are naturally ventilated</p>	<p>Complies The orientation of the building is restricted by the lot and block layout of the precinct plan and the subdivision that approved the development site. The layout and design of the development maximise natural ventilation with 77% of all apartments are considered to be naturally cross-ventilated. Overall depth of cross through apartments do not exceed 18m.</p>												
<p>The layout and design of single aspect apartments maximises natural ventilation</p>													
<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p>													
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>													
<p>The area of unobstructed window openings should be equal to at least 5% of the floor area</p>													
<p>4C Ceiling Heights</p>													
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="204 1122 778 1621"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m from ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	<p>Complies A minimum 2.7m floor to ceiling height is proposed for all habitable areas. A 3.1m floor to floor is also proposed, to enable the achievement of the 2.7m floor to ceiling.</p> <p>The ground floor ceiling heights are the minimum for ADG compliance and therefore limit non-residential uses in the future. However, as the site is R1 General zoned, and with the site dimensions, it is considered unlikely that non-residential uses would be contemplated on the site.</p>
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use												
<p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</p>													
<p>Ceiling heights contribute to the flexibility of building use over the life of the building</p>													
<p>4D Apartment Size and Layout</p>													
<p>Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="204 1883 778 2047"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> </tbody> </table>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	<p>Complies All internal areas of apartments meet or exceed the minimum requirement.</p>				
Apartment Type	Minimum Internal Area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												

<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">3 bedroom</td> <td>90m²</td> </tr> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>	3 bedroom	90m ²														
3 bedroom	90m ²															
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Complies All habitable rooms provide for a window to an external wall that is not less than 10% of the floor area of the room.</p>															
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p>	<p>Complies All habitable room depths comply with this requirement.</p>															
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Complies No habitable room in open plan apartments exceed a depth of 8m from a window.</p>															
<p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p>	<p>Complies All bedrooms comply with this requirement</p>															
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>	<p>Complies All bedrooms comply with this requirement.</p>															
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	<p>Complies All living areas comply with the minimum widths</p>															
4E Private Open Space and Balconies																
<p>All apartments are required to have primary balconies as follows:</p> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	<p>Complies All balconies exceed the minimum depth and areas required.</p>
Dwelling Type	Minimum Area	Minimum Depth														
Studio	4m ²	-														
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3 bedroom	12m ²	2.4														
<p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	<p>Complies All ground floor courtyards for Buildings A & B provide POS areas in excess of 15m²</p>															
4F Common Circulation and Spaces																
<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>Where design criteria 1 above is not achieved, no more than 12 apartments should be provided off a circulation core on a single level</p>	<p>Complies The maximum number of apartments off a circulation core does not exceed 8.</p>															
4G Storage																
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>	<p>Complies All storage areas exceed this requirement. More than 50% of the storage area is located</p>															

Dwelling Type	Storage Size Volume	within the apartments, with the remaining provided in the basement areas. Basement storage is designed to allow parking access.
Studio	4m ³	
1 bedroom	6m ³	
2 bedroom	8m ³	
3 bedroom	10m ³	
At least 50% of the required storage is to be located within the apartment.		
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout	Noise impacts are mitigated within apartments through layout and acoustic treatments	Complies Apartment layouts have been appropriately designed to minimise acoustic impact. Appropriate acoustic treatment is required in treatment of units where bedrooms are sited near lifts
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future	The apartment mix is distributed to suitable locations within the building	Complies An appropriate apartment mix is provided across each stage of the development. Appropriate residential mix of apartments proposed. In total 15.9% 1 bedroom proposed, 69.8% 2 bedroom proposed and 14.3% 3 bedroom proposed. The 3 bedroom units are generally located in accordance ADG requirements
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located	Design of ground floor apartments delivers amenity and safety for residents	Ground floor units to Bernera Road are accessed from lobbies which is considered appropriate to the its location against this main transit corridor. The ground floor apartments to Costello Lane have entrances from the lobby and have individual gate entrances to their POS areas and are considered to have been appropriately designed.
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	Building functions are expressed by the facade	Visually aesthetic facades have been provided to provide interest to the streetscape.
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	Opportunities to use roof space for residential accommodation and open space are maximised	The flat roof design is considered appropriate to reduce bulk and scale of the development. The plans have revised to include a rooftop area for communal open space in building A.
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	Landscape design contributes to the streetscape and amenity	Landscape design is considered appropriate and contributes to the streetscape amenity.
4P Planting on Structures		
Appropriate soil profiles are provided		Not applicable

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Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	The development includes 5 units that are adaptable and includes units that include 1, 2 and 3 bedrooms to provide flexibility in a range of housing options.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable – new buildings
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not applicable – residential use only
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Not applicable
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Proposal has been designed to maximise solar access and natural ventilation. Additionally, the BASIX certificate provided with the application demonstrates that the design achieves the required for energy and water efficiency and thermal comfort.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Appropriate water management and conservation methods incorporated into the design. Stormwater is treated onsite before release into Council's stormwater system. BASIX certification has been provided to maximise water efficiency for this development. Council's Land Development engineers have reviewed the stormwater plans and support the design. Basement stormwater systems have been included in the design.
Urban stormwater is treated on site before being discharged to receiving waters	
Flood management systems are integrated into site design	
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage rooms have been provided in both stage of the development. Appropriate waste collection facilities have been provided

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	to reduce the impacts on the streetscape. The proposed waste management plan includes provisions for WHS methods to be implemented in the handling of waste on site and in moving the bins for collection at the dedicated collection points the appropriate days.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Building materials utilised in the building considered satisfactory to these requirements.
Systems and access enable ease of maintenance	Systems and access enable ease of maintenance All plant equipment is accessible, being located in the basement.
Material selection reduces ongoing maintenance costs	The DEP requires that the use of materials be scaled back to avoid the development being too eclectic which will aid in the reduction of ongoing maintenance costs.

(b) State Environmental Planning Policy (Infrastructure) 2007

In reference to Clause 100 and 101 of SEPP (Infrastructure) 2007, the development site is not located on a proposed classified nor has a frontage to a classified road. The proposed development does not constitute a proposal specified within **Column 2** or **Column 3** of Schedule 3 (Traffic Generating Developments) of State Environmental Planning Policy (Infrastructure) 2007 therefore in accordance with Clause 104 of SEPP (Infrastructure) 2007, the application was not required to be referred to the Roads and Maritime Services for comment.

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

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

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

The objectives of SEPP 55 are:

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment created under DA-472/2014 where contamination was addressed. This application was accompanied by a Contamination assessment dated April 2014 which requires further investigation into AEC 2 (the portion of the parent subdivision which relates to the subject development site) which required remediation. This application also includes a validation report prepared by Geo-Logix Pty Ltd that concludes that AEC 2 area is considered suitable for residential land use.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require further remediation.
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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

(d) State Environmental Planning Policy (BASIX) 2004

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

A BASIX Certificate (Certificate number: 906024M) has been submitted for the proposed development.

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

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

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 2 of this report.

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

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R1 – General Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 5 below.

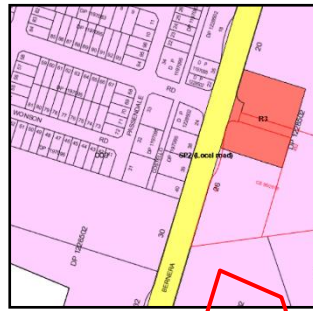


Figure 5: Zoning Map showing the site is entirely zoned R1-General Residential (source: Geocortex)

(ii) Permissibility

The proposed development is appropriately defined by the standard instrument as residential flat building is identified as permitted land use with consent within the General Residential Zone under Liverpool Local Environment Plan 2008.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

(iii) Objectives of the zone

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

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

The proposal is considered to be consistent with the objectives of the zone in that:

- The 61 units proposed over the two stages will provide for the housing needs for the community
- This high density development is located on Bernera Road which is a main transit route which is located with ready access to Edmondson Park train station and Liverpool via bus and the services, shopping and employment opportunities that will be located in the Edmondson Park Town Centre which is currently under construction
- The two stage development is considered to provide a variety of housing types in the locality as envisaged in the planning for this urban release area.

(iv) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below.

Development	Requirement	Proposed	Comment
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LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

27th July 2020

Provision			
4.1 Subdivision Lot Size	Minimum 300m ²	Site to be amalgamated and will achieve the minimum 300sqm lot size	Yes
4.3 Height of Buildings	Maximum 21m	Building A = 22.9m	No (See clause 4.6 variation below)
4.4 Floor Space Ratio (FSR)	Maximum 1.5:1	Overall site area prior to acquisition 3,652.5sqm Current site area 3,598.6sqm Gross Floor Area 5451.7sqm. Therefore, FSR is 1.51:1	No (See clause 4.6 variation below)
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Provided by conditions of consent	Yes
7.8 Flood Planning	Proposal is to comply the flood planning controls	The proposed development site is located on the floodplain of Maxwells Creek.	The proposed development has been reviewed by Council's Floodplain Management Engineers and is considered satisfactory subject to conditions of consent.
7.11 Minimum Dwelling Density	Development site is located within the 28 dwellings/hectare area	Based on the overall site area of 3652.5sqm and the 63 dwellings that are proposed the density will be 172dw/ha.	The development meets the minimum dwelling density.
7.13 Minimum Lot Width in Zones R1, R2, R3 and R4	Minimum width 10m	The development lot accommodating the residential development exceeds 10m in width	Yes
7.31 Earthworks	Council to consider matters listed (a)-(g)	Matters addressed by applicant and considered by Engineers – conditioned as required	Yes

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, the proposal does not comply with the LLEP 2008 development standards with respect to building height and FSR.

Variation to Clause 4.3 Height of Buildings

Clause 4.3 of the LLEP 2008, stipulates that the maximum height permissible on the subject site is 21m as indicated in the figure below.



Figure 6 Extract of Height of Buildings mapping showing site has HOB of 21m

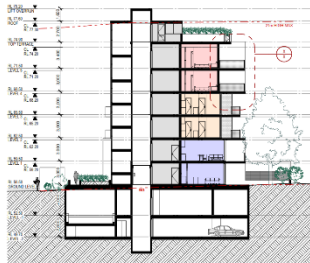


Figure 7: Extract of section plan

As demonstrated in the above compliance table, the proposed development is inconsistent with the provisions of LLEP 2008 in respect to Height of Buildings. The maximum height of buildings permitted for this site is 21m. The proposed maximum height of buildings is 22.91m

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 4.3 (Height of buildings) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R1 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (1) *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.*
 - (2) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*

1) Circumstances of the development

The application seeks consent for construction of two residential flat buildings over two stages. The exceedence of Clause 4.3 Height of Buildings is mainly in relation to the lift overrun and constitutes a maximum non-compliance of approximately 1.9m or 9%. This non-compliance consists of two components; 1) 1.6m for the lift overrun and 2) a maximum 0.31m pertaining to the rooftop lift lobby that provides access to the rooftop communal open space area. This additional area has been created in order to ensure appropriate solar access to the development's communal open space. This exceedence is located on the eastern side of the building and is not considered to impact on the solar access to the adjacent developments. The exceedence of the height of building does not facilitate the construction of additional dwellings or habitable floor space and is considered to have minimal additional bulk and scale to the development.

The building form is in accordance with the expected height of buildings for the locality as described in Future Character Statement for Edmondson Park in Part 2.11, which anticipates six storeys residential development along the Bernera Road transit corridor that provides access to Edmondson Park Town Centre and train station.



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

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

- *The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of the LLEP 2008.*
- *Based on the development area of the site (3,652.50sqm), the proposal is fully compliance with the maximum 1.5:1 floor space ratio (FSR) development standard that applies to the site. Therefore, the height variation does not seek to provide any additional density or gross floor area (GFA).*
- *The predominant building height does not exceed 21m, with the lift overrun and the top of the rooftop communal open space being the only exceptions.*
- *The visual impact associated with the additional height is negligible. The*

lift overruns are sited behind the main parapet and will not be readily visible from the public domain. The

- *The potential environmental impacts of the variation have been documented and detailed in the accompanying Statement of Environmental Effects.*

3) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

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

The s4.6 application provides response as to the consistency of the development with the objectives of Clause 4.3 as follows

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved*
 - *The maximum heights in the LLEP 2008 are appropriate for new buildings in this urban release area and reflect the Future Character Statement for Edmondson Park in the LDCP, which states (amongst other things); "Taller buildings are encouraged to frame Croatia Avenue and the Maxwells Creek Urban Park. Buildings are predominantly between 3 - 6 storeys and massed towards the public realm." The proposed variation is minor in nature and the development adopts a height, bulk and scale that reflects the desired future character for the site and area more generally.*
- (b) to permit building heights that encourage high quality urban form,*
 - *The proposed buildings have been designed, positioned and oriented so that they make a positive contribution to the future streetscape character and achieve a high standard of residential amenity.*

The areas of non-compliance are sited behind the main parapets and are not readily visible from the public domain and will not detract from the overall design of the development. The elements that breach the height standard do not erode the ability to achieve high quality-built form on the site.

As outlined above, by bringing accessible access to the rooftop will enable the creation of another communal open space for occupants which will enhance the quality of the living and recreation experience of the development

- (c) *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- *The extent of overshadowing attributed by the additional building height beyond the shadow cast by a complying height is negligible and will largely self-shadow. Furthermore, it will not adversely or directly impact on solar access of future neighbouring development from achieving policy requirements*
- (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity.*
- *The built form of the proposal is consistent with the desired future character for this area of Edmondson Park. Building A will be read as part of a collection of buildings. Building A itself has been designed with a stepped profile with 4 storey elements at the ends, then massing stepping in and rising an additional two levels. The adjacent Building B is smaller in scale and height creating a complementary composition of forms.*

Overall, the development provides an appropriate height transition between the Edmondson Park Town Centre and the surrounding lower density residential areas.

In response to the comments raised above, Council has provided the following justification as to why the imposition of the applicable height control is unreasonable and unnecessary in this instance:

- The predominant extent of the height exceedance occurs at the lift overruns for all buildings. The lift overruns are located centrally on the roof of the buildings and are not readily visible when viewed from street level and do not generate additional overshadowing on adjoining properties.
- The extent of the variation is 9% which is considered minor in this instance and will not contribute to additional visual bulk and scale of the development.
- The development provides a consistent floor to floor height of 3.1m, which exceeds the minimum the ADG. The additional height provides added amenity for the units by enabling better solar access and cross-ventilation and enables a better urban design outcome. The floor-floor height may be reduced to achieve a height compliance, however, will result in an inferior design outcome.
- The proposed buildings remain consistent with the expected number of storeys envisaged by the maximum height limits on the site. It envisaged that a 21m height limit will cater for a 6-storey building when considering the minimum 2.7m floor to ceiling height and a 3.1m floor to floor height under the ADG.
- Notwithstanding the height exceedance the proposed development does not create any additional overshadowing or privacy impacts on the adjoining developments.

- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG.

Comment: It is considered that the proposed development is consistent with the objectives of Clause 4.3 in that the proposed development encourages high quality urban form. Despite the minor non-compliance, the proposed development achieves the required solar access to living areas and POS as required by the ADG. The slight exceedance does not add any additional FSR or density with the proposed development providing an appropriate density outcome for the site, particularly when having regard to the 28 dwellings/hectare density location of the site and its close proximity to the Edmondson Park Town Centre and the Edmondson Park Station.

4) Consistency with objectives of the zone – R1 General Residential

The objectives of the R1 General Residential Zone under the LLEP 2008 are as follows;

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

The applicant has provided the following response to how the development is consistent with the objectives of the R1 General Residential zone;

- *A mix of one, two and three bedroom apartments is proposed consistent with the LDCP 2008 for Edmondson Park and this will in part meet the demand for housing in this urban release area.*
- *The site is highly accessible and proximate to Edmondson Park railway station, being within 800m walking distance, and well-suited for the scale and intensity of the development proposed. The developments proximity to the town centre will support future employment uses further supports the suitability of the proposed development density.*

Comments

The proposed variation in height does not prevent the ability of the proposed development to provide the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R1 General Residential Zone.

5) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance for the reasons stated above to apply a degree of flexibility when applying the maximum height development standard.

6) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 “*height of buildings*” has satisfied the provisions of Clause 4.6 and is supported in this instance.

Variation to Clause 4.4 Floor Space Ratio

Clause 4.4 of the LLEP 2008, stipulates that the maximum floor space ratio permissible for the subject site is as indicated in the figure below;

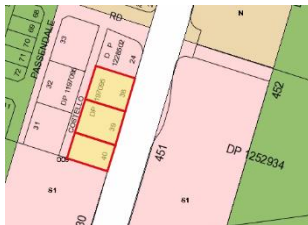


Figure 8: Extract of Floor Space Ratio Mapping S1 – 1.5:1

As demonstrated in the above compliance table, the proposed development is inconsistent with the provisions of LLEP 2008 in respect to Floor Space Ratio. The maximum floor space ratio permitted for this site is 1.5:1. The proposed floor space ratio of the development is 1.51:1.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 4.4 (Floor Space Ratio) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R1 zone, are discussed below:

- (1) The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or*

any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.4 does not have a provision that prevents it from being varied by consideration of request to do so under Clause 4.6.

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

1) Circumstances of the development

The application seeks consent for construction of two residential flat buildings over two stages. The exceedence of Clause 4.4 Floor Space Ratio is related to the reduction in the lot size as a result of road widening and constitutes a non-compliance of approximately 53sqm or 1% of the control. The buildings were originally designed prior to the acquisition of the portion of the site on the corner of Poziers Road and Bernera Road (Formerly Croatia Ave) to facilitate road widening. It is noted that the acquisition process commenced prior to the lodgement of the development application but was not finalised until after its lodgement. Given that this is a corner site, the potential impacts of the minor non-compliance is considered to be minimal as there are no adjacent sites on the northern side that will be affected.

The building form is in accordance with the expected height of buildings for the locality as described in Future Character Statement for Edmondson Park in Part 2.11 which expects six storey residential development along the Bernera Road transit corridor that provides access to Edmondson Park Town Centre and train station.

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

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

- *Notwithstanding the minor variation, the proposal is entirely consistent with the objectives of the development standard as provided in clause 4.4 of the LLEP 2008.*

- *The calculated exceedance is very minor in nature and a direct result only from the road widening for Bernera Road which reduced the site area with a legal boundary only – no additional building mass/bulk is proposed.*
- *The proposed development is generally consistent with other relevant development standards and controls (eg height, setbacks, communal open space, deep soil zones).*
- *The development proposal, post-lodgement, was updated to incorporate an additional number of 'adaptable apartments' – while being in the public interest, this updated apartment configuration contributes in part to the FSR exceedance.*
- *The potential environmental impacts of the development have been documented and detailed in the accompanying Statement of Environmental Effects.*

Taking into account the above, the particular circumstances of this application it is neither reasonable nor necessary to require compliance with the floor space ratio standard.

3) Consistency with objectives of the development standard Clause 4.4 Floor Space Ratio

The objectives of Clause 4.4 and assessment are as follows:

- to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,*
- to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,*
- to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

The Clause 4.6 application provides response as to the consistency of the development with the objectives of Clause 4.4 as follows.

- to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,*

The traffic generated by proposed development is minor relative to the traffic volumes envisaged for Edmondson Park and as such it is not expected to impact the operation of the surrounding road network. This was assessed as acceptable by the traffic consultant. The resultant variation to the density control will have no discernible change to the traffic generation of the site.

- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,*

The proposed variation is minor in nature and the development adopts a height, bulk and scale that reflects the desired future character for the site and area more generally.

- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

There are no adverse environmental impacts arising from the proposed minor FSR exceedance.

- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

The proposed buildings have been designed, positioned and oriented so that they make a positive contribution to the future streetscape character and achieve a high standard of residential amenity.

- (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

Overall, the development provides an appropriate height transition between the Edmondson Park Town Centre and the surrounding lower density residential areas.

- (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

Overall, the development provides an appropriate height transition between the Edmondson Park Town Centre and the surrounding lower density residential areas.

In response to the comments raised above, Council has provided the following justification as to why the imposition of the applicable floor space ratio control is unreasonable and unnecessary in this instance:

- The predominant extent of the floor space ratio exceedance has occurred since the concepts original design with the road widening upgrades to Bernera Road which resulted in the acquisition of a portion of the site. This resulted in a reduction of the site area of approximately 54sqm. It is considered that the effect of the non-compliance with the buildings bulk and scale will not be readily observable when viewed from street level and does not generate additional overshadowing or amenity impacts on adjoining properties.

- The extent of the variation is 1% which is considered minor in this instance and will not contribute to additional visual bulk and scale of the development.
- Alterations have been made to the internal layout and unit mix in order to provide the appropriate level of adaptable housing which has limited the extent to which the buildings can be redesigned to meet the floor space ratio development standard of 1.5:1.
- The proposed buildings remain consistent with the expected number of storeys envisaged by the maximum height limits and planning for the site.
- Notwithstanding, the 1% exceedance of the FSR in the proposed development does not create any additional storeys or units in the development or privacy impacts on the adjoining developments compared to a development that meets the numerical controls.
- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG.

Comment: It is considered that the proposed development is consistent with the objectives of Clause 4.4 in that the proposed development encourages high quality urban form. Despite the minor non-compliance, the proposed development achieves the required solar access to living areas and POS as required by the ADG. The slight exceedance does not add any additional units or density with the proposed development providing an appropriate density outcome for the site, particularly when having regard to the 28 dwellings/hectare density location of the site and its close proximity to the Edmondson Park Town Centre and the Edmondson Park Station.

4) Consistency with objectives of the zone – R1 General Residential

The objectives of the R1 General Residential Zone under the LLEP 2008 are as follows;

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

The applicant has provided the following response to how the development is consistent with the objectives of the R1 General Residential zone;

- *The proposal provides apartment buildings will contribute to a mix of housing forms in Edmondson Park, that will meet the needs of a wide demographic of the locality and provide choice from the predominate attached housing typologies in the locality.*
- *A mix of one, two and three bedroom apartments is proposed within the buildings, consistent with the LDCP 2008 for Edmondson Park and this will in part meet the demand for housing in this urban release area, offering a variety of housing forms*

and price points to appeal to a wide market from investors to first homebuyers and downsizers.

• In terms of accessibility, the site is highly accessible and proximate to Edmondson Park railway station, being within 800m walking distance, and thus well-suited for the scale and intensity of development proposed. The site has been zoned to facilitate an increased residential density from the existing context in response to the railway infrastructure and thus the proposal is consistent with this objective.

• The proposal will positively contribute to the envisaged new population in the centre. The social and community infrastructure has been planned for in the planning controls and not specifically required to be provided for on the subject site. Such development on the site which is proximate to the town centre will support the establishment and sustainability of future support infrastructure.

Comment: The proposed variation in floor space ratio does not prevent the ability of the proposed development providing the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R1 General Residential Zone.

5) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance for the reasons stated above to apply a degree of flexibility when applying the maximum height development standard.

6) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.4 “*floor space ratio*” has satisfied the provisions of Clause 4.6 and is 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 application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development* and *Part 2.11 Land Subdivision and Development in Edmondson Park*.

The development is found to generally comply with the provisions of the LDCP 2008, as detailed within the tables in Attachment 3 of the report.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008.

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

There are no Planning Agreements which apply to the development.

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

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

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

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development which is not an over-development and is consistent with the desired future built character of the locality.

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

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and provision of a range of residential accommodation in close proximity to employment and transport opportunities. The development is considered unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development character in the locality.

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

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Officer	Approval subject to conditions of consent
Development Engineer	Approval subject to conditions of consent

Landscape Officer	Approval subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Waste Management	Approval subject to conditions of consent

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
Endeavour Energy	Approval subject to conditions of consent
Sydney Water	Approval subject to conditions of consent

(c) Community Consultation

The proposal was advertised/notified for a period of 17 days from 1 June 2018 to 18 June 2018 in accordance with LDCP 2008. No submissions were received in response to the public consultation process.

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

Through the provision of additional housing stock and being generally in accordance with the planning and controls, the proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009. The development site is the result of a previous subdivision application (DA-472/2014) at which time the appropriate contribution payable under the plan were paid. As such, in accordance with the Plan, the development does not attract further contributions.

It is not evident as to whether a Special Infrastructure Contributions (SIC) Levy is applicable for this site however a condition of consent will require the developer to provide confirmation from NSW Department of Planning prior to the issue of a construction certificate.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

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

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

9. RECOMMENDATION

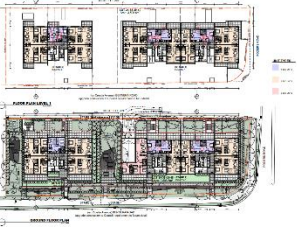
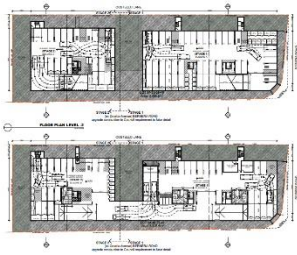
That Development Application DA No. 358/2018 be approved subject to conditions of consent.

10. ATTACHMENTS

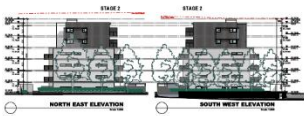
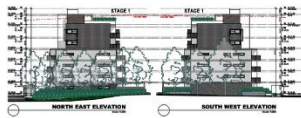
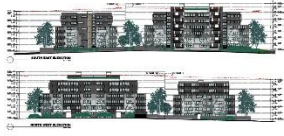
- 1. PLANS OF THE PROPOSAL**
- 2. CONDITIONS OF CONSENT**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**
- 5. CLAUSE 4.6 VARIATION REQUEST TO CLAUSE 4.3 HEIGHT OF BUILDINGS DEVELOPMENT STANDARD**
- 6. CLAUSE 4.6 VARIATION REQUEST TO CLAUSE 4.4 FLOOR SPACE RATIO DEVELOPMENT STANDARD**

ATTACHMENT 1: PLANS OF THE PROPOSAL

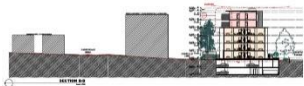
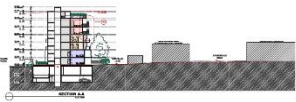
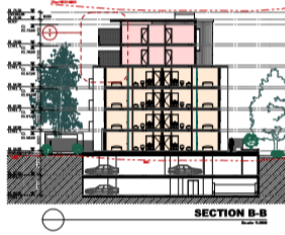
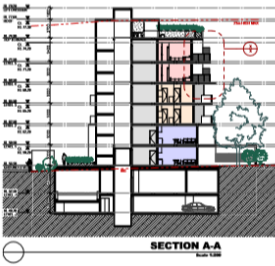
Floor Plans



Elevations



Sections



Colour Schedule



Landscape Plan



ATTACHMENT 2: CONDITIONS OF CONSENT**ATTACHMENT 2: RECOMMENDED CONDITIONS OF CONSENT****CONDITIONS:**

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

STAGED APPROVAL

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

Stage	Development works	Part Reference	Condition Reference
1	Consolidation of all lots, and construction of a six storey residential flat building (Building A) including two level basement carparking, 37 apartments, rooftop communal open space, and landscaping	All Parts	All conditions
2	Decommissioning and rehabilitation of the existing OSD basin and construction of a six storey residential flat building (Building B) including two levels of basement parking accessed from the entrance of Stage 1 carpark, 24 apartments and landscaping.	All Parts	All conditions

A. THE DEVELOPMENT**1. Approved Plans**

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

Plan Name	Sheet No.	Job No.	Date	Issue	Prepared By
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LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

27th July 2020

Cover Page	A01	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Streetscape	A03	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Site Analysis and Data	A04	1773-17 P4945	12.03.2020	H	Algorry Zappia & Associates
Communal Open Space Plan	A04.1	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Basement Floor Plans	A05	1773-17 P4945	2.07.2020	J	Algorry Zappia & Associates
Ground and Level 1 Floor Plans	A06	1773-17 P4945	2.07.2020	G	Algorry Zappia & Associates
Level 2 – 3 Floor Plans	A07	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Level 4 - 5 Floor Plans	A08	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Elevations	A11	1773-17 P4945	12.03.2020	G	Algorry Zappia & Associates
Sections	A12	1773-17 P4945	12.03.2020	G	Algorry Zappia & Associates
Context Section	A18	1773-17 P4945	12.03.2020	C	Algorry Zappia & Associates
Materials & Finishes Schedule Stage 1	A14	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Materials & Finishes Schedule Stage 2	A15	1773-17 P4945	12.03.2020	F	Algorry Zappia & Associates
Site Plan	A16	1773-17 P4945	12.03.2020	E	Algorry Zappia & Associates
Landscape Plans	338-19.00 to 338-19.04	39-19	24.03.20	C	Distinctive Living Design
Stormwater Concept Plan (Ground & Basement)	Sheets D01, D02, D03, D04, D05 & D06	1773-17	03.04.20	C	Algorry Zappia & Associates

Report name	Dated	Reference	Prepared by
Acoustic DA Assessment	2/3/2020	20180253.2/0403A/R1/AS	Acoustic Logic
BASIX Certificate	03/10/2019	906024M_02	Building & Energy Consultants Australia
BCA Assessment Report	16/3/2018	D2018-017	Technical Inner Sight
Preliminary Site	April 2014	Project 76604.00-3	Douglas Partners

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL AGENDA

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Investigation			
AEC 2 And AEC 3 Validation	16 July 2015	No Reference Number	Geo-Logix Pty Ltd
Traffic and Transport Impact Statement	23/2/2018	16-087-1	TSA
Waste Management Plan	1/7/2020	N/A	Leigh Design Pty Limited

2. Works at no cost to Council

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

3. Compliance with the Environmental Planning and Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000

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

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

4. Access

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority

5. Cladding

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

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

6. Stages of Consent

This consent approves development with respect to the Stages of Consent as follows;

- a) Stage 1 to be completed prior to the beginning of any works for any other stage.
- b) Stage 2 occurring at any time after the finalisation of Stage 1 depending upon the development of the regional drainage network.

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:

7. Fee Payments

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

8. Special Infrastructure Contribution

The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a Construction Certificate, is issued in relation to any part of the development to which this consent relates.

9. Substation

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

10. Building works

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

11. Balcony Balustrades

Prior to the issue of a Construction Certificate, plans shall be submitted for approval by the Principle Certifying Authority that demonstrate that all balustrades to the balconies are to include opaque glazing to minimise potential visual privacy impacts.

12. Cladding

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

13. Window Openings

Prior to issuing a construction certificate, it is to be demonstrated to the satisfaction of the PCA that the window openings above ground floor (excluding balcony access doors) will be restricted to 12.5cm openings and are in accordance with the NCC and relevant Australian Standards.

14. Building works

In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

15. Fire Safety Measures

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

16. Notification

The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

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

17. S138 Roads Act – Minor Works in the public road

Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for

any works required in a public road. These works may include but are not limited to the following:

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

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

18. Fees – Road Opening

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

19. Retaining Walls on Boundary

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

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

20. Road Safety Audit

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

21. No loading on easements

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

22. Stormwater Concept Plan

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Algorry Zappia & Associates, reference number P4945, revision C, dated 03.04.2019.

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

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

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

23. Stormwater Discharge – Basement Car parks

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

24. Dual submersible pumps are required for the basement.

25. Water Quality

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

The Construction Certificate must be supported by:

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

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

26. Access, Car Parking and Manoeuvring – General

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

27. Street Lighting

The applicant is to provide street lighting upgrade to Category 'P4' to Council's specifications for Costello Lane, Poziers Road and Bernera Road.

28. Dilapidation report

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Costello Lane, Poziers Road and Bernera Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 100m either side of the development.

29. Dilapidation Report Private Property (Excavations)

A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

30. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for review.

31. Provision of Services – Sydney Water

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

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

32. Provision of services – Endeavour Energy

Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

33. Provision of Services - Telco

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:

- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

34. S68 Local Government Act- Stormwater drainage Works

Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council to connect to existing drainage easement.

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

35. Recommendations of Acoustic Report

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

36. Traffic

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

37. Traffic – Detailed Drawings

Detailed design drawing showing the proposed driveways ensuring vehicles enter and exit the development in a forward direction, intersection treatments at the intersection of Costello Lane and Poziers Road, appropriate traffic calming facilities to ensure a speed environment of 50 km/hr, car parking spaces along with linemarking and signposting plans, service vehicle/garbage truck turning head and swept path analysis and 'No

Stopping' signage on both Sides of Costello Lane is to be submitted to the Traffic & Transport Section, for approval.

38. Design Verification Statement

In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

39. Site works

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

40. Waste Storage Area

Prior to issue of the construction certificate, the building plans and waste management plan must be revised to show the presence of a 240 litre bin-lifter in the waste bin storage area, to be supplied by the developer, with sufficient space being allocated to that equipment without reducing the space for bulky household waste storage or bin storage and manoeuvring.

Prior to issue of the construction certificate, all waste chutes and recycling alcoves containing any waste bin, including 240 litre recycling bins, must be noted as being equipped with permanent signage. This must show how to safely and correctly operate all the equipment, how to separate the waste correctly into general waste and recyclables, and that all recyclables must be placed, loose and unbagged, into the bin provided. This information must be presented with at least a 50% graphic content, to overcome any potential language barriers.

Any bin bays must be:

- a) Provided with mechanical ventilation,
- b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,

- c) Provided with sufficient light to permit usage at night,
- d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
- e) Bin bay signs are available from Council,
- f) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute,
- g) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and
- h) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - i. Garbage is to be placed wholly within the garbage bins provided,
 - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - iii. The area is to be kept tidy,
 - iv. A phone number for arranging disposal of bulky items, and
 - v. Graphic illustrative content to be 50%.

41. Garbage Services

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

42. Loading Zone

Prior to issue of a Construction Certificate, the applicant will provide a traffic and parking plan showing a loading zone of not less than 12 metres in length on Costello Lane immediately adjacent to the area designated 'Bins Collection Area'. This loading zone, which is provided to enable the safe and efficient emptying of waste bins from that building, is to have a maximum duration of 15 minutes for vehicles to be stationed there.

43. Temporary OSD

The existing temporary OSD on lot 40 shall not be removed until the downstream system regional basin is completed.

C. PRIOR TO WORKS COMMENCING

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

44. Building works

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

45. Construction Certificate

Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

46. Building Compliance

Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

47. Prior to Work Commencement

Prior to the commencement of any building works, the following requirements must be complied with:

- a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
- e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

48. Building Works for Residential Building Work

Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the development to which the work relates has been given written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

49. Residential work

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

50. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

51. Sediment & Erosion Control

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

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

52. Traffic Control Plan

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at

Worksites” and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

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

53. Facilities - Toilets

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

Each toilet must:

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

54. Facilities – Waste

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

55. Construction Requirements

Lifting or craning materials over a public footway or roadway is not permitted unless a “B” class construction hoarding has been installed in compliance with work cover authority requirements.

56. Council Assets

The applicant/ builder shall be responsible to report to the Council any damage to Council’s footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

57. Waste Classification

All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related

guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

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

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

58. '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.

59. Building Plan Approval

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

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

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

Sydney Water's Tap in™ online service is available at:

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

D. DURING CONSTRUCTION

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

60. Building Compliance

The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5(3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

61. Construction Stages

The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works.

62. Identification Survey Report

The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

63. Hours of Construction Work and Deliveries

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

64. Building Waste

All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing away in wet weather.

65. Slab Construction

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the

slab has been poured at the approved levels.

66. Sign with the details of the Principal Certifier

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

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
- name, address and telephone number of the Principal Certifying Authority
- a statement stating that ‘unauthorised entry to the work site is prohibited’.

67. Excavation Works

In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

68. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council’s reserve area.

69. Toilet Facilities

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

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

70. Waste Management Plan

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.

71. Waste Management

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

72. Construction Waste

All construction/excavation waste must be separated as it is generated and kept in separate spoil piles, bays, builder's site bins and/or skips.

73. Construction Waste

All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed at all times to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways, or onto neighbouring properties or public land in wet weather.

74. Soil and sediment Control

Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:

- (a) Siltation fencing;
- (b) Protection of the public stormwater system; and
- (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

75. Construction Noise

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

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

76. Termite Protection

To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition, a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis.

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

77. Car Parking Areas

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

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

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

78. Traffic Management Signage

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

79. Traffic – Work Zone

If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

80. Traffic Road Closures

Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

81. Contamination

The development, including all civil works, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

82. Fill

Filling material must be limited to the following:

(a) Virgin excavated natural material (VENM)

(b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or

(c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

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

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

83. Earthworks Records

Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
- (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
- (c) The results of any chemical testing of fill material.

84. Site Remediation Works

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

85. Air Quality – Dust Screens

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

86. Air Quality - Stabilisation

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

87. General Site Works - Pollution Control

Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

88. General Site Works – Dust Control

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

89. General Site – Water

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

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

90. General Site Works – Control Pollution from vehicles

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

91. General Site Works

The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material.

92. General Site Works

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

93. Disruption to Pedestrian or Vehicular Traffic

If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance

from, or in connection with the construction site, falling onto a public area as follows:

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

94. Craning

Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.

95. Ventilation

The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

96. Dangerous/ Hazardous Material

All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note: Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

97. Major Filling/ Earthworks

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

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

98. External – Switch board

Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

99. External - Lighting

Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

100. Windows

The windows of all bathrooms, W.C. and en-suites shall be fitted with translucent/obscure glazing, and all stair-well windows shall be fixed and are to be provided with obscured/frosted glazing, to the satisfaction of the PCA.

101. Air Conditioning Plant

The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

102. Vegetation - Weeds

No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping.

Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

103. Vegetation - Soil

Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

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

104. Crime Prevention Through Environmental Design

The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

- (a) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (b) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells; and
- (c) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting.

105. Erosion and sediment control

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

All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any

drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

106. Street Lighting

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

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

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

107. Drainage Connection

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

108. Footpaths

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

E. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

109. Building Compliance

An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

110. Critical Stages

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

111. Building compliance

The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.

The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

112. Waste Facilities

All waste management facilities, chutes and equipment (bin lifters and compactors etc., but excluding waste bins), plus the required features within bin storage areas and permanent fixed signage must be installed and operational prior to the issue of an Occupation Certificate.

113. Liverpool City Council clearance – Roads Act/ Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

114. Accessibility

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority

115. Landscaping

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

116. BASIX

Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

117. Dilapidation Report

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

118. Service Providers

The following documentation is to be provided prior to the release of the Occupation Certificate.

- a) Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the Occupation Certificate.
- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

119. Stormwater Compliance

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- (a) Stormwater pre-treatment system/s
 - (b) Basement Carpark pump-out system
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to 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

120. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- (a) Stormwater pre-treatment system/s
- (b) Basement carpark pump-out system

shall be registered on the title of the property. The restriction as to user and positive

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

121. Street Lighting

Prior to the issue of an Occupation Certificate street lighting along sections of Bernera Road (formerly Croatia Avenue), Poziers Road and Costello Lane within or fronting the development site, in accordance with Council and Endeavour Energy requirements are to be provided.

122. Works as executed – General

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

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

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.

123. Liverpool City Council clearance – Roads Act/ Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

124. Recommendations of Acoustic Report

A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:

- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

125. Design Verification Statement

In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);

- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

126. Fire Safety Certificate

A single and complete Fire Safety Certificate, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

127. Display of Street Numbers

Street/address number must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit.

128. Cladding

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

129. Window Opening

Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the window openings above ground floor are restricted to 12.5cm and are in accordance with the NCC and relevant Australian Standards.

130. Rectification of Damage

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

Any rectification works within Costello Lane, Poziers Road and Bernera Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

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

132. Linemarking & Signage

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

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

133. Lot Consolidation

All separate lots must be consolidated. The relevant Occupation Certificates cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service. The newly created lot shall include any existing restrictions as to user, easements or other matters registered on the existing titles.

134. Bonds

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

135. Washing on Balconies

Prior to the issue of an OC, the following restriction as to user must be registered on the title of the property:

The hanging of washing, including any clothing, towels, bedding or other article of a similar type of any balcony is not to be visible from any street

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

136. Rooftop Communal Open Space

An operational plan of management and/or physical mechanisms shall be provided to the satisfaction of the PCA that prevents access to the rooftop communal open space area by minors unless accompanied by adults.

F. GENERAL USE CONDITIONS

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

137. Landscaping

Landscaping shall be maintained in accordance with the approved plan in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

138. Mail-boxes

The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

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

139. Rooftop Communal Open Space

The rooftop communal open space area is to be made available to residents of Building A and Building B of the development. The use of the rooftop communal open space shall be managed to be not accessible by minors unless under strict adult supervision.

140. Waste

All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.

After the issue of an Occupation Certificate but prior to residents commencing moving in, Council must be contacted to deliver the required residential waste bins for the property. Please ring 1300 26 2170 to arrange for the delivery after the Occupation Certificate has been issued. The privately supplied 240 litre recycling bins are also to be delivered to site at this point.

Note: Council only supplies the 660 litre bins that will be tipped to the contractor's waste truck. Council does not supply or maintain the 240 litre bins which will be required in regard to the transport of recyclable waste materials around the development.

141. Waste Storage Capacity

Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

142. Garbage Collection

Waste bins must be placed at the kerbside of Costello Lane by agents of the strata ready for emptying no earlier than the afternoon before the waste collection is due. Under no circumstances are the waste bins to be placed on the lane itself. The waste bins must be replaced back into the basement bin storage areas as quickly as possible, and no more than 24 hours after collection.

143. Waste Bin Location

Bins are to be presented to the designated waste collection points by agents of the building management, bins will be emptied by Council's waste contractors and the bins will be replaced promptly in the waste storage areas.

144. Waste – Bulky Waste

All bulky household waste must be placed within the spaces that have been allocated for this purpose within the basement area. No household waste or discarded items are to be placed by residents at the kerbside of Costello Lane, Poziers Road or Croatia Avenue (Bernera Road). The management of the building are to arrange pre-booked household collections with Council for specific dates as needed. Bulky household waste may only then be placed at the kerbside in the specific location agreed upon the evening before the booked date of the pick-up. The amounts and types of materials acceptable for

collection are as per the conditions of Council at the time of booking.

145. Waste Bin Mover

Movement of waste bins from the basement waste rooms up to ground level for storage/emptying must be carried out by means of appropriate bin tugs or tractors, which will be provided to both the stages that comprise this development by the developer. The bin mover must be used on all occasions when bins are required to be moved up or down the driveway ramp.

The electric bin mover must be kept maintained and charged so that it is in an operable condition when needed. It must be kept secure from being accessed by or interfered with by residents and must only be used by individuals who have been trained and insured to use it.

The provision, fitting and maintenance of any bin hitches used to facilitate the movement of waste bins, and the provision and maintenance of any bins used to transfer waste within the development will remain the responsibility of the developer, or, once the development is complete, the strata.

146. Bin Lifter

The bin-lifter must be maintained in an operable condition by the proprietors of the property and must be used on all occasions when 240 litre recycling bins are being decanted into the 660 litre recycling bins to be emptied to the Council contractor's waste truck.

147. Waste Signage

Permanent signage for the household bulky waste storage areas must indicate:

- (a) That the area is for the storage of bulky household waste only;
- (b) That residents should contact building management to arrange for the storage of unwanted items there prior to disposal.

148. Waste – Bin bays

Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate.

Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

1. Garbage is to be placed wholly within the garbage bins provided,
2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
3. The area is to be kept tidy,

4. A phone number for arranging disposal of bulky items, and
5. Graphic illustrative content to be 50%.

149. Noise

The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997. This includes the rooftop communal open space area.

150. Noise

The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

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

151. Car Parking

A total of 96 off-street car parking spaces must be provided for the development in the as follows:

Stage 1

A total of 60 spaces are to be provided. A minimum of 5 spaces are to be dedicated for people with a disability in accordance with the approved plans. A minimum of 8 spaces are to be allocated for visitor spaces.

Stage 2

A total of 33 spaces are to be provided. A minimum of 4 spaces are to be dedicated for people with a disability in accordance with the approved plans. A minimum of 5 spaces are to be allocated for visitor spaces.

152. Traffic – Vehicle Movements

All vehicles enter and leave in forward direction at all times. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

153. Traffic – line Marking

All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

154. Graffiti

Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to

the owner/occupier of the site.

155. Council's Infrastructure

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

G. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within twelve (12) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within seven years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally, the consent becomes effective from the determination date shown on the front of this notice. However, if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally, consent lapses if the development is not commenced within five years of the date of approval. However, if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an

amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- j) The Liverpool City Council Local Government Area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity Reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent enquiries as to the appropriate protection against the current and future potential effect of salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and ground water salinity.
- k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- l) 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.
- m) 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.

- n) 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.

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

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

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(3) Flooding	The land is not flood-prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	Provision	Comment
Section 2: Tree Preservation	Controls relating to the preservation of trees	Complies The site does not contain any significant vegetation.
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The site is currently vacant and does not contain vegetation that could be incorporated into the landscaping of the development.
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6: Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7: Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Complies The site is not within 40m of the nearest watercourse - Maxwell's Creek. As this is the case the proposal was not required to be referred to the department of Primary Industries – Water.
Section 8: Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	Not applicable The site is not mapped as being flood prone and the proposal has been reviewed by Council's Floodplain Management Engineers who have not raised any objections to the development.
Section 10: Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies To be addressed. It is noted that the subject site was created as a result of residential subdivision DA-472/2014 which would have addressed contamination prior to the issue of a subdivision certificate. A site remediation validation report and or

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Development Control	Provision	Comment
		certification that the land is suitable for the proposed use is conditioned to be provided prior to the issue of a construction certificate.
Section 11: Salinity Risk	Provisions relating to development on saline land.	Complies by condition. The site is mapped as having moderate salinity potential. Conditions of consent will be applied to ensure that the construction addresses salinity.
Section 12: Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not applicable. The site is not mapped as being impacted by acid sulphate soils.
Section 13: Weeds	Provisions relating to sites containing noxious weeds.	Not applicable The site is vacant and the proposed development will be conditioned in relation to vegetation.
Section 14: Demolition of Existing Development	Provisions relating to demolition works	Not applicable The site is currently vacant.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.	Not applicable The development will be connected to Sydney Water sewer system.
Section 16: Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Complies The development site is on four residue lots created by DA-472/2014. The site is considered to have been heavily disturbed by the previous use and the residential subdivision and is not considered to be likely to contain Aboriginal archaeology. Conditions of consent will be imposed in the event of unexpected finds during excavation works.
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not applicable The site is not mapped as containing European a heritage item or within the immediate vicinity of a heritage item.
Section 18: Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the requirements of this section between 1 June 2018 and 18 June 2018. No submissions were received as a result of the notification of the application.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.	Not applicable The development does not include the provision of used clothing bins.
Section 20: Car Parking and Access	Car parking rates are as follows: 1 space per one bedroom;	Not Applicable. RMS guidelines have been applied to this proposal. The parking provided achieves the

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Development Control	Provision	Comment
	1.5 spaces per two bedroom units; 2 spaces per three or more bedroom dwelling; 1 space per 4 units or part thereof, for visitors One service bay	level required for development with 800m of railway stations. This is discussed further in the report.
Section 21: Subdivision of Land and Buildings	Provisions relating to the subdivision of land and buildings	Not applicable.
Section 22 & Section 23: Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies A valid approved BASIX Certificate (number: 906024M) was provided with the application for the 61 proposed units across the two stages. A condition of consent will require compliance with the BASIX commitments.
Section 24: Landfill	All fill applied should be Virgin Excavated Natural Material (VENM), as defined by the NSW Department of Environment and Climate Change. Any fill involving material other than VENM is subject to referral to the State Government as potential Integrated Development or contaminated land assessment	A condition of consent will require that any fill brought onto the site will be VENM.
	Any excavation within the zone of influence of any other building will require a Dilapidation Report	Not applicable Building separation requirements of the ADG will ensure that excavation will be outside the zone of influence. Conditions of consent will be applied to safeguard the development of the two stages.
	All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).	Not applicable There is no remaining native vegetation on the site.
	Refer to the section on Salinity if cutting greater 500mm is to be undertaken.	Conditions of consent will require that the development is constructed that appropriately addresses salinity.
	No retaining wall structures will be permitted within any easements such as drainage easements. Retaining walls located on the boundary of two allotments or boundary to	Retaining walls will be conditioned in the consent to address this control.

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Development Control	Provision	Comment
	a public street or public reserve shall be of masonry construction. Other types of retaining wall structure may be permitted if the structure is located wholly within the property.	
Section 25: Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	A revised waste management plan has been provided that includes all phases of the development and satisfactory facilities to ensure WHS standards are achievable.
Section 26: Outdoor Advertising and Signage	Provisions relating to signage.	The development does not proposed signage.
Section 27: Social Impact Assessment	Provisions relating to Social Impact Assessment	In accordance with Table 20, as the development was for less than 200 units, the applicant was not required to provide a Social Impact Assessment.

Development Control	Provision	Comment
PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK		
1.1 INDICATIVE LAYOUT To be in accordance with Figure 2.	The proposal has provided a road layout that is consistent with the Indicative Layout Plan (ILP)	Complies The development is not changing the road layout as approved and constructed in accordance with DA-472/2014.
1.2 DEVELOPMENT WITHIN SUB PRECINCTS	Development site maintains the level and access to fixed roads, the proposal will allow for the provision of drainage and services through conditions of consent and storm water design and does not create a detrimental impact on adjoining sub-precincts.	Complies
1.4 CHARACTER AREA STATEMENTS	The proposed development is consistent with the Urban character as mapped in Figure 5 of the Part 2.11 of the LDCP The Urban Character Area is a dense, urban, but predominately residential zone that provides a transition between the Town Centre and the medium to lower density residential areas. The character area helps define the	Complies The development is a six storey development over two buildings that is considered to be in keeping with the planned outcomes for this part of the urban release area of Edmondson Park.

Development Control	Provision	Comment
	<p>main avenue, Bernera Road (formerly Croatia Avenue) that leads into the Town Centre and helps frame the Urban Parkland and Maxwell's Creek Urban Park.</p> <p>2. Housing types that reinforce the urban character and need for well-located higher densities predominate including apartment buildings and small lot/attached housing. A minimum net residential density of 28 dwellings per hectare is required. Building setbacks are relatively shallow, and there is a close interaction of buildings to the surrounding streets.</p> <p>3. Taller buildings are encouraged to frame Croatia Avenue and the Maxwell's Creek Urban Park. Buildings are predominantly between 3 - 6 storeys and massed towards the public realm.</p> <p>4. The public streetscape is formal in arrangement consisting of wide footpaths, large deciduous trees spaced evenly every 8m max, placed in a hard landscaped verge and forming a large street canopy. To minimize the visual and physical impact of vehicle access to properties on the public streetscape, including footpath crossovers and garages, vehicle access and servicing is via side/secondary streets or rear lanes.</p>	<p>The proposed six storey development achieves the minimum 28 Dwelling/hectare density and the massing requirements of this section. The proposed development of 61 units would result in a density of 169 dwellings per hectare. Density is discussed in more detail below.</p> <p>The six storey residential flat buildings of the development are located on Bernera Road (formerly Croatia Ave). This is considered to be in keeping with the planned character of the urban release area and the 5 storey residential flat building approved (under DA-356/2018) on the opposite side of the adjoining Costello Lane.</p> <p>The landscaping proposed is generally in keeping with the landscaping controls. The upgrading of Bernera Road included the provision of street trees. Additional canopy trees have been included in the landscaping plans.</p> <p>The basement carpark is accessed from Costello Lane to the western of the site which is which minimizes the visual and physical impacts of the carpark.</p>
1.5 PUBLIC TRANSPORT	Proposed development does not impact the ability to maintain required public transport routes in Edmondson Park	<p>Complies</p> <p>The development does not alter or reduce the ability of the precinct to achieve the desired public transport outcomes. The</p>

Development Control	Provision	Comment
		site is located on the Main Bus Route and Feeder Bus Route 2 located on Bernera Road (formerly Croatia Ave) thus ensuring a high level of public transport access to and from the site to Edmondson Park Train Station and shopping and employment opportunities in Edmondson Park Town Centre as well as access to Liverpool services.
2.1 STREET NETWORK AND ACCESS Subdivision plans must indicate street type.	The submitted development is consistent with the indicate ILP within the DCP.	Complies The proposed development does not propose amendments to the approved road layout which was approved under DA-472/2014. In that respect the development is complies with this section.
2.2 PEDESTRIAN AND CYCLEWAY NETWORK	<p>The DCP plan (extract below) indicates that an on-street dedicated bicycle lane is required for Bernera Road while an off-street shared pedestrian/bicycle path is required for Poziers Road to the north of the development site.</p> 	<p>Complies Redevelopment and upgrading of Croatia Ave with the extension of Bernera Road has incorporated the required bicycle lanes.</p> <p>Development along Poziers Road has provided pedestrian footpaths on both sides of the road at a width of 2.5m which gives them the capacity for shared use. The proposed development continues these footpaths across its frontage to Poziers and in this respect is considered to provide the desired outcomes.</p>
2.3 STREETSCAPE AND TREES	Minimum of two trees (to a min mature height of 4m) per six metres of frontage. Suitable Planting is provided	Complies Conditions of consent will require that the approved landscape trees are provided prior to the release of an occupation certificate.
2.4 OPEN SPACE	This section sets controls for the open space requirements for the precinct.	N/A The site is not located in or near areas indicated in the precinct plan mapping for open space

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Development Control	Provision	Comment
		areas.
2.5 ENVIRONMENTAL MANAGEMENT	This section includes controls in relation to Stream and Riparian Management and Core Riparian Corridors	N/A The site is not located on or in close proximity to streams or riparian corridors
2.6 WATER CYCLE MANAGEMENT	This section includes controls in relation to management of storm water, deep soil areas, vegetation and fill.	Complies The development has been reviewed by Council's Land Development Engineers who have raised no issues with the proposal.
2.7 CONTAMINATION Potential for contamination to be assessed.	Contamination assessment submitted as discussed previously in the report. The contamination assessment concluded the subject site is suitable for residential development.	Complies Contamination would have been addressed in the parent subdivision under DA-472/2014. The contamination assessment provided with the application recommends that the site has been remediated and is suitable for the proposed residential use.
3. CONTROLS FOR RESIDENTIAL DEVELOPMENT IN THE 28 DWELLINGS/HE CTARE AREA	This section contains controls for residential dwellings types in the 28sw/ha minimum dwelling density band including residential flat buildings. Apart from setbacks,	Complies by merit Apart from setbacks, the controls in this section in relation to residential flat buildings are replaced by the Apartment Design Guide in accordance with SEPP 65. Front setback required 4.5m Secondary setback required 2.5m. The narrower of the site setbacks is to Poziers Road and in that regard is considered a primary setback. The minimum setback to Poziers Road is 2.93m. The encroachment into the setback can be considered on merit as the non-compliant setback is a result of land acquisition to facilitate the upgrade of Bernera Road, the setback is compliant with the secondary setback requirement of 2.5m, the remainder of the setbacks are compliant, SEPP 65 building separation distances

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The proposal is consistent with the objectives of the WZ Zone as follows:

- The proposed ground floor residential building will contribute to a mix of housing forms in Edmondson Park.
- A total of six, two and three bedroom apartments is proposed within the building, consistent with the LUDP 2009 for Edmondson Park and this will in part meet the demand for housing in this urban area, offering a variety of housing forms and providing support for a vibrant neighbourhood.
- The site is highly accessible and proximate to Edmondson Park which provides living active 500m walking routes, and the site is well served by the roads and network of development corridors.
- The development proximity to the bus route will support future employment uses further up the hierarchy of the use of the site.

6.3. Sufficient Unacceptable or Unnecessary test
 Compliance with the development standard is considered unacceptable and unnecessary in the circumstances of the application based on the following:

- The proposal is consistent with the objectives of the development standard as provided in clause 4.6 of the LUDP 2009.
- Based on the development area of 84, 616 (3,852 sqm), the proposal is fully compliant with the maximum 15% floor space ratio of the development standard that applies to the site. Therefore, the height constraint does not seek to provide any additional density or gross floor area (GFA).
- The height of the building does not exceed 25m, with the A8 corner and part of the roof overhanging the city street.
- The visual and shadow impact associated with the additional height is negligible. The B8 contours are contained within the pavement and will not be visible above the public realm.
- The potential environmental impacts of the number have been documented and detailed in the accompanying Statement of Environmental Effects.

Taking into account the above, the potential consequences of the application do not require a variation or necessary to regain compliance with the height of building standard.

6.4. Sufficient Environmental Planning Grounds
 The proposed development is not considered to be of a nature or scale which would provide significant environmental benefits to the site or the surrounding area. These benefits would be largely restricted to the provision of additional employment uses.

7. SECRETARY CONSIDERATIONS
 In accordance with Clause 4.6 (5) the Secretary must consider the following in deciding to grant compliance:

URBIS - Clause 4.6 (5)

URBIS

7.1. Matters of State or Regional Significance
 Clause 4.6 (1) of the Secretary's proposed decision states that there are any relevant matters of state or regional significance. In this regard, there are no identified impacts within the proposed development which are of state or regional significance.

7.2. Public Benefit of maintaining Development Standard
 Clause 4.6 (2) of the Secretary's proposed decision states that public benefit associated with compliance with the development standard. Given the nature of the proposed variation and the public benefit of compliance with the standard, it is considered that the proposed variation is in the public interest.

The proposed development demonstrates compliance with the underlying objectives of Clause 4.3 height of buildings will be less than the zone, as outlined in the variation request.

Good compliance is considered to be a factor in the overall assessment of the application, and it is considered that the proposed variation is in the public interest as it provides an appropriate response to the objectives of the standard.

The proposal will deliver the following positive benefits:

- Facilitate the provision of diverse uses and forms of housing in the planning policies for the locality, and within the maximum permitted FSR.
- Facilitate the delivery of a mix of apartment forms in most relevant residential types and price points.
- In the context of the overall development the height of the two building forms will be less than the maximum permitted FSR.
- The magnitude of the variation is not considered significant and does not result in any additional adverse impacts on the locality.

8. CONCLUSION

In view of the development standard and compliance with Clause 4.3 of the LUDP 2009 is considered to be acceptable in the case and the proposed development is justified in the following environmental planning grounds as follows:

- The proposal is consistent with the objectives of the development standard as provided in clause 4.6 of the LUDP 2009.
- The proposed variation will not result in the loss of any public benefit or loss of Clause 4.3 and the objectives of the WZ Zone.
- The proposed variation will not result in the loss of any public benefit or loss of Clause 4.3 and the objectives of the WZ Zone.
- The proposed variation will not undermine the public benefit and legitimacy of the standard.
- The nature of the variation is not considered significant and does not result in any additional adverse impacts on the locality.
- Based on the maximum permitted density, it is considered that the proposed variation is in the public interest and that the public consequences of the case warrant flexibility in the application of the development standard.

URBIS - Clause 4.6 (5)

ATTACHMENT 6 – s4.6 Variation Request to s4.4 Floor Space Ratio

URBIS

CLAUSE 4.6 VARIATION – FLOOR SPACE RATIO
CROATIA AVENUE, EDMONDSON PARK -

1. INTRODUCTION
 This variation seeks a 10% variation to the maximum floor space ratio allowed provided for the subject site within the LUDP 2009 (Clause 4.6 (2) of the LUDP 2009) to allow for a 15% floor space ratio. The proposed variation is in the public interest.

2. THE DEVELOPMENT STANDARD
 The Floor Space Ratio (FSR) development standard is provided in clause 4.6 of the LUDP 2009 with a maximum floor space ratio of 15% for the site, as shown in Figure 1.

Figure 1 – Floor Space Ratio

The LUDP 2009 definition is as follows:
 Definition of Floor Space Ratio: The floor space ratio of a building is a ratio of the total floor area of all buildings within the site area.

URBIS - Clause 4.6 (5)

URBIS

8. CONCLUSION

In view of the Development Control Act compliance with Clause 4.4 of the LLEP 2008 is considered to be acceptable in the context of the proposed development in relation to the following considerations:

- The proposed development is considered appropriate and consistent with the objectives and intent of Clause 4.4 and the objectives of the Code.
- The proposed development will not result in the loss of sites, nor will it result in adverse amenity impacts in terms of overshadowing or the like that would be associated with the additional building height.
- The proposed development will not undermine the public interest and objectives of the Act.
- No matters of State or regional planning would be affected by the proposed action.

Based on the reasons outlined above, it is concluded that the request is well founded and that the particular circumstances of the case warrant flexibility in the application of the development standard.

Urban Plan, Clause 4.4 (1) - March 2008 - PPNL

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