

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday the 27th of June 2022

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

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+61 2 9161 1229,,573378884#](#) Australia, Sydney

Phone Conference ID: 573 378 884#

[Find a local number](#) | [Reset PIN](#)

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

Should you wish to address the Panel, please advise Brenton Toms, Panel Support Officer on 8711 7855 or 1300 36 2170, by 4pm, Friday the 24th of June.

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Planning Proposal RZ-6/2021</p> <p>PLANNING PROPOSAL TO AMEND HOB AND FSR OF THE LLEP 2008 RELATING TO LAND AT 61-71 GOULBURN STREET, LIVERPOOL</p> <p>SP 18729, LOT 8 SECTION 41 DP 758620, LOT 20 DP 1113807, LOT 1 DP 25642, LOT 2 DP 610334 AND LOT 1 DP 610334</p> <p>61-71 GOULBURN STREET, LIVERPOOL</p>	3-26

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-540/2021</p> <p>DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A 5-STOREY RESIDENTIAL FLAT BUILDING CONTAINING 20 UNITS WITH BASEMENT CARPARKING AND CONSOLIDATION OF TWO LOTS</p> <p>LOT 1 DP 251149 & CNR LOT 1 DP 263692</p> <p>35-37 SIMONE CRESCENT, CASULA</p>	27-152

ITEM No.	SUBJECT	PAGE No.
3	<p>Development Application DA-255/2021</p> <p>DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF 5-STOREY RESIDENTIAL FLAT BUILDING CONSISTING OF 13 UNITS AND BASEMENT PARKING.</p> <p>LOT 69 DP 235785</p> <p>14 MCKAY AVENUE, MOOREBANK</p>	153-270

Item no	1
Application Number	RZ-6/2021
Proposal	Planning proposal to amend HOB and FSR of the LLEP 2008 relating to land at 61-71 Goulburn Street, Liverpool
Recommendation	Proceed to Gateway determination
Planning Officer	Cameron Jewell, Senior Strategic Planner

1. EXECUTIVE SUMMARY

In December 2021, Willowtree Planning submitted a planning proposal (**Attachment 1**) prepared on behalf of Sacco Building Group to amend development standards on six lots ('the site') at 61-71 Goulburn Street, Liverpool to facilitate development of a private hospital with associated consulting suites and retail uses. Following an initial assessment, a revised planning proposal was submitted to Council on 20 May 2022 reducing the height and FSR of the proposal.

The application has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EPAA) 1979* and the proposal is referred to the Liverpool Local Planning Panel in accordance with Section 2.19 of the *EP&A Act 1979* for advice.

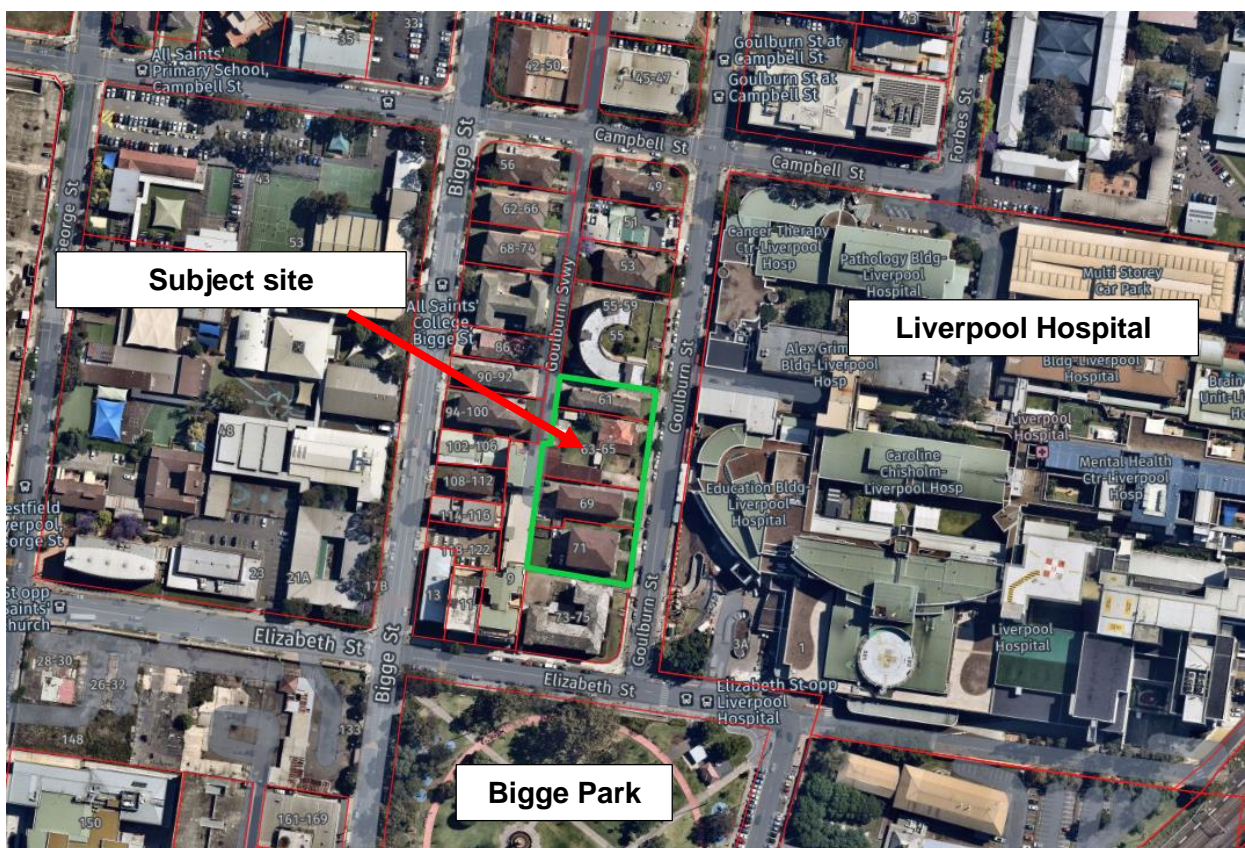


Figure 1: Subject site. Source: Nearmap

The planning proposal seeks to amend height of building (HOB) and maximum floor-space ratio (FSR) controls that apply to the site. The proposed change to HOB is from 35m to 79m. The proposed change to the FSR control is from a base of 2.5:1 (increasing to 3.5:1 under Clause 4.4(2)(c)) to 6.9:1. The proponent initially sought a HOB of 91m and FSR of 7.9:1.

The intent of the planning proposal is to facilitate the development of a private hospital (155 beds), consulting and education suite space (12,540m² GFA) and supporting retail (353m² GFA). This would be contained in a 20-storey building (with four basement levels) and a total GFA of 32,280m².

The planning proposal does not seek to rezone the site, which is currently zoned B4 Mixed Use, as the proposal meets the zone objectives, retail uses are permitted with consent under the zone, while health services facilities are permitted under the Infrastructure SEPP.

As the current zone permits a range of uses, including residential flat buildings (RFBs), Council staff have informed the proponent that the proposed planning controls should be designed in such a way that any increase in development standards on the site is only available for the purposes of a health services facility and associated uses.

The proponent has proposed an additional local provision that restricts development consent being granted unless the consent authority is satisfied that the building is used for the purposes of health services facility and its associated ancillary uses only.

Council staff believe a better option would be to identify the site on the 'Key Sites Map' with a provision whereby FSR and HOB increases can only be accessed for the purposes of a health services facility. Nonetheless, Council will work with the Department of Planning and Environment (DPE) and the NSW Parliamentary Counsel's Office (PCO) to draft controls that best meet the intent of the planning proposal.

Since its lodgement, the planning proposal has undergone pre-Gateway public exhibition for 28 days in accordance with Council's Community Participation Plan. No submissions from the community were received. A submission was invited from the South West Sydney Local Health District (SWSLHD), which indicated minor concerns related to emergency vehicle management, and crane intrusion into the helicopter flight path, however indicated that further advice could be provided once the proposal is referred post-Gateway.

It is found that the planning proposal demonstrates strategic merit. The planning proposal also demonstrates site-specific merit, following agreed changes to address concerns related to scale and overshadowing of local open space.

Council officers recommend that the planning proposal proceeds to Gateway, subject to consideration by the elected Council.

2. SITE AND LOCALITY DESCRIPTION

History

In February 2020, Council was invited to comment on the Planning Secretary's Environmental Assessment Requirements (SEARs) for a State Significant Development Application (SSDA) pertaining to a private hospital at 61-71 Goulburn Street, Liverpool.

The proposal sought a Clause 4.6 variation to increase FSR controls from a maximum of 3.5:1 to 5.1:1. This represented an approximately 46% increase in the control as currently applies in the Liverpool Local Environmental Plan 2008 (LEP). Council indicated that given the magnitude of increase to development standards, it would be more appropriate for the changes sought to be progressed through a planning proposal to Council rather than through a Clause 4.6 variation as part of the SSDA application. The Department agreed and in April 2020 advised the proponent to submit a planning proposal to Council to amend development standards before pursuing the SSDA.

An initial planning proposal was submitted to Council in December 2021 and was revised in May 2022 to reduce FSR and HOB sought, following initial Council comments.

The Site

The planning proposal relates to six lots along 61-71 Goulburn Street, Liverpool (SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP 25642, Lot 2 DP 610334 and Lot 1 DP 610334) (see **Figure 1**). The site covers approximately 4,674m².

The site presently comprises three four-storey RFBs, a single-storey dwelling house and a double-storey detached garage structure.

The site is currently zoned B4 Mixed Use (**Figure 2**) and has additional permitted uses under Schedule 1 of the LEP, whereby:

- Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development; and
- Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

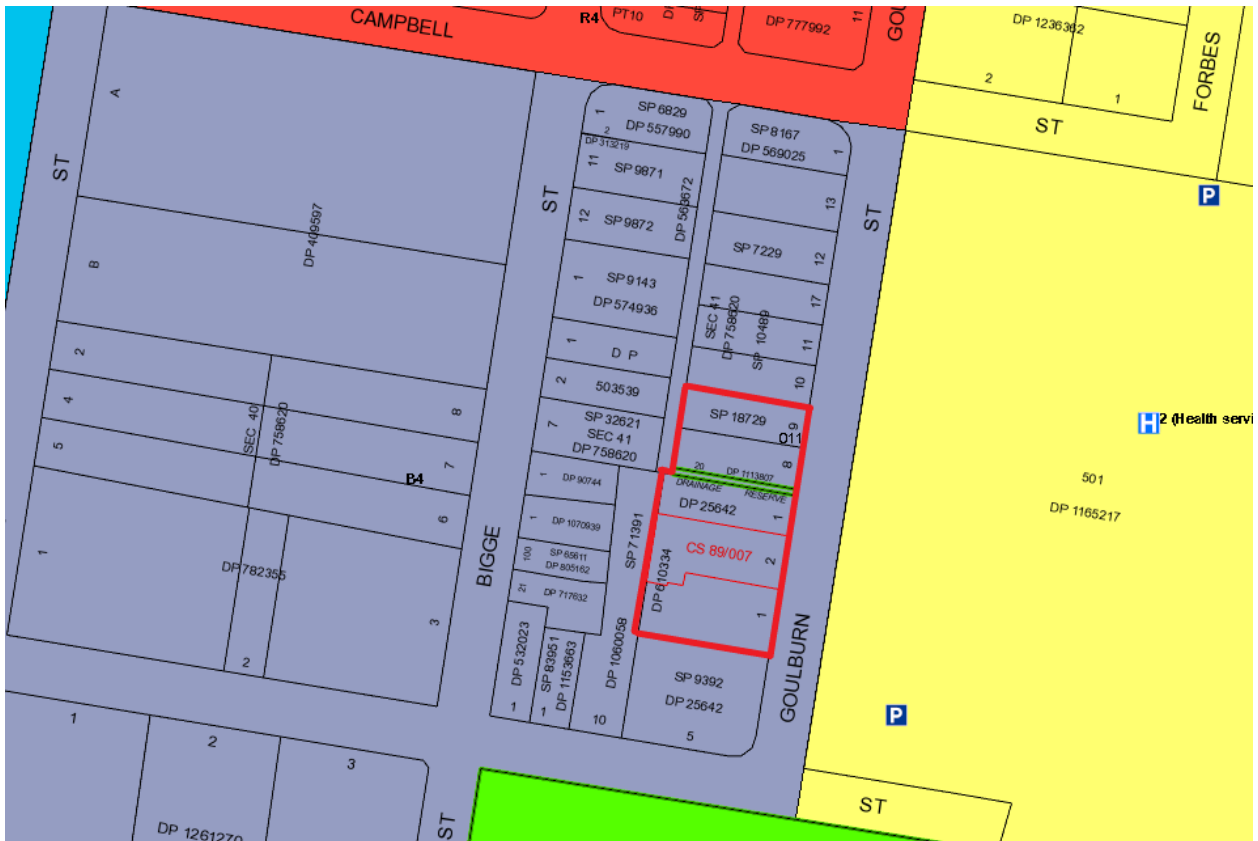


Figure 2: LLEP 2008 Zoning

The site currently has an FSR of 2.5:1 (and up to 3.5:1 pursuant to Clause 4.4(2)(c) of the LLEP2008) and a HOB of 35m.

The site is impacted by the helicopter flight path for the Liverpool Hospital, which is illustrated on the Key Sites Map (**Figure 3**). LLEP2008 Section 7.17A Hospital helicopter airspace states:

- (1) *The objective of this clause is to protect hospital helicopter airspace.*
- (2) *Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—*
 - (a) *refers the application for development consent to the chief executive of the relevant local health district, and*
 - (b) *considers any submission to the consent authority by the chief executive made within 21 days of the referral, and*
 - (c) *is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.*



Figure 3: Key Sites Map

While this is not a prohibition on development, Local Health District concurrence will be required.

It should also be noted that Council has finalised a planning proposal to amend the helicopter flight path in the Key Sites Map, to be consistent with realigned flight paths, as indicated to Council by Liverpool Hospital (**Figure 4**), which is awaiting gazettal.

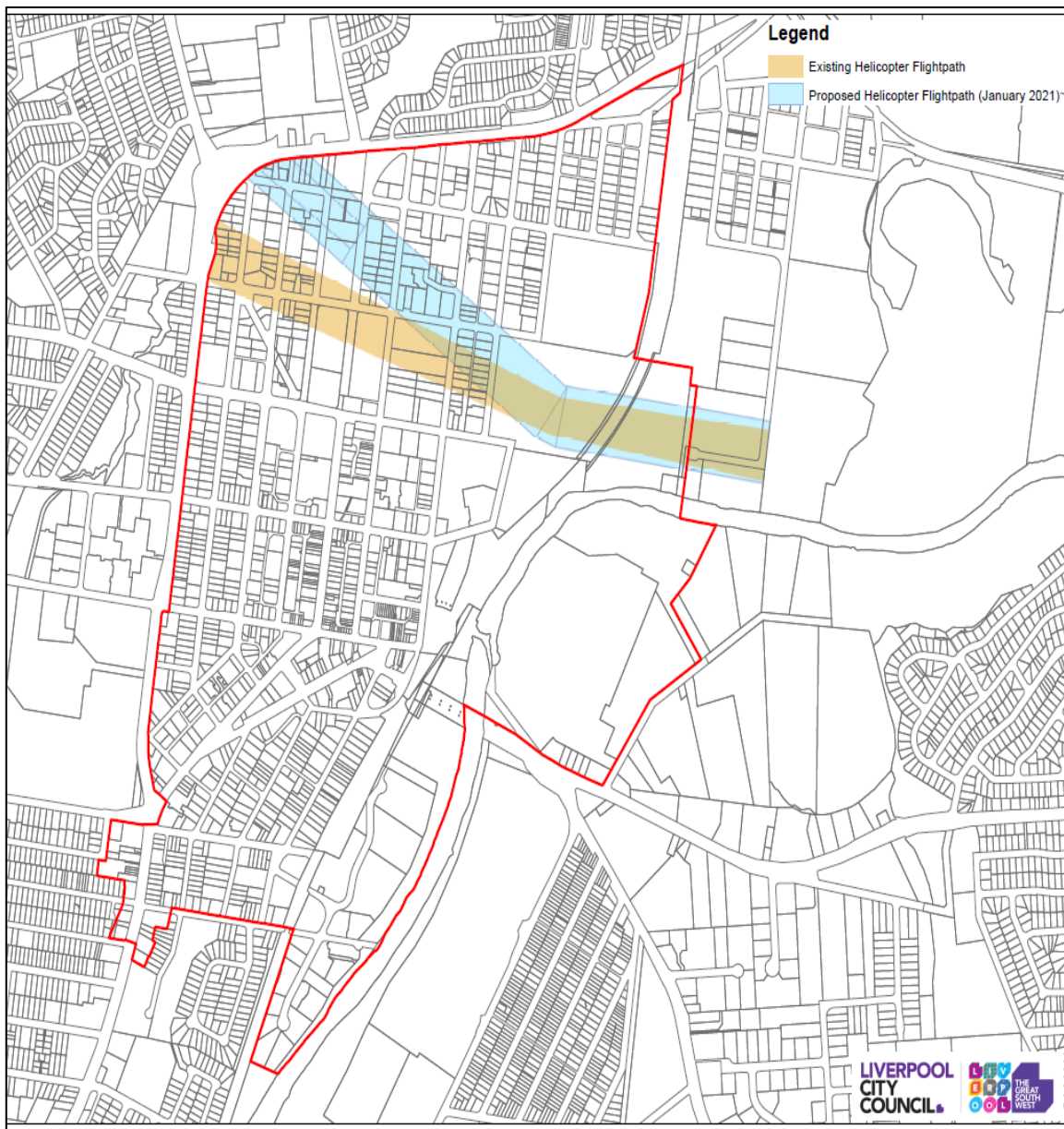


Figure 4: Realigned helicopter flight path

While the realigned flight path would shift the Key Sites Map further north, the northern-most part of the development site would still be affected by the flight path control. Any development on the site would thus require referral to the chief executive of the Local Health District.

The site is also part of the Bigge Park Heritage Conservation Area (**Figure 5**). Prior to any development within the Conservation Area or alteration to any building, structure or landscape feature, a Statement of Heritage Impact should be prepared to assess the impact of such proposal on the significance of the Conservation Area.



Figure 5: Heritage Map (NSW Legislation 2021).

The Locality

The site is located in the Liverpool City Centre to the north of Bigge Park and directly adjacent to Liverpool Hospital. The block is bounded by Campbell Street to the north, Elizabeth Street to the south and Bigge St to the west. It is approximately 500m from Liverpool Train Station.

The site is zoned B4, with the adjacent hospital zoned SP2 (health services facility and educational establishment) and Bigge Park to the south RE1 Public Recreation. There is land zoned R4 High Density Residential immediately to the north of the block. It is immediately surrounded by residential apartment buildings to the north, south and west, and Liverpool Hospital to the east.

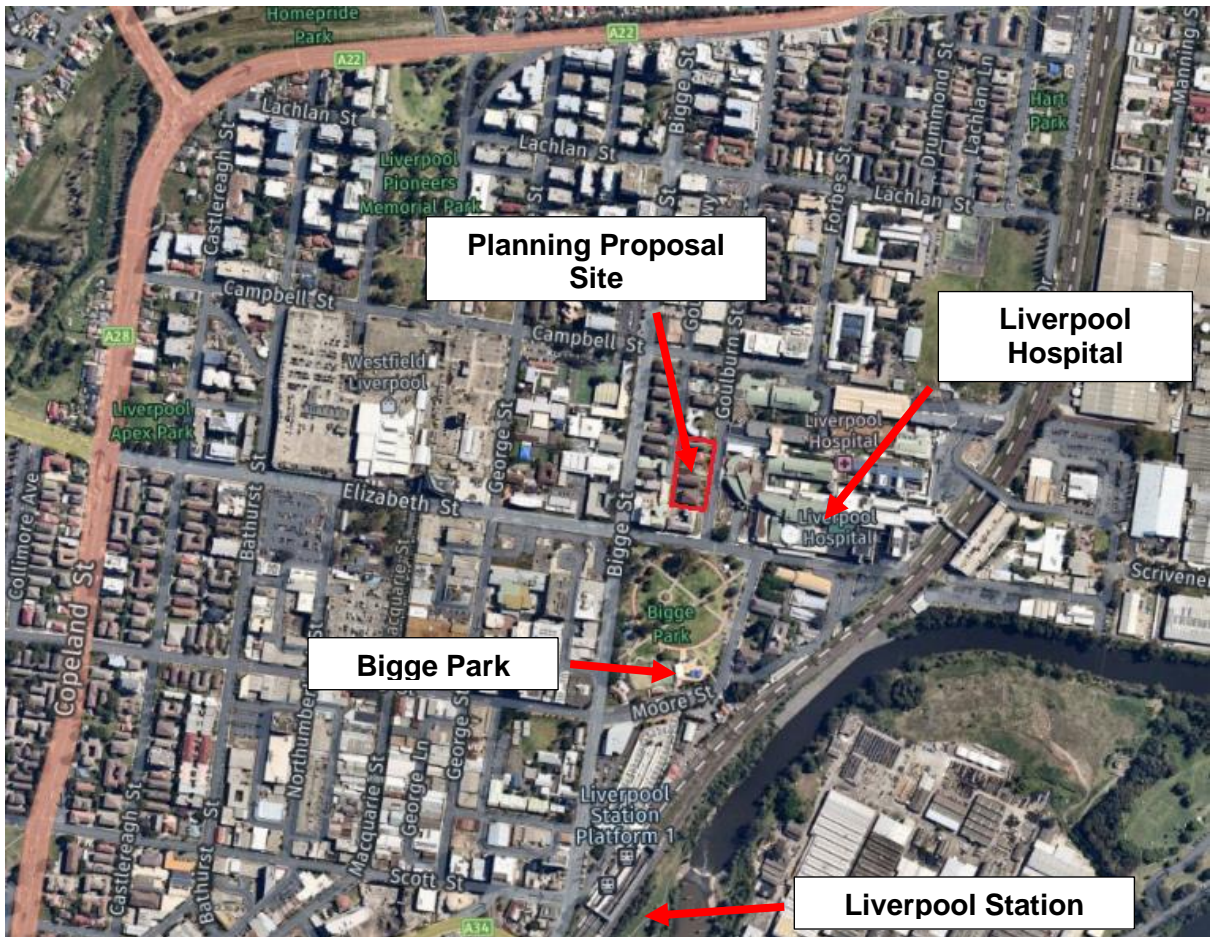


Figure 6: Locality

The proposal falls within an area known as the Liverpool Innovation Precinct (**Figure 7**). The *Land Use Analysis and Precinct Strategy* for the Liverpool Innovation Precinct (**Attachment 2**) indicates there is desire for a new private hospital with close connectivity to key clinical functions of Liverpool Hospital.

- Liverpool Collaboration Area
- Liverpool Innovation Precinct
- Master Plan of Influence
- Liverpool Health & Academic Precinct

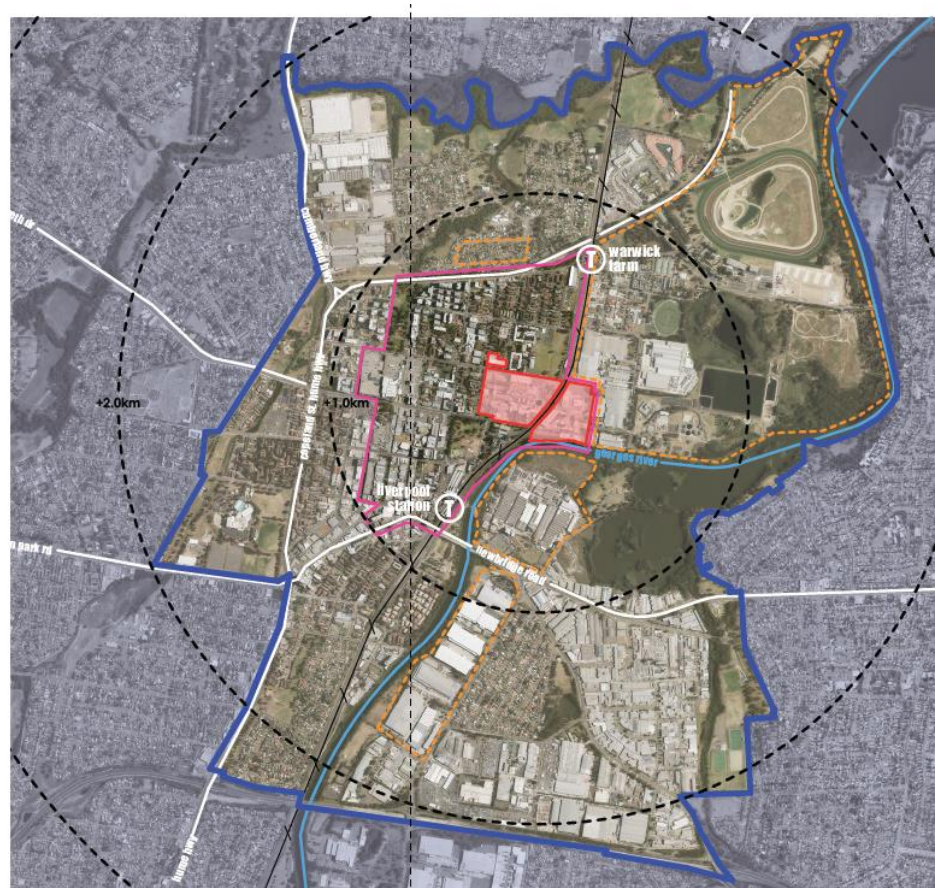


Figure 7: Liverpool Innovation Precinct boundary

3. DETAILS OF THE PROPOSAL

Planning Proposal Summary

This planning proposal was submitted in December 2021 (and revised in May 2022) and seeks to amend the HOB and FSR controls applying to the site to facilitate a building comprising a private hospital (155 beds) health consulting rooms (~12,540m² GFA) and retail (~353m² GFA). Total GFA sought is 32,280m².



Figure 8: Proposed built form concept (source: Hatch Roberts Day)

A summary of the proposed amendments and the existing planning controls are defined below:

	Existing	Proposed
Floor Space Ratio	2.5:1 (with a max of 3.5:1 pursuant to Clause 4.4(2)(c) of the LLEP2008)	6.9:1
Height (max)	35m	79m

The Planning Proposal does not seek to amend the zoning of the site as it is considered consistent with the B4 zone objectives. Commercial premises (i.e., supporting retail) are permitted with consent under the B4 zone and while ‘health services facilities’ are prohibited in the B4 zone, Clause 57(1) of Infrastructure SEPP indicates the B4 zone as a prescribed zone where ‘health services facilities’ are permissible.

Council has indicated that the planning proposal should contain provisions so that additional HOB and FSR are only able to be accessed if used for purposes related to health services facilities. The proponent has suggested the following additional local provision:

7.4x Development at 61-71 Goulburn Street, Liverpool

(1) This clause applies to 61-71 Goulburn Street, being SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP 25642, Lot 2 DP 610334 and Lot 1 DP 610334.

(2) Development consent must not be granted to the erection of a building on land described in subclause (1) with building height shown on the Height of Buildings Map [as amended] and floor space ratio shown on the Floor Space Ratio Map [as amended], unless the consent authority is satisfied that the building is used for the purposes of health services facility and its associated ancillary uses only.

The suitability of this control is discussed in Part 5 of this report.

The planning proposal is accompanied by several supporting documents, including:

- An urban design report (**Attachment 3**);
- Traffic impact assessment (**Attachment 4**);
- Water sensitive urban design (WSUD) and stormwater report (**Attachment 5**);
- Visual impact assessment (**Attachment 6**);
- Preliminary Aboriginal cultural heritage and historical archaeological advice (**Attachment 7**);
- Historical impact statement (**Attachment 8**);
- Preliminary geotechnical assessment (**Attachment 9**);
- Preliminary site investigation (**Attachment 10**);
- Noise and vibration impact assessment (**Attachment 11**);
- Social and economic assessment (**Attachment 12**); and
- Market needs analysis (**Attachment 13**).

The concept design indicates the potential for a 20-storey building (with four basement levels) that includes nine storeys of hospital use, and 11 storeys of medical and education suites (see **Figure 9**).

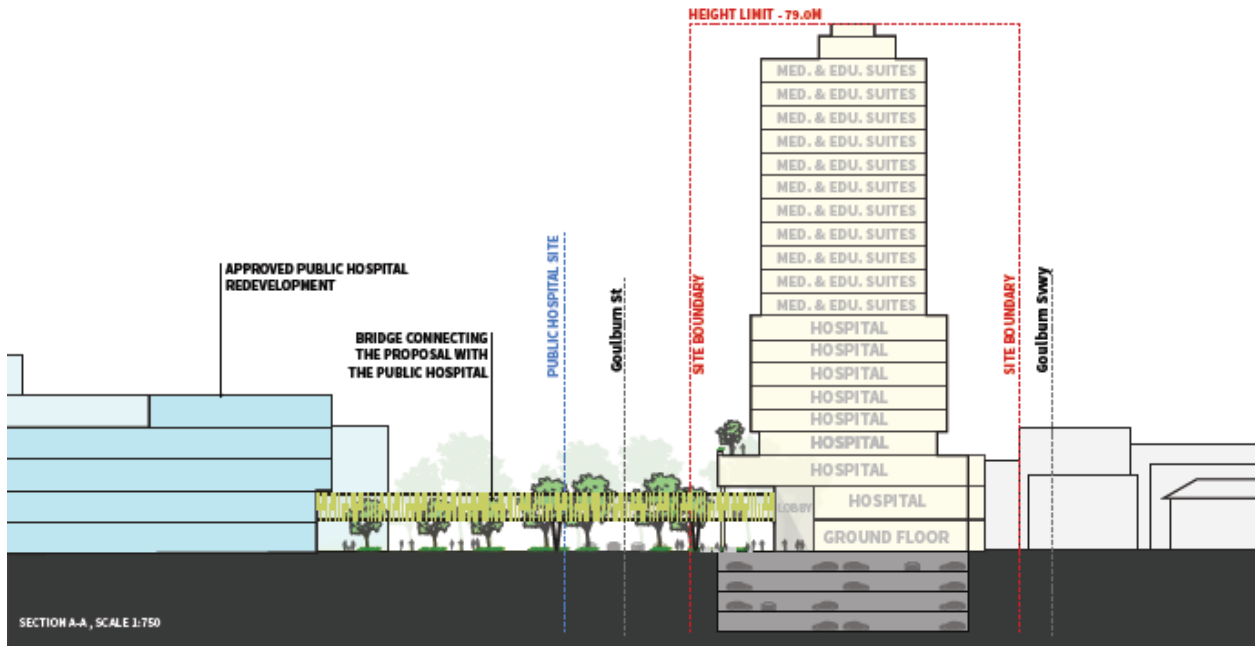


Figure 9: Proposed section (source: Hatch Roberts Day)

4. CONSIDERATIONS FOR STRATEGIC MERIT

The Department’s *Local Environmental Plan Making Guideline* includes the following questions to justify the proposal.

Section A – Need for the planning proposal

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of any endorsed strategic study or report. It is noted that the Liverpool Local Strategic Planning Statement (LSPS) Local Planning Priority 10 is ‘A world-class health, education, research and innovation precinct’. The Priority states that Council will ‘ensure land use planning supports to operation and growth of the precinct for all in the health, education and innovation ecosystem’ and ‘lead development of the Liverpool Innovation Precinct’.

The Liverpool Collaboration Area Place Strategy (**Attachment 14**) also includes an action to ‘locate and develop a private hospital’.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the best means of achieving the intended outcomes, as development for the purposes of a private hospital will require development controls greater than allowed under the LEP. Council staff previously assessed whether the proposal could be supported through a Clause 4.6 variation however determined that the increases proposed were of a scale too great to justify through this provision.

Section B – Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Regional Plan - A Metropolis of Three Cities

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in the following table:

Table 1: Consistency with the Regional Plan

Direction	Comment
A collaborative city	
Objective 5 Benefits of growth realised by collaboration of governments, community and business	This objective includes an action to deliver on Collaboration Areas. The planning proposal is aligned with the Liverpool Collaboration Area Place Strategy, which acknowledges Liverpool’s health and academic precinct, and includes the following action: “Action 12: Identify and deliver new and enhanced social infrastructure including children’s, youth, health and aged care services, libraries, and cultural, community and civic facilities within current and future people-centred precincts of the Collaboration Area”.
A city for people	
Objective 6 Services and infrastructure meet communities’ changing needs	This objective relates to the provision of social infrastructure that reflects the needs of the community. The Proposal indicates that the development would provide key social infrastructure (health services) in a designated health precinct in close proximity to a growing population. The planning proposal provides evidence that additional private hospital beds are required within the South West Sydney Local Health District (SWSLHD) and within Liverpool, which is supported by Council’s City Economy team.
A well-connected city	
Objective 14 – A Metropolis of Three Cities – integrated land use and	This objective focuses of delivering the 30-minute city and intends to “ <i>Co-locate activities in metropolitan, strategic and local centres</i> ”.

Direction	Comment
transport creates walkable and 30-minute cities	The proposed private hospital would be located close to the established public hospital, other health services, education establishments and surrounding transport infrastructure in proximity to residential communities, and, as such, the proposed development on the site would contribute to the realisation of the '30-minute city'.
Jobs and Skills for the city	
Objective 21 – Internationally competitive health, education, research and innovation precinct.	This objective supports the co-location of health and education facilities, and services that support the precinct and growth of the precinct. The location of a private hospital in close proximity to Liverpool Hospital is supported, and is consistent with the Liverpool Innovation Precinct Land Use Analysis and Precinct Strategy.
A city in its landscape	
Objective 30 – Urban tree canopy cover is increased	The planning proposal is accompanied by landscape plans which show the ability for the development to increase urban tree canopy on the site.

Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in the table below:

Table 2: Consistency with the District Plan

Planning Priority	Comment
Infrastructure and collaboration	
Planning Priority W2 Working through collaboration	The proposal indicates it will provide key social infrastructure (health services) in a designated health, education and innovation precinct, aligned with the Liverpool Collaboration Area Place Strategy.
Liveability	
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	The proposal indicates that development will facilitate the co-location of infrastructure (health services) in a strategic centre close to public transport, and is supported by market needs analysis. It is considered that the proposal meets this priority.
Productivity	

Planning Priority	Comment
Planning Priority W9 Growing and strengthening the metropolitan cluster	Liverpool is indicated as part of the metropolitan cluster, and is also identified as a health precinct. This priority includes Objective 21: “Internationally competitive health, education, research and innovation precincts.” The addition of a private hospital to the Liverpool Innovation Precinct will strengthen the precinct, and is aligned with Council policy, as indicated in the Table 3.
Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres	The proposal indicates that the proposed private hospital would promote the growth and evolution of the health and education precinct, and would support job creation and service provision within Liverpool metropolitan centre and collaboration area. An economic impact assessment has been conducted which indicates a total of 670 ongoing jobs would be created by the development. The development is supported by Council’s City Economy team.
Sustainability	
Planning Priority W15 Increasing urban tree canopy cover and delivering Green Grid connections	The planning proposal is accompanied by landscape plans which show the ability for the development to increase urban tree canopy on the site.

Will the planning proposal give effect to council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Council’s Local Strategic Planning Statement (LSPS) was endorsed in 2020. Assessment of consistency with the LSPS is as below:

Table 3: Consistency with LSPS

Planning Priority	Comment
Collaboration	
Planning Priority 4: Liverpool is a leader in innovation and collaboration	LSPS action 4.1 indicates states: “Collaborate with Greater Sydney Commission and relevant stakeholders to address the Liverpool Collaboration Area Place Strategy through amendments to the LEP.” The location of a private hospital is noted within the Place Strategy.
Productivity	
Planning Priority 10: A world-class health, education, research and innovation precinct	The LSPS notes the importance of health and education for the local government area. The priority reinforces Liverpool’s position as a health leader. It is considered that the location of a private hospital within the precinct would work to meet this priority.

Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The planning proposal is not inconsistent with SEPPs applying to the land. Further justification can be viewed under Table 4:

Table 4: Consistency with SEPPs

Policy	Comment
<i>State Environmental Planning Policy No 1 – Development Standards (SEPP 1)</i>	The planning proposal does not contain provisions that contradict or hinder the application of the SEPP.
<i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i>	<p>The planning proposal is accompanied by a preliminary site investigation (Attachment 10) which finds a low risk to human health and ecological receptors due to potential pollutants, but recommends that a detailed site investigation of soil and groundwater should be undertaken.</p> <p>This may be carried out at the State Significant Development Assessment (SSDA) stage, or as a condition of Gateway.</p>
<i>State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)</i>	Any signage associated with future commercial premises on the site would be assessed in accordance with SEPP 64.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)</i>	The relevant approval pathway for future development would be determined taking account of the relevant LEP and Exempt and Complying Development Codes.
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	<p>Division 10 of ISEPP relates to health services facilities, which includes hospitals. Pursuant to Clause 57 of the ISEPP, development for the purposes of health services facilities may be carried out by any person with consent on land in a Prescribed Zone. The B4 zone is a Prescribed Zone for the purpose of Division 10, and therefore the proposed private hospital is permitted with consent on the site through the ISEPP.</p> <p>The ISEPP provides for Traffic Generating Development to be referred to Transport for NSW (TfNSW) for concurrence. Details of the development would be confirmed at the DA stage, and any requirement for referral to TfNSW confirmed at this stage. Notwithstanding this, referral of the planning proposal to TfNSW may be a requirement of Gateway.</p>
<i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>	The current RFBs may include low-rental dwellings. It may be determined that the development will lead to a reduction in the availability of affordable housing, which would necessitate a contribution under Part 3 of the Housing SEPP at the development assessment stage.

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979 (as of December 2021 when the planning proposal was submitted):

Table 5: Ministerial Direction Consistency

Section	Comment	Consistency
1. Employment and Resources		
Direction 1.1 Business and Industrial Zones	The Proposal is located within a B4 Mixed Use zone and therefore this Direction is applicable. The proposal would increase the amount of commercial floor space on site and encourage employment growth in a suitable location within the city centre and close to public transport.	Consistent
2. Environment and Heritage		
Direction 2.1 Heritage Conservation	<p>The southern portion of the site is located within the Bigge Park Conservation Area, an area of local significance under the LLEP2008.</p> <p>The proposal is accompanied by Preliminary Archaeological Aboriginal Culture and Historical Archaeological Advice (Attachment 7).</p> <p>It found low potential for Aboriginal cultural heritage with no further requirement for further investigations in this regard. It also found no further investigations or assessment was required concerning historical archaeological material. If either Aboriginal or other historical material or relics are found, it is agreed works must stop immediately and appropriate archaeological advice sought.</p> <p>The proposal is also accompanied by a Historical Impact Statement (Attachment 8). It found that the proposal would not impact on the significance of any historical heritage values that may be present within or in the vicinity of the study area.</p>	Consistent
Direction 2.6 Remediation of land	<p>The planning proposal is accompanied by a preliminary site investigation, as required under this Direction. It finds a low risk to human health and ecological receptors due to potential pollutants, but recommends that a detailed site investigation of soil and groundwater should be undertaken.</p> <p>This may be carried out at the SSDA stage, or as a condition of Gateway.</p>	Consistent
3. Housing, Infrastructure and Urban Development		
Direction 3.1 Residential Zones	<p>The planning proposal is within a B4 zone where residential development is permissible, and thus this Direction is applicable.</p> <p>The planning proposal does not reduce development standards, rather increases development standards on the site. However, following consultation with Council the proponent has included a Clause to restrict development on the site to health services facilities. This Clause is considered to be inconsistent with this Direction as it</p>	Inconsistent

Section	Comment	Consistency
	<p>could be considered to contain provisions which will reduce the permissible residential density of land.</p> <p>Council staff suggest that in order to be consistent with this direction, that the planning proposal be revised to add the site as a 'key site' on the Key Sites Map, tied to a provision that allows for an increase in FSR and HOB for the purposes of health services facilities. This would allow development of the private hospital and associated use with increased FSR and HOB, while allowing other uses permissible in the B4 zone under current development standards. Council will further liaise with DPE and PCO to develop appropriate controls.</p>	
<p>Direction 3.4 Integrating Land Use and Transport</p>	<p>The objective of this direction is <i>"to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> • <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i> • <i>increasing the choice of available transport and reducing dependence on cars, and</i> • <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> • <i>supporting the efficient and viable operation of public transport services, and</i> • <i>providing for the efficient movement of freight."</i> <p>The planning proposal is deemed to be consistent with this Direction. The site is in a walkable catchment close to Liverpool Train Station, the CBD, bus stops and cycle infrastructure.</p>	<p>Consistent</p>
<p>4. Hazard and Risk</p>		
<p>Direction 4.1 Acid Sulfate Soils</p>	<p>The site is identified as within a Class 5 acid sulfate soil area. The planning proposal is accompanied by a Preliminary Geotechnical Assessment (Attachment 9) which indicates extremely low probability of occurrence of acid sulfate soils. The proposal will be required to be carried out in accordance with the Acid Sulfate Soils Manual. Further requirements for geotechnical testing can be conditioned or made a requirement through the SSDA process.</p>	<p>Consistent</p>
<p>Direction 4.3 Flood Prone Land</p>	<p>The site is not identified as flood prone land or flood planning area on LLEP2008's Flood Planning Area Map.</p>	<p>Consistent</p>
<p>Direction 4.4 Planning for bushfire protection</p>	<p>The site is not identified as bushfire prone in the NSW Rural Fire Service (RFS) map.</p>	<p>Consistent</p>
<p>5. Regional Planning</p>		

Section	Comment	Consistency
Direction 5.10 - Implementation of Regional Plans	This Direction requires consistency with the relevant Region Plan. This has been assessed in Table 1 of this report, and has demonstrated consistency with this plan.	Consistent
6. Local Plan Making		
Direction 6.1 – Approval and referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation or referral requirements.	Consistent

5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is in a built-up area and has historically been used for the purposes of residential apartment buildings. There is limited vegetation and therefore no significant environmental impact from the proposed development.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Helicopter flight path

As indicated in part 2 of this report, the site is marked as being under the helicopter flight path for Liverpool Hospital. As such, the development must be referred to SWSLHD. Council will need to be satisfied that the development does not present a hazard to helicopters using hospital helicopter airspace.

Visual impact and overshadowing

The planning proposal seeks to increase HOB and FSR significantly, in an area that is comparatively low-scale at present. As such, the accompanying visual impact assessment (**Attachment 6**) indicates that the proposal would have some moderate/high visual impacts, particularly at Bigge Park / Elizabeth St- Looking into Goulburn St, and a moderate impact from the centre of Bigge Park.

The proposal details a number of measures to reduce perceived bulk and visual impacts, including retention of established trees, landscaping on podium levels, and façade treatment, articulation and colour selection to better blend with landscape.

The proponent has also since its initial lodgement reduced the height and scale of the building following Council comments. Council staff requested that the planning proposal be revised so that no additional shadow is cast on Bigge Park than that of the maximum allowable building envelope of the adjacent lot to the south. This southern lot has an additional local provision, *7.2 Sun access in Liverpool city centre*, that restricts building height in order to protect public space from overshadowing. Council staff are now comfortable that the revised planning proposal minimises visual impacts and overshadowing, particularly upon Bigge Park, and that minimum SEPP 65

solar access requirements of neighbouring properties can be met.

Traffic and parking

The planning proposal is accompanied by a traffic impact assessment (**Attachment 4**) that indicates that distribution of the traffic generated by the proposal and analysis of the surrounding road network using SIDRA confirm that the key intersections will continue to perform well, with no adverse impacts on the surrounding road network. This considers both the proposal and future expected development.

The report states that the key intersections on the surrounding road network are currently performing with good Levels of Service (LOS) and only moderate average delays. Additions to the road network from the development are not expected to change the LOS, with the surrounding road network anticipated to continue to perform well, with a LOS A reported in all scenarios and peak hour periods, including with the development traffic at opening and following a 10-year horizon.

It concludes that the proposal is considered supportable on transport planning grounds and is not expected to result in any adverse impacts on the surrounding transport network, adding that its close proximity to a range of public transport and services minimises its traffic impacts.

Council's assessment of the report indicates that due to the forecast additional 403 vehicles per hour generated from the proposed private hospital and other planned developments in the city centre, the northbound traffic lane along Goulburn Street between Elizabeth Street and Lachlan Street is likely to be close to or reach its lane capacity by 2033, and thus transport measures will be required. The proposed access arrangement is not supported in its current form, and it is recommended that access is restricted to left in/left out with a raised median island.

Council will also require a draft green travel plan, provision for a future bus stop, provision for disabled parking, and further detail on the funding and delivery mechanism of the proposed pedestrian bridge into the public hospital. The above issues may be addressed post-Gateway.

Stormwater

The site contains a stormwater easement that runs through the site that currently includes a 450mm diameter stormwater pipe. There is also an upstream catchment that discharges overland through the proposed site.

The proposed building encroaches upon the easement, therefore it is proposed to relocate the easement to the northern boundary, and overland flows redirected around the proposed building footprint. Council has informed the proponent that it can consider an engineered solution that relocates the easement if there are no negative impacts upon stormwater/overland flows.

While an accompanying WSUD and Stormwater Report (**Attachment 5**) finds that the relocation of the easement and overland flows does not add additional impact related to stormwater/overland flow, Council has requested further information to assess the suitability of the engineered solution. This can be provided post-Gateway.

Development controls

An initial planning proposal provided to Council was simply for an increase in HOB and FSR. However, there would be nothing stopping a proponent from lodging a DA that was not for the purposes of a health services facility. For example, if the controls were amended as above and Council received a DA for an RFB, it would have to assess this.

While there is strategic merit for the location of a health services facility adjacent to the current public hospital, there is not strategic merit for an increase in density for non-health-related

development. Council's LSPS and the Liverpool Innovation Precinct Land Use Analysis and Precinct Strategy make clear that the focus for development in this area is in relation to health uses. Council's LEP has recently been amended to add additional permitted uses for medical-related light industrial on the block the site is located:

10 Use of certain land in Liverpool city centre in Zones B4 and R4

(1) This clause applies to the following land in the Liverpool city centre—

- (a) land in Zone B4 Mixed Use, bounded by Bigge Street, Campbell Street, Goulburn Street and Elizabeth Street,*
- (b) land in Zone R4 High Density Residential, bounded by Bigge Street, Lachlan Street, Goulburn Street and Campbell Street.*

(2) Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development.

(3) Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

Council staff indicated to the proponent that controls would need to be structured in such a way that the increase in HOB and FSR sought could only be accessed for the purpose of a health services facility.

The proponent has suggested the following additional local provision:

7.4x Development at 61-71 Goulburn Street, Liverpool

(1) This clause applies to 61-71 Goulburn Street, being SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP 25642, Lot 2 DP 610334 and Lot 1 DP 610334.

(2) Development consent must not be granted to the erection of a building on land described in subclause (1) with building height shown on the Height of Buildings Map [as amended] and floor space ratio shown on the Floor Space Ratio Map [as amended], unless the consent authority is satisfied that the building is used for the purposes of health services facility and its associated ancillary uses only.

An LEP amendment structured in this way may be inconsistent with the Ministerial Direction on Residential Zones, as it contains provisions that would effectively reduce the permissible residential density of land. Instead, Council staff would prefer the planning proposal to add the development site as a 'key site' on the Key Sites Map, tied to an additional local provision that allows an increase in HOB and FSR to be accessed for the purposes of development of health services facilities only. Health services facilities may also need to be added as an additional permitted use.

Council staff will further consult with DPE and PCO to develop controls that would tie the increase in height and FSR to the development of health services facilities and associated ancillary uses.

Has the planning proposal adequately addressed any social and economic effects?

Economic effects

The planning proposal has adequately addressed economic effects, and is aligned with Council's LSPS's priority on developing a world-class health, education, research and innovation precinct. An accompanying socio-economic impact assessment (**Attachment 12**) indicates that the proposal would generate a total of \$971.6 million in gross economic output during design and

construction and generate 2,761 job years during construction. Post-construction, it is estimated the development would generate 670 jobs, with a combined staff remuneration of \$72.7 million a year. Gross value added is estimated at \$91.9 million.

A Market Needs Analysis (**Attachment 13**) is also provided, which identifies the need for hospital beds and consulting space in the study area, finding that sufficient demand exists for the proposed development to occur, and would complement rather than compete with existing health services in the Liverpool City Centre. In the context of Council's desire to grow the Liverpool Innovation Precinct, the development is supported. Following consultation with Council, however, the proponent has reduced the amount of floor space dedicated to private consulting and education suites from 17,100m² to 12,540m² GFA. Under the present proposal, only 4,560m² of the private consulting floor space would be speculative in nature, as discussions with a private hospital operator have indicated that the majority of space would be required by the operator to support private hospital functions.

Social effects

The socio-economic impact assessment indicates that there are a range of social impacts, both positive and negative, that could occur during the construction and operation phase.

During construction, a range of temporary impacts to amenity, access and way of life during construction are detailed, however it is considered these can be appropriately mitigated through standard plans of management, including a construction management transport plan.

Impacts from the operational phase include visual impact, overshadowing, noise from operation and the potential loss of affordable rental housing units.

Council has worked with the proponent to revise FSR and HOB to reduce visual impact and overshadowing, with the design and articulation of the building also reducing perceived scale and reducing overshadowing with a stepped design concentrating height to the north of the site. The impacts on Bigge Park are now minor, and neighbouring residential developments can meet SEPP 65 solar access requirements.

While the planning proposal and associated social and economic assessment do not address loss of affordable housing stock, if it is determined that the development will lead to a reduction in the availability of affordable housing, a contribution under Part 3 of the Housing SEPP may be required to compensate for this loss at the development assessment stage.

Regarding noise, a Noise and Vibration Assessment (**Attachment 11**) has been provided. It concludes that the proposed hospital is acceptable and warrants approval subject to the implementation of several mitigation measures that may be conditioned at the SSDA stage.

Positive social effects during the operation stage include increased employment opportunities, encouraging active transport, additional community meeting places, and increased access to healthcare services.

With mitigation measures in place, it is likely that the development of the private hospital and associated development will have a net positive effect.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The site is within an established urban area. The proposed amendments however seek to intensify the use of the site beyond what is currently permissible under Floor Space Ratio and Height of Building controls under the LLEP 2008.

Referral to Transport for NSW will likely need to occur, as well as Sydney Water and Endeavour Energy to ensure there is capacity for servicing.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

6. NEXT STEPS

Following the Panel's consideration, the planning proposal will be reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority and community consultation and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPE prior to exhibition occurring.

7. CONCLUSION

Pursuant to the requirements of a Guide to Preparing Planning Proposals and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

The report finds that the proposal in its current form demonstrates strategic merit. The proposal following amendment to HOB and FSR also exhibits site-specific merit. The planning proposal request is presented to the Panel for consideration and advice.

8. RECOMMENDATION

That the planning proposal is supported, and any additional advice is provided as required.

9. ATTACHMENTS

1. Planning Proposal report
2. Land Use Analysis and Precinct Strategy for the Liverpool Innovation Precinct
3. Urban Design report
4. Traffic Impact Assessment
5. Water Sensitive Urban Design and stormwater report
6. Visual Impact Assessment
7. Preliminary Aboriginal Cultural Heritage and Historical Archaeological Advice
8. Historical Impact Statement
9. Preliminary Geotechnical Assessment
10. Preliminary Site Investigation
11. Noise And Vibration Impact Assessment
12. Market Needs Analysis
13. Social And Economic Assessment
14. Liverpool Collaboration Area Place Strategy

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Item no:	2
Application Number:	DA-540/2021
Proposed Development:	Demolition of existing structures, construction of a 5-storey residential flat building containing 20 units with basement carparking and consolidation of two lots
Property Address	35-37 Simone Crescent, Casula
Legal Description:	Lot 1 DP 251149 & Cnr Lot 1 DP 263692
Applicant:	Audaa
Land Owner:	Horizontal Development Pty Ltd
Date Lodged:	25 May 2021
Cost of Works:	\$10,612,078
Zoning:	R4 – High Density Residential under Liverpool Local Environmental Plan 2008
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Robert Micallef

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-540/2021) seeking consent for the demolition of existing structures, construction of a 5-storey residential flat building containing 20 units with basement carparking and consolidation of two lots, on a site legally known as Lot 1 DP 251149 & Cnr Lot 1 DP 263692, and formally known as 35-37 Simone Crescent, Casula.

The site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008) and the proposed development is permissible with consent.

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and the provisions of the Liverpool Development Control Plan 2008 (LDCP 2008). The proposal is also consistent with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the design requirements of the Apartment Design Guide (ADG).

The key issues associated with the proposal relate to the building separation, building depth, mitigation of visual privacy and setbacks. These matters have been addressed through the assessment of the application and the proposal is considered to be acceptable.

The Development Application was notified between 7 July 2021 and 22 July 2021 in accordance with Liverpool Community Participation Plan 2019. One objection was received in response to the exhibition period, which raised the following concerns:

- Traffic impacts and safety in the street and general area;
- Insufficient parking within the development causing additional on-street parking, which will increase hazards to pedestrians and traffic;
- Building Height; and
- Inconsistent with the surrounding low density residential character.

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

Sensitive Development

Development to which State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject land for this application consists of two parcels of land which are known as 35 and 37 Simone Crescent, Casula, legally described as Lot 1 DP 251149 & Cnr Lot 1 DP 263692. The site is 1452sqm in area with three street frontages being a primary frontage of 31.77m to Simone Crescent, a secondary frontage of 18.825m to Jacaranda Crescent and 31.77m to Old Kurrajong Road with associated splay corners in the north-east and south-east corners of the site of 13.155m and 15.115m respectively.

The sites are currently utilised for residential purposes with dwelling houses, a secondary dwelling on No. 37 and associated structures over the lots. The location of the site can be seen in the aerial view in the Figure below.



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

2.2 The locality

The site and its immediate locality is within an urban residential area. The proposed development represents the type of development that the established planning controls have been put in place to achieve for a high density residential setting.

The site is located approximately 200m north-east of Casula Mall, a key retail and shopping area in the locality along with the Casula Library which is next door to the mall. The site is also located 380m west of the Hume Highway and 610m east of the M5 Motorway. Jardine Park is also situated 50m to the east of the subject site and the locality is also within the Georges River Catchment area. The locality of the subject site can be found in Figure 2 below.



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

3. BACKGROUND/HISTORY

3.1 Design Excellence Panel

A meeting was held with the Liverpool Design Excellence Panel on Thursday 9 September 2021 where panel supported the proposal and minutes of that meeting were provided to the applicant to address and incorporate into the design of the development. The key issues raised by the DEP were as follows:

- Pedestrian access and relationship to frontages
- Landscaping and common open space
- Substation location
- Balcony shape and privacy
- Solar access and sun-shading
- OSD location
- Safety and entrances

The applicant responded to the issues raised by the DEP and supplied amended architectural plans, which have been reviewed by Council and are considered acceptable.

Context

- *Panel notes that the subject site front on to two roads and a pedestrian laneway, with the primary access for the building being provided along Simone Crescent which requires a set of access ramp and stairs. Panel questions the applicant for any alternative building entries that were explored as part of initial site planning so that the level difference was not as marked. In particular the Panel noted that the current entry (due to the GF level selected) requires extensive ramping that reduces the use of the front garden.*

Council Comment: The applicant has provided amended plans which demonstrate access to the street from all 3 frontages and has also amended the ramping at the front of the site fronting Simone Crescent to minimise the size of it and integrate it into the stair and services niche and provide more landscaping in the front.

- *Panel questions the applicant regarding the desire lines of movement for the pedestrians coming in and out of the building (i.e., to catch a bus, get grocery, etc.). Panel recommends the applicant to consider the circulation/movement lines as part of site planning and ensure a more convincing movement pattern for the pedestrians exiting along the southern side of the building.*

Council Comment: The building incorporates 4 entry points and allows access to all frontages of the site, including to the rear pedestrian walkway, which goes towards Casula Mall. Usable areas on the ground floor are interconnected by a pathway and are accessible to the lift lobby from each direction.

- *The Panel recommends the applicant to relocate the substation along the southern or the eastern side to provide a better street presentation along Simone Crescent. The substation needs to be screened to preserve visual amenity.*

Council Comment: The applicant has indicated that a substation was not required for the proposal.

Built Form + Scale

- *Panel notes that the location of balcony for the northern western units (i.e., Units 6, 10, 14 & 18) are in close proximity with the living areas for the adjoining units towards the east. Panel recommends the applicant to consider appropriate measures to ensure privacy for the north eastern units (i.e., provide privacy screens, angled vertical slats, etc.). In particular, the large extent of the of curved portion of glazing is considered to create privacy issues between apartments and should be redesigned to address this issue. Similarly, the balcony for Unit 8 is in very close proximity to the bedroom window for Unit 5 – Bedroom 2. Panel requires the applicant to resolve all privacy issues as part of further design development.*

Council Comment: Privacy screens included on these areas. Also the curved glazing façade at the front has been replaced with a straight wall with the living room opening towards Simone Crescent. Windows of opposing bedrooms and balconies have been amended and re-orientated.

- *The Panel appreciates and supports the high ceiling heights being provided for the ground floor units.*

Council Comment: Noted

- *Panel questions the design of the balconies and the selection of sharp angular forms. Panel recommends the applicant to consider incorporating more fluid profiles reinforcing the overall built form, site terrain/topography and to complement the desired form of the building.*

Council Comment: Sharp angular balconies replaced by more rounded and fluid profiles.

Density

- *The Panel supports the overall density being proposed on the site.*

Council Comment: Noted

Sustainability

- *The Panel recommends the applicant to consider appropriate measures to respond to the climate of south-western Sydney and provide adequate sun shading devices to control solar access during summer and winter months.*

Council Comment: Sun shading devices and screening provided to east and west windows not protected by balconies.

Landscape

- *As Panel requires the applicant to engage a registered landscape architect to develop a detailed / more refined landscape scheme for the proposed development. Panel requires the applicant to provide large canopy trees and incorporate layered planting around the site as part of the landscape design. The panel notes that the site has three sides to the public domain and as such there is an opportunity with landscape to address these frontages in coordination with the built form and massing.*

Council Comment: The applicant has onboarded a landscape architect to develop the landscape design and the matters raised have been incorporated into the landscape design.

- *The Panel notes that the current location of the OSD tank (i.e., the north eastern corner of the site) is not a great outcome. Panel recommends the applicant to explore an alternative location for the OSD tank such as under the driveway in order to preserve the prominent corner for landscaping and to maximise deep soil planting within the site.*

Council Comment: OSD tank relocated to the area between the driveway and adjoining neighbour, extending the extent of deep soil along the front boundary to Simone Crescent.

- *Panel requires the applicant to have a closer look at the relationship of communal open space (COS) with the private open spaces (POS) and the community garden areas. Panel requires the applicant to consider the actual functioning of the communal areas and its impact to the POS and living areas for ground floor units. Panel recommends the applicant to consider converting some of the communal areas into POS to minimise potential competition / conflict within these spaces.*

Council Comment: The applicant has amended their open space areas and redesign the common open space. The private open spaces were also reshaped and amended to enhance the privacy of these areas.

- *Panel appreciates the applicant for providing community gardens and playground as part of the communal open space. Panel recommends the applicant to consider the actual usability and functional relationship of these communal spaces with respect to the number of units.*

Council Comment: Replanning of the community gardens and playground and communal open space was undertaken to improve usability and functional relationship of these communal spaces with respect to the number of units.

The principles of urban greening and greening canopy objectives are to be incorporated as a design principle for the site. Note is also made of the contribution of the public domain forming part of this principle and contributing to the overall amenity and character of the area.

Council Comment: Urban greening and canopy objectives incorporated into landscape design for the site.

Amenity

- *The Panel notes that the COS and the community gardens proposed along the north eastern corner might reduce privacy for the lower units. Panel recommends the applicant to consider adequate landscape solutions to provide the required screening so that the use and enjoyment of the POS of the units are not infringed and marginalised.*

Council Comment: A revised layout of the entire open space was done. COS was relocated and redesigned. POS were also reshaped. A soft landscape band at both side of the POS fence was provided to enhance the privacy of these areas.

Safety

- *The Panel notes that the proposed building entry (i.e., secured entrance to the lift lobby) is quite recessed/tucked in within the core of the building which might result in safety concerns for the residents. Panel recommends the applicant to consider incorporating two staged security/access point closer to the external building line.*

Council Comment: Two staged security measures incorporated into access points and made closer to external building line.

- *Panel requires the applicant to provide adequate safety measures and incorporate CPTED principles to ensure passive surveillance and general safety/security for the residents.*

Council Comment: CPTED principles incorporated into the design of the development.

Housing Diversity + Social Interaction

- *The Panel notes that the applicant has provided four 3-bedroom units as part of proposed unit mix. Panel supports the housing diversity being proposed and commends the applicant for including the larger family sized units as part of the development.*

Council Comment: Noted. An extra 3-bed unit is provided since the panel meeting creating 5x3-bedroom units

Aesthetics

- *The Panel notes that the applicant proposes Hebel panels with a painted finish. Panel recommends the applicant to incorporate a more robust materiality for the building. Panel recommends incorporating quality face bricks to ensure longevity and better ageing of the building.*

Council Comment: Quality face bricks included into material mix and adopted in facades within a prime location of the development and reinforces the identification of the main entries and faced articulation. Render and paint over Hebel Panels and concrete are also used.

- *Panel requires the applicant to provide additional details for Hebel Panel and the paint finish that is being applied on the panels. Panel recommends the applicant to use factory finishes to the building as far as possible.*

Council Comment: Hebel Panels with external skin to be rendered and painted and to be utilised in accordance with manufacturer specifications and, Australian Standards and NCC requirements.

OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council

Council Comment: Based on the amended plans provided, it is considered that the proposal provides a development that adequately addresses the concerns raised by the panel and is worthy of support in this case.

3.2 Assessment and Site Background & History

- Pre-DA held with applicant on 17 March 2021 for a residential flat building.
- The subject DA was lodged with Council on 25 May 2021.
- Application notified from 7 July 2021 to 22 July 2021.
- Design Excellence Panel meeting held on 9 September 2021.
- 13 October 2021 – Application allocated to current assessing officer
- 16 November 2021 – Request for Information sent to applicant. Items requested were in regards to compliance with floor space ratio, Design Excellence Panel comments to be incorporated, building separation, visual privacy, setbacks, balconies, room dimensions, blank walls, solar access, tree removal, common open space, deep soil, landscaping, substation, entry presentation, stormwater, traffic and waste matters.
- 31 January 2022 – Additional Information received.
- 11 May 2022 – Information requested from applicant regarding floor space ratio, landscaping and building separation.
- 23 May 2022 – Amended information received.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

DA No.	Proposed Development	Determination
DA-1098/2012	Secondary dwelling	Approved 13 December 2013
PL-17/2021	Pre DA for the amalgamation of the two sites, demolition of the existing dwellings and construction of a new residential flat building with basement carparking. RFB will be five storeys with a gross floor area (GFA) of 1792.6m ² and FSR of 1.2:1, a maximum height of 17m and two levels of basement carparking, including 20 units and 39 car spaces.	Pre-DA meeting held 17 March 2021
<i>DA-540/2021</i>	<i>Demolition of existing structures, construction of a 5-storey residential flat building containing 20 units with basement carparking and consolidation of two lots</i>	<i>Subject Application</i>

4. DETAILS OF THE PROPOSAL

This development application seeks the development consent for:

- Demolition of existing structures and associated tree removal;
- Consolidation of two lots;
- Construction of a 5-storey residential flat building containing 20 units (1x1 bed, 14x2 bed & 5x3 bed);
- 2 levels of basement carparking with 40 spaces;
- Common open space around the building on ground floor;
- Associated site works and landscaping.

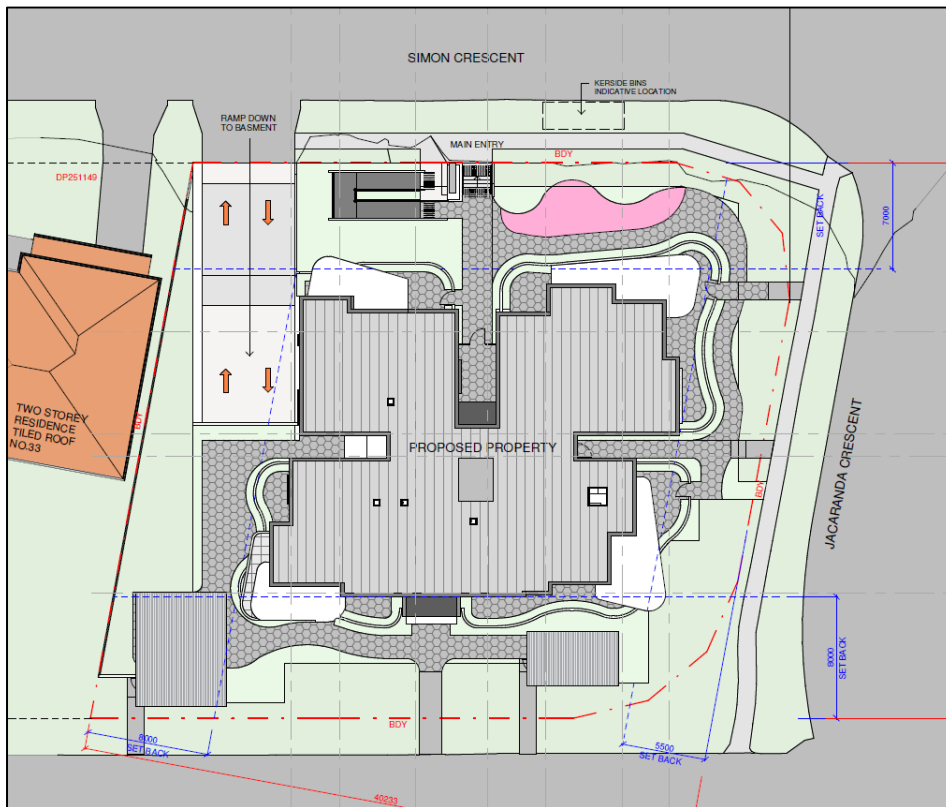


Figure 3: Proposed site plan

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021; and
- Liverpool Local Environmental Plan 2008.

Development Control Plan

- Liverpool Development Control Plan 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre).

Contributions Plans

- Liverpool Contributions Plan 2018 - Established Areas applies pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

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 and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The proposed development responds favourably and contributes to the quality and identity of the area. The site entry into the building and the site is able to be accessed from all three frontages of the site.</p> <p>This type of housing is part of the future desirable character in the area. The development also contributes positively to the street by presenting more contemporary, articulated facades to the street frontage of the site. The proposed facades combine the use of face brick, Hebel Panels and render, with balcony and vertical elements. Apartments overlook all three frontages of the site, so that the quality facade design contributes to the increasing activity, safety and amenity of the area.</p> <p>The subject area will continue to undertake a transformation from low density to higher density in accordance with the desired character stipulated in the zoning.</p> <p>The proposed design of the residential flat building presents a building of diversified design, which acknowledges and respects the emerging urban pattern and setting within the</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	precinct.
Design Principle 2 – Built form and scale	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The proposed bulk and height achieves the scale identified for the desired future character of the area, while still remaining contextually appropriate with its surroundings and the streetscape of the area. The design addresses all three frontages and provides an appropriate bulk and design features to these frontages.</p> <p>The proposal achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Articulation and modulation of the building façades, achieved by the walls, materials and balconies, enhances the presentation of the building and contributes to the streetscape character. The size, proportion and distribution of window openings provide internal amenity and outlook for the future residents.</p> <p>The built form is appropriate to the urban setting and will contribute to the character of the streetscape. The forms at the front facades of the building and the setbacks of the façades maintain their visual strength when viewed from each of the three frontages of the site.</p> <p>The elevations have been designed to achieve compliance with solar access, ventilation and privacy for the units. The configuration of the apartments provides all apartments with some form of direct sunlight during the day as well as cross ventilation with dual aspect apartments.</p>
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The development consists of 1 x 1 bedroom, 14 x 2 bedroom and 4x 3 bedroom apartments. This mix of apartment type is consistent with other residential flat buildings within the Liverpool LGA. The site is also in proximity to public transport, being located near bus stops along Kurrajong Road and Old Kurrajong Road as well as 1.1km walking distance from Casula Railway Station. The site is also within 200m from Casula Mall, a large retail and commercial centre for the locality. Community facilities such as Casula Library and Jardine Park are also located within a 500m radius of the site.</p> <p>The proposal has a density appropriate for the</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	<p>site and its context, in terms of floor space yields, number of units and residents. The density is sustainable and consistent with the desired future density, responding to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</i></p>	<p>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</p> <p>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</p> <ul style="list-style-type: none"> - All corner and cross through apartments are naturally ventilated. - Minimum 60% of apartments are cross-ventilated; - Minimum 70% of apartments have the required solar access in winter; and - The development includes adequate amounts of deep soil zones.
Design Principle 5 – Landscape	
<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours’ amenity and provides for practical establishment and long term management.</i></p>	<p>The landscape design is integrated with the development resulting in aesthetic quality and amenity for both the occupants and the adjoining public domain. The development includes a common landscaped area surrounding the site as well as perimeter landscaping, landscaped private open spaces for the ground floor apartments. Communal open space will incorporate a range of activities with communal gardens, playground, rest areas and recreational spaces. The communal open space incorporates a mix of active and passive landscape spaces.</p> <p>The landscape design enhances the development’s natural environmental performance by managing solar access, micro-climate and habitat values. The landscape design optimizes sustainability, privacy, equitable access and respect for neighbours’ amenity.</p> <p>Furthermore, sufficient open space opportunities are found within close proximity to the subject site from local parks.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
Design Principle 6 – Amenity	
<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The design provides amenity through the physical, spatial and environmental quality of the development. Appropriate room dimensions and shapes, access to sunlight, natural ventilation and visual and acoustic privacy have been provided in each unit. The provision of storage, indoor and outdoor space, efficient layouts and service areas contribute to the design. Outlook and ease of access for all age groups and degrees of mobility has been considered.</p>
Design Principle 7 – Safety	
<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the building.</p> <p>The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.</p> <p>Upper floor apartments will provide passive surveillance of the streets and common open space areas.</p> <p>Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is minimised to maximise street activation and surveillance.</p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The development is designed to meet the continuing and growing need for residential development in the area. The proposal responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. The proposal provides housing to suit the social mix and needs in the neighbourhood.</p> <p>The proposal provides quality housing and facilities whilst maintaining affordability by providing a development with a mix of apartment sizes. The communal open spaces and public street interface will encourage social interaction amongst residents and the community.</p> <p>The site is well located and is located within proximity to essential services, the local</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	shopping precinct, public transportation and recreation opportunities.
Design Principle 9 – Aesthetics	
<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The appearance of the building is designed primarily to respond to the environment and the surroundings as well as the three frontages the site has.</p> <p>The composition of the building elements, textures, material and colours reflect the use, internal design and structure of the development, creating an appropriate quality aesthetic. The street aesthetics respond to the environment, context and existing streetscape, contributing to the desired future character of the area.</p> <p>The elevations have been designed to regulate solar access, ventilation and privacy for the units. The interplay of building materials, including a composition of Hebel Panels, face brick finishes and render creates a visually varied façade without cluttering the overall building appearance.</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. Compliance tables for the ADG can be found in Report Attachment 1. The following table provides an assessment of the proposal against the relevant provisions of the ADG which propose variations that are deemed to be acceptable for the proposed development.

Required	Proposed	Compliance
2E Building depth		
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	Although the development has a maximum building depth of 20.4m, varying between 17.4m and 20.4m. The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met. Walls are also articulated along each frontage and the choice of materials creates interest in the facades. Additionally, adverse privacy and overshadowing on adjoining sites are mitigated by the development.	Considered Acceptable
2F Building separation		
Minimum separation distances for buildings are:	The proposal provides the following:	Considered Acceptable

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

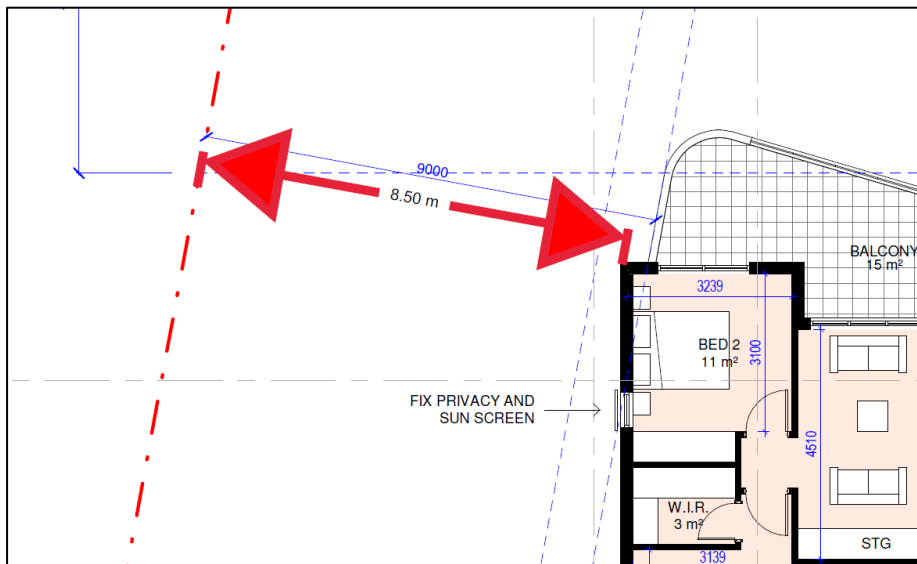
Monday 27th June 2022

Required	Proposed	Compliance										
<p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms (4.5m to boundary) • 6m between non-habitable rooms <p>Five to eight storeys (12m to 25m)</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</p>	<p><u>Up to four storeys (Ground to Level 3)</u></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 30%;">Setback to boundary</th> <th style="width: 30%;">Variance</th> </tr> </thead> <tbody> <tr> <td>Side (West)</td> <td>>8m 0%</td> </tr> </tbody> </table> <p><u>Five to eight storeys (Level 4)</u></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 30%;">Setback to boundary</th> <th style="width: 30%;">Variance</th> </tr> </thead> <tbody> <tr> <td>Side (West)</td> <td>9m to balconies 0%</td> </tr> <tr> <td></td> <td>8.5m to edge of building in north-west corner for bed 2 of Unit 18 5.5%</td> </tr> </tbody> </table> <p>Nothing over 25m</p> <p>See discussion below on building separation/setbacks:</p>	Setback to boundary	Variance	Side (West)	>8m 0%	Setback to boundary	Variance	Side (West)	9m to balconies 0%		8.5m to edge of building in north-west corner for bed 2 of Unit 18 5.5%	
Setback to boundary	Variance											
Side (West)	>8m 0%											
Setback to boundary	Variance											
Side (West)	9m to balconies 0%											
	8.5m to edge of building in north-west corner for bed 2 of Unit 18 5.5%											

Discussion on building separation

The relevant discussion in terms of building separation is the boundary to west (side) where potential RFB's may be constructed in the future.

The side setback provided on the western boundary for Level 4 is typically 9m or greater. However, as shown in the figure below, the setback of the corner of the north-western unit, Unit 18, encroaches within the building separation requirement of the ADG.



The prescribed setback is 9m to achieve a building separation of 18m prescribed in the ADG. The

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance									
<p>building itself in this corner is a maximum of 8.5m from the property boundary. The 0.5m breach to the building line is 5.5% which is considered acceptable in this instance.</p> <p>The above breach allows for increased living areas with overall increase in residential amenity for future occupants. It is apparent from the assessment of building separation that the non-compliance would potentially occur when the neighbouring site to the west is to be redeveloped. To address this, visual privacy measures to mitigate any potential overlooking impacts to future occupants' have been proposed by the applicant through incorporating privacy screens. No undue overshadowing or overlooking into neighbouring sites comes as a result as there is a privacy screen fixed to the western window of bedroom 2, which is also built on the cusp of the 9m setback.</p> <p>It should be noted that the proposal complies with FSR and maximum building height development standards, and is not considered to be an over development of the site with regards to the LLEP 2008.</p> <p>Accordingly, the proposed variation to building separation is considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.</p>											
3F Visual Privacy											
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Building Height</th> <th style="text-align: center;">Habitable Rooms and Balconies</th> <th style="text-align: center;">Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Up to 12m (4 storeys)</td> <td style="text-align: center;">6m</td> <td style="text-align: center;">3m</td> </tr> <tr> <td style="text-align: center;">12m to 25m (5-8 storeys)</td> <td style="text-align: center;">9m</td> <td style="text-align: center;">4.5m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	<p>6m separation to west between habitable rooms/balconies from ground level to level 3.</p> <p>Building separation of 8.5m to edge of building in north-west corner for bed 2 of Unit 18 on Level 4.</p> <p><u>See discussion below and in 2F - Building Separation above</u></p>	<p>Considered Acceptable</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms									
Up to 12m (4 storeys)	6m	3m									
12m to 25m (5-8 storeys)	9m	4.5m									
Discussion on visual privacy											
<p>The aims of section 3F – Visual Privacy of the ADG are as follows:</p> <ul style="list-style-type: none"> • Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy • Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space <p>From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Privacy concerns to existing residences to the west and any future development of the adjacent lots can be alleviated via privacy screens, which are proposed with the development. It should be noted that the building is predominantly under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.</p> <p>Therefore, notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to visual privacy.</p>											

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

The application is supported by a BASIX Certificate in accordance with the provisions of the SEPP which indicates that the required targets for water, thermal comfort and energy are met by the proposal.

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: 1202933M_02**) has been submitted for the proposed development. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal.

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, 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.

Aerial images from 1991 found on Council's GIS system illustrates the presence of the existing dwellings, which suggests the site has principally been used for residential purposes for at least the past 31 years.

Council's internal record and customer request system (pathway) includes no records of any dumping or contamination complaints or activities associated to the subject address.

Based on the above assessment, there is no evidence to suggest that the land has been or is contaminated and a formal land contamination assessment is considered to not be necessary. It is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 through the imposition of appropriate conditions of consent relating to any unexpected finds.

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

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

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

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

Clause 11.6 General Principles	Comment
(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,	Proposal reviewed by Council's Land Development Engineer and considered satisfactory subject to conditions.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The engineering plans were submitted and reviewed by Council's Land Development Engineer. Conditions of consent apply with respect to sediment and erosion mitigation measures.
(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,	The application was not required to be referred to the Natural Resource Access Regulator (NRAR) and the proposal is consistent with the guidelines.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for residential development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 11.7 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and approved by condition of consent by Council's Engineers.
(10) Urban development areas	The area is not within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable.

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

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject sites are all zoned R4 – High Density Residential in accordance with the Liverpool Local Environmental Plan 2008. An extract of the zoning map is provided below.

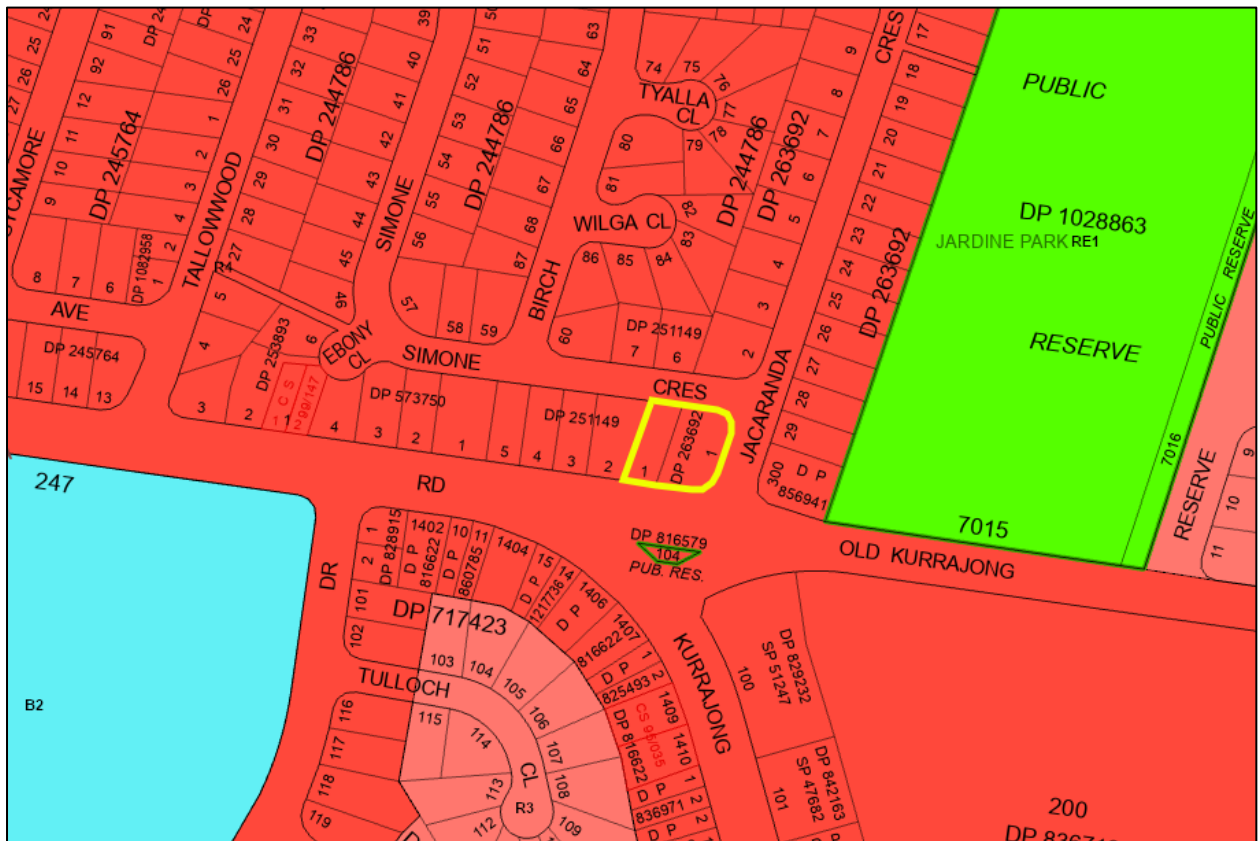


Figure 4 – Extract of LLEP 2008 zoning map (site in yellow box)

(ii) Permissibility

The proposed development is for a *residential flat building*, which is defined as follows:

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

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings. This form of development is a permissible use within the R4 – High Density Residential zone.

(iii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are as follows:

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

The proposed development would meet and satisfy the above stated objectives. Specifically,

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

the building will provide a total of 20 dwellings and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, retail and commercial facilities.

(iv) Principal Development Standards

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

Clause	Provision	Compliance
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing structures on site. A demolition plan has been submitted.
Clause 4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than 1000m ² .	Complies The amalgamated site would have a site area over 1000sqm being 1452sqm.
Clause 4.3 Height of Buildings	Maximum height of 18m	Complies A building height of 17.9m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.2:1	Complies The development provides an FSR of 1.192:1 (1731sqm/1452sqm)
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	Not Applicable No development standard is breached.
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Complies The area is an existing residential area and will utilise existing Public Utility Infrastructure.
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	Complies The site has a frontage of 31.77m to Simone Crescent.
Clause 7.31 Earthworks	Provisions relating to bulk earthworks	Complies No bulk earthworks proposed other than those ancillary to the development being excavation for the proposed basement

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

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

2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA;.
- Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre).

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 2.

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

There are no Planning Agreements which apply to the development.

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

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

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

(a) Natural Environment

Impacts on the natural environment have been assessed as part of the development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

(b) Built Environment

It is considered that the proposed development will have minimal impact on the built environment given that it is located within the R4 Zone which is zoned for high density residential development. Therefore, it is considered to be consistent with the current and future character of the locality, especially as the building has been designed to comply, in the most part, with the ADG.

The design has been able to mitigate potential impacts with adjoining properties while at the same time ensuring that internal amenity for future residents is prioritised and provided to a high standard. As such, the proposed bulk and scale of the development represents a desirable and meritorious planning outcome for the site.

(c) Social Impacts

The proposed development will have a positive social impact in the area through increasing housing choice in the locality. It will assist in promoting lifestyle choice which is close to retail services and public transport options as well as local community facilities. It is considered that the proposal is unlikely to generate any unreasonable social impacts on the surrounding area.

(d) Economic Impacts

The short term positive economic impacts development that result from construction spending

and employment opportunities generated during the construction phase are generally recognised. Other, more enduring impacts should come as the local population increases and use local shopping and services.

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

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of the LLEP 2008, the relevant Environmental Planning Instruments, the Apartment Design Guidelines and LDCP 2008, as outlined in this report. The identified variations have been considered and are supported as they do not result in any adverse impacts to the locality. Overall, the development is considered to satisfy the relevant controls for site selection.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Supported, subject to conditions of consent
Natural Environment – Landscape	Supported, subject to conditions of consent
Waste Management	Supported, subject to conditions of consent
Traffic and Transport	Supported, subject to conditions of consent
Urban Design and Public Domain	Supported subject to the amendments required which were addressed in amended plans.

(b) External Referrals

AGENCY	COMMENTS
Endeavour Energy	No objection subject to comments
Sydney Water	No objection subject to comments

(c) Community Consultation

In accordance with the Liverpool Community Participation Plan 2019, the application was notified between 7 July 2021 and 22 July 2021. One (1) submission was received in relation to the proposed development during the public consultation process. The issues raised in the submission, and a response to each, are summarised as follows:

ISSUE 1: *Traffic impacts and safety in the street and general area*

The application was accompanied by a traffic impact assessment which was assessed by Councils Traffic and Transport Section and had no objection subject to conditions of consent. As such, generated traffic associated with the proposal are considered acceptable based on Council's Traffic Engineers review and for a residential flat building development of this nature in a high-density zone.

ISSUE 2: *Insufficient parking within the development causing additional on-street parking, which will increase hazards to pedestrians and traffic.*

The development requires 37 car spaces onsite in accordance with the parking provisions of the Liverpool Development Control Plan 2008. The application proposes 40 car parking spaces,

which is a surplus of 3 spaces, of which one of these spaces is a car wash bay. Therefore, the development provides adequate car parking spaces with regards to the relevant plans and policies.

The application has been reviewed and supported by Council's Traffic Engineers, who investigated parking impacts as well as impacts and safety considerations to the local street network and access arrangements and they raised no objections to the development on those grounds.

ISSUE 3: *Building Height*

The maximum height permitted on the subject site in accordance with the LLEP 2008 is 18m. A compliant building height of 17.9m has been proposed.

ISSUE 4: *Inconsistent with the surrounding low density residential character*

A residential flat building development is a land use that is permissible within the zone and the immediate locality. The proposed development has been designed by the applicant to incorporate a streetscape appearance that is compatible with the locality and the desired future character of the area. The matter of the character and context of the site and proposed building has also been considered by the Design Excellence Panel in which they are supportive of the proposal. The development also proposes a floor space ratio (FSR) that is within the allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate bulk and scale for the locality. As demonstrated in this report, the proposal is generally consistent with Council's provisions and is therefore consistent with the desired character of the area.

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

The proposed development is consistent with the zoning of the land and would represent a high quality development for the locality. The development provides additional housing opportunities within close proximity to employment opportunities, services and public transport. Given the assessment undertaken, the proposal 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 the Liverpool Contributions Plan 2018 – Established Areas. The contribution will be imposed as a condition of consent.

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 adverse impacts upon neighbouring properties and the locality. Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-540/2021 seeking approval for the demolition of existing structures, construction of a 5-storey residential flat building containing 20 units with basement carparking and consolidation of two lots, be approved subject to conditions of consent.

10. REPORT ATTACHMENTS

- 1. APARTMENT DESIGN GUIDE COMPLIANCE TABLE**
- 2. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES**
- 3. PLANS OF THE PROPOSAL**
- 4. DESIGN EXCELLENCE PANEL MINUTES**
- 5. CONDITIONS OF APPROVAL WITH ASSOCIATED EXTERNAL COMMENTS AND 7.11. PAYMENT FORM**

**REPORT ATTACHMENT 1 – APARTMENT DESIGN GUIDE
COMPLIANCE TABLE**

Required	Proposed	Compliance
2E Building depth		
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	Although the development has a maximum building depth of 20.4m, varying between 17.4m and 20.4m. The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the	Considered Acceptable

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance															
	development are met. Walls are also articulated along each frontage and the choice of materials creates interest in the facades. Additionally, adverse privacy and overshadowing on adjoining sites are mitigated by the development.																
2F Building separation																	
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms (4.5m to boundary) • 6m between non-habitable rooms <p>Five to eight storeys (12m to 25m)</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</p>	<p>The proposal provides the following:</p> <p><u>Up to four storeys (Ground to Level 3)</u></p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2">Setback to boundary</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Side (West)</td> <td>>8m</td> <td>0%</td> </tr> </tbody> </table> <p><u>Five to eight storeys (Level 4)</u></p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2">Setback to boundary</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Side (West)</td> <td>9m to balconies</td> <td>0%</td> </tr> <tr> <td></td> <td>8.5m to edge of building in north-west corner for bed 2 of Unit 18</td> <td>5.5%</td> </tr> </tbody> </table> <p>Nothing over 25m</p> <p>See discussion below on building separation/setbacks:</p>	Setback to boundary		Variance	Side (West)	>8m	0%	Setback to boundary		Variance	Side (West)	9m to balconies	0%		8.5m to edge of building in north-west corner for bed 2 of Unit 18	5.5%	<p>Considered Acceptable</p>
Setback to boundary		Variance															
Side (West)	>8m	0%															
Setback to boundary		Variance															
Side (West)	9m to balconies	0%															
	8.5m to edge of building in north-west corner for bed 2 of Unit 18	5.5%															
<p>Discussion on building separation</p> <p>The relevant discussion in terms of building separation is the boundary to west (side) where potential RFB's may be constructed in the future.</p> <p>The side setback provided on the western boundary for Level 4 is typically 9m or greater. However, as shown in the figure below, the setback of the corner of the north-western unit, Unit 18, encroaches within the building separation requirement of the ADG. The non-compliance accounts for 3m of the western façade which equates to 13% of the building length.</p>																	

Required	Proposed	Compliance
<p>The prescribed setback is 9m to achieve a building separation of 18m prescribed in the ADG. The building itself in this corner is a maximum of 8.5m from the property boundary.</p>		
<p>The above breach allows for increased living areas with overall increase in residential amenity for future occupants. It is apparent from the assessment of building separation that the non-compliance would potentially occur when the neighbouring site to the west is to be redeveloped. To address this, visual privacy measures to mitigate any potential overlooking impacts to future occupants' have been proposed by the applicant through incorporating privacy screens. No undue overshadowing or overlooking into neighbouring sites comes as a result as there is a privacy screen fixed to the western window of bedroom 2, which is also built on the cusp of the 9m setback.</p>		
<p>It should be noted that the proposal complies with FSR and maximum building height development standards, and is not considered to be an over development of the site with regards to the LLEP 2008.</p>		
<p>Accordingly, the proposed variation to building separation is considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.</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>A detailed site analysis plan has been provided.</p>	<p>Complies</p>
<p>3B Orientation</p>		
<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>Solar Access to living rooms, balconies and private open spaces of neighbours should</p>	<p>The building type is appropriate for the streetscape. Overshadowing of neighbouring properties is minimised during mid-winter. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.</p>	<p>Complies</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance						
<p>be considered.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>								
3C Public Domain Interface								
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and, enhanced.</p>	<p>The transition from the public to private domain is made in a way which achieves a safe design with security for the future residents, without compromising on the amenity of the public and private domains.</p>	Complies						
3D Communal and public open space								
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof</p>	<p>The communal open space is provided around the perimeter on the ground floor of the site. The ground level COS is a contiguous space of 435m² accessible to all residents from the main foyer. The COS is provided with planter boxes, community gardens, a playground, communal BBQ and sitting areas and turfed areas for active recreation.</p> <p>The COS wraps around the building with most of the area exposed to the east, west and north orientations which allows for good solar access.</p> <p>The total of 435m² COS or 29.9% is provided and exceeds the 25% requirement.</p>	Complies						
3E Deep soil zones								
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Site Area</th> <th style="width: 30%;">Minimum Dimension</th> <th style="width: 40%;">Deep Soil Zone (% site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td style="text-align: center;">-</td> <td style="text-align: center;">7%</td> </tr> </tbody> </table>	Site Area	Minimum Dimension	Deep Soil Zone (% site area)	Less than 650m ²	-	7%	<p>Complies</p> <p>Proposal provides 171m² of deep soil zone, which is 11.8% of the site area and exceeds the 7% requirement</p> <p>The deep soil zones have minimum</p>	Complies
Site Area	Minimum Dimension	Deep Soil Zone (% site area)						
Less than 650m ²	-	7%						

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required			Proposed	Compliance
650m ² to 1500m ²	3m		dimensions of 3m.	
Greater than 1500m ²	6m			
Greater than 1500m ² with significant tree cover	6m			
3F Visual Privacy				
Minimum separation distances from buildings to the side and rear boundaries are as follows:			6m separation to west between habitable rooms/balconies from ground level to level 3.	Considered Acceptable
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Building separation of 8.5m to edge of building in north-west corner for bed 2 of Unit 18 on Level 4. <u>See discussion below and in 2F - Building Separation above</u>	
Up to 12m (4 storeys)	6m	3m		
12m to 25m (5-8 storeys)	9m	4.5m		
Discussion on visual privacy				
<p>The aims of section 3F – Visual Privacy of the ADG are as follows:</p> <ul style="list-style-type: none"> • Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy • Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space <p>From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Privacy concerns to existing residences to the west and any future development of the adjacent lots can be alleviated via privacy screens, which are proposed with the development. It should be noted that the building is predominantly under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.</p> <p>Therefore, notwithstanding above listed non-compliances, the development is considered to be acceptable with regards to visual privacy.</p>				
3G Pedestrian Access and Entries				
Building entries and pedestrian access connects to and addresses the public domain			The development site is unique in that it shares a boundary with three frontages, with the main pedestrian entry from Simone Crescent and is easily identifiable.	Complies
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			Vehicle access point is considered to be in a satisfactory location.	Complies

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance
conflicts between pedestrians and vehicles and create high quality streetscapes		
3J Bicycle and Car Parking		
<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>Bicycle and car parking is provided in accordance with the requirements of Part 1 - Section 20 of the LDCP 2008.</p> <p>All parking is provided within the two basement levels.</p>	Complies
Parking and facilities are provided for other modes of transport		
Car park design and access is safe and secure		
Visual and environmental impacts of underground car parking are minimised		
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimised		
4A Solar and Daylight Access		
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	A total of 20 units are proposed. There are 15 units that receive at least 2 hours sunlight between 9am and 3pm during mid-winter to living rooms and private open spaces. This equates to 75% of the units.	Complies
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All units are considered to achieve some form of direct sunlight between 9am and 3pm.	Complies
Courtyards, skylights and high-level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	Skylights are used for some units of level 4 to achieve some form of solar access in a secondary form.	Complies
4B Natural Ventilation		
All habitable rooms are naturally ventilated	All units are corner units with two aspects and are naturally cross ventilated.	Complies
The layout and design of single aspect apartments maximises natural ventilation		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance												
<p>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>														
4C Ceiling Heights														
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Minimum ceiling height</td> </tr> <tr> <td>Habitable rooms</td> <td style="text-align: center;">2.7m</td> </tr> <tr> <td>Non-habitable</td> <td style="text-align: center;">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> </table> <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>	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>A minimum 3.2m floor to floor height is proposed which allows for the minimum floor to ceiling heights to be achieved as well as space for services between floors. Ground floor apartments have a floor to floor height of 4m in which the Design Excellence Panel appreciates the inclusion of this.</p>	Complies
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													
4D Apartment Size and Layout														
<p>Apartments are required to have the following minimum internal areas:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Apartment Type</th> <th style="text-align: left;">Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td style="text-align: center;">35m²</td> </tr> <tr> <td>1 bedroom</td> <td style="text-align: center;">50m²</td> </tr> <tr> <td>2 bedroom</td> <td style="text-align: center;">70m²</td> </tr> <tr> <td>3 bedroom</td> <td style="text-align: center;">90m²</td> </tr> </tbody> </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</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<ul style="list-style-type: none"> • All 1-bedroom units are ≥ 50m² • All 2-bedroom units are ≥ 70m² • The 3-bedroom unit is ≥ 90m² 	Complies		
Apartment Type	Minimum Internal Area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance															
internal area by 12m ² each																	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Habitable rooms are provided with windows of sufficient glass areas.	Yes															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable rooms are generally limited to 2.5 x the ceiling height.	Complies															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Kitchens of all units are less than 8m from a window.	Complies															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Bedrooms are of sufficient size.	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms of all units have a minimum dimension of 3m.	Complies															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	Sufficient widths are provided to living rooms/dining rooms.	Complies															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows:	All apartments provide the minimum required balcony areas and depths.	Complies															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling Type</th> <th style="text-align: left;">Minimum Area</th> <th style="text-align: left;">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>			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
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															
The minimum balcony depth to be counted as contributing to the balcony area is 1m																	

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance										
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	All ground floor units provide a courtyard private open space of greater than 15sqm and a depth of 3m.	Complies										
4F Common Circulation and Spaces												
The maximum number of apartments off a circulation core on a single level is eight	Single lift core provided. Maximum 4 units per level are proposed off one lift.	Complies										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable.	N/A										
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	The lift lobby area has windows in external walls for sunlight and ventilation.	Complies										
4G Storage												
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Adequate storage has been provided for all units as indicated on the individual unit floor plans and basement plans.	Complies										
<table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3 bedroom</td> <td>10m³</td> </tr> </tbody> </table>			Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³
Dwelling Type			Storage Size Volume									
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	The assessment shows that the development is feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community.	Complies										
Noise impacts are mitigated within apartments through layout and acoustic treatments												
4K Apartment Mix												
A range of apartment types and sizes is provided to cater for different household types now and into the future	1 x 1 bedroom units = 5% 14 x 2 bedroom units = 70% 5 x 3 bedroom units = 25%	Complies										
The apartment mix is distributed to suitable locations within the building	It is noted that there is no requirement for apartment mix outside of the Liverpool City Centre.											
4L Ground Floor Apartments												
Street frontage activity is maximised where ground floor apartments are located	All ground floor units have direct access to the common open space areas as well as access from the foyer. The ground floor treatment to	Complies										
Design of ground floor apartments delivers amenity and safety for residents												

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance
	the building, including landscaping, fencing and level changes will assist in providing an active environment to the street.	
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	Building façades are articulated and modulated through the use of balconies, varying windows and recessed elements. Ground floor building entries are clearly defined and articulated by the façades.	Complies
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	The roof is not the dominant feature, and the flat roof design echoes the horizontality of the building elements. According to the roof plan, there are to be photovoltaic panels on the roof, however conditions of consent may be incorporated to ensure these are included on the development. Skylights are also provided for some of the Level 4 units, so is in accordance with these objectives.	Complies with conditions
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.	Complies
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	As above.	Complies
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	The development provides Unit 3 as an adaptable unit in accordance with the Australian Standard <i>AS 4299-1995 Adaptable Housing</i> . Additionally, access to the foyer areas and each unit is possible as there is a ramp provided in the front of the site as well as a lift to access each floor.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for the development of a new building and not the adaptive reuse of an existing building.	N/A
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	The DA does not propose a mixed use development.	N/A
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Awnings in the common open space complement the built form.	Complies
Signage responds to the context and desired streetscape character	Building address signage will be integrated into the building design.	
4U Energy Efficiency		
Development incorporates passive environmental design.	The proposal is accompanied by a BASIX Certificate.	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	The proposal is accompanied by a BASIX Certificate. The proposal has been reviewed by Council engineer who raised no issues in regard to stormwater subject to conditions.	Complies with conditions
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 facilities are provided and will be maintained by the contract cleaners. The application was referred to Council's Waste Management Section who have indicated that the waste management of the development is considered to be acceptable subject to conditions of consent.	Complies with conditions
Domestic waste is minimized by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	The development is in accordance with these objectives.	Complies
Systems and access enable ease of		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Compliance
maintenance		
Material selection reduces ongoing maintenance costs		

**REPORT ATTACHMENT 2 – LIVERPOOL DEVELOPMENT
CONTROL PLAN 2008 COMPLIANCE TABLES**

LDCP 2008 - Part 1 General Controls for all Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	The subject site contains existing trees which are proposed to be removed to	Complies by conditions

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
		facilitate the development. The applicant has provided an Arboricultural Impact Assessment in addition to Landscape Plans which was reviewed by Council's Landscape Officer who supports the proposal subject to conditions of consent.	
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	A landscape plan was submitted with the application demonstrating the landscape design for the site as well as the inclusion of street trees to be planted along all three frontages. Conditions of consent will apply regarding landscaping.	Complies with conditions
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The site is not mapped as containing significant vegetation.	Complies
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The site is not mapped as bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	This aspect has been reviewed by Council's Land Development Engineer, who have raised no issues subject to conditions.	Complies with conditions
Section 7. Development Near Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The proposal is not within 40m of a watercourse.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented.	Complies with conditions
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not identified as flood prone land.	N/A

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021 the development is considered acceptable and the site suitable for the future use of the land.	Complies
Section 11. Salinity Risk	Provisions relating to development on saline land.	Development to comply with the BCA requirements.	Complies with conditions
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing acid sulphate soils.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Demolition of existing structures is proposed and conditions to be applied to ensure compliance with relevant SafeWork NSW and Australian Standards requirements.	Complies by condition
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The development site is not mapped as a potential area containing Aboriginal archaeology.	Complies
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within close proximity to a heritage item.	Complies
Section 20. Car Parking and Access	<p><u>Car Parking Controls Residential & Business Zones</u></p> <p>1 space per small dwelling (<65sqm) or 1 bedroom 1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms 2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms</p> <p>1 visitor car space for every 4 dwellings or part thereof.</p>	<p>Required</p> <ul style="list-style-type: none"> - 1 bedroom (1x1) = 1 space - 2 bedroom (1.5x14) = 21 spaces - 3 bedroom (2x5) = 10 spaces - Visitors = (20/4) = 5 spaces - Total = 32 spaces for residents and 5 visitor spaces = 37 spaces total <p>Proposed</p> <p>40 spaces (34 spaces for residents, 5 visitor spaces and 1 car wash bay). Provision also made for 11 bicycle spaces.</p>	Complies

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision proposed but amalgamation of 2 sites occurring resulting in a size of >1000sqm.	Complies
Section 22 and Section 23. Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application has been accompanied by a BASIX Certificate and conditions of consent will apply to ensure compliance with the BASIX commitments.	Complies by condition
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste storage facilities are provided and will be maintained by the caretaker. Councils Waste Management officer has reviewed the waste management plan and conditions of consent were provided.	Complies by condition
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	N/A
Section 27. Social Impact Assessment	Provisions relating to social impact.	Social impact comment is not required.	N/A

LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
2. Frontage and Site Area	The minimum lot width is 24m	Complies The site has a frontage of 31.77m to Simone Crescent.
3. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies The building has been designed to address the topography of the site as well as the three frontages to Simone Crescent, Jacaranda Crescent and Old Kurrajong Road.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	Complies Where possible, ground level private open space, upper level balconies and windows have been orientated to the north to maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies Safe access is provided to the building and parking.
	Siting of buildings should be	Complies

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Whilst the surrounding development is still low density housing in scale, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 18m. As such, the proposed development generally complies with these requirements and is considered to be in accordance with the desired future character of the area. Furthermore, the matter of character and context of the site and proposed building has also been considered by the Design Excellence Panel in which they are supportive of the proposal.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	Complies Stormwater discharge is proposed to be drained via on-site detention systems to the street. Council's Land and Development Engineer has reviewed the application and has no objections to the proposal subject to the imposition of conditions of consent.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies As demonstrated within this report, the development generally demonstrates compliance with SEPP 65.
4. Setbacks	Front and Secondary setback: 5.5m	Complies Simone Crescent Setback: 7.75m Jacaranda Crescent Setback: 5.5m
	Verandahs, eaves, etc, may encroach on the setback by 1m	Complies Balconies to the secondary frontage are setback no more than 1m in front of the building line being a minimum 4.5m from the boundary.
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	Complies Side setback (west): >8m for entire side Complies Rear setback (south): 8m
5. Landscaped Area and Private Open Space	A minimum of 25% of the site area shall be landscaped area.	Complies Site area of 1452sqm, requires a minimum landscaped area of 363sqm. The proposed development provides

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
		approximately 472.3sqm of landscaping area which equates to 32.5% of the site.
	A minimum of 50% of the front setback area shall be landscaped area.	Complies In excess of 50% of the front setback is landscaped.
	Optimise the provision of consolidated landscaped area within a site by: - Design of basement and sub-basement car parking, so as not to fully cover the site. - Use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front, sides and rear setback areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size.	Complies The proposed landscape plans have been reviewed by Council's Landscape officer who has supported the planting selections and use of species.
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	Complies Paving across the landscaped areas is minimised and creates a pathway throughout the common open space area on the ground floor.
	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies Communal open space would be appropriate and relevant to the context and the building's setting.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Complies The communal open space is orientated to receive sun throughout the day and is of a size to allow for a range of uses. The communal open space achieved compliance with the ADG in terms of size, location, solar access and functionality.
	Locate open space to increase the potential for residential amenity.	Complies The communal open space surrounds the building and helps to provide good

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
		residential amenity.
	Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use	Complies Private open space is provided to each unit in accordance with the ADG, including courtyards at ground floor, and balconies on the upper floors.
	Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	Complies Internal drying areas are proposed.
6. Building Design, Streetscape and Layout	Building Height: 18m	Complies A maximum height of 17.9m is proposed.
Building Appearance and Streetscape	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	Complies The proposal meets the requirements of SEPP 65 and the ADG.
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Complies Articulation and interest are provided to all elevations.
	The pedestrian entrance to the building shall be emphasised.	Complies Entry points to the building are visible and emphasised.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	Complies Side walls are all articulated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street	Complies The vehicle entrance is to the western portion of the northern boundary of the site.
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their	Complies The entrance to the basement is of the same design and materials as the main

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	appearance is consistent with the basement or podium walls.	building.
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	Complies The basement entry is minimal and does not dominate the front elevation.
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	Not applicable No podium proposed.
	A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	Complies with conditions
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	Complies The building has been designed with attention to detail, and has been reviewed by the Design Excellence Panel, who support the design and features of the building. The applicant has amended the design of the proposal in accordance with the comments provided by the Panel and the amendments are deemed to satisfy the Panel's comments.
	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building. - Expressing key datum lines in the context using cornices, a change in materials or building set back. - Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. - Expressing the variation in floor-	

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>to-floor height, particularly at the lower levels.</p> <ul style="list-style-type: none"> - Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - Selecting balcony types which respond to the street context, building orientation and residential amenity. - Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the facade detail and materials 	
	Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	
	Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	
	Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	
	Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	
Roof Design	<p>Relate roof design to the desired built form. This may include:</p> <ul style="list-style-type: none"> - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof 	<p>Complies by conditions</p> <p>The roof is flat in form and according to the roof plan, there are to be photovoltaic panels on the roof, however conditions of consent may be incorporated to ensure these are included on the development. Skylights are also provided for some of the Level 4 units, so is in accordance with these objectives.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.</p> <ul style="list-style-type: none"> - Using special roof features, which relate to the desired character of an area, to express important corners. 	
	Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	
	Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	
Building Entry	<p>Improve the presentation of the development to the street by:</p> <ul style="list-style-type: none"> - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. - Designing the entry as a clearly identifiable element of the building in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street. 	<p>Complies</p> <p>All entrances are accessible and in a clearly identifiable location. The applicant has also allowed for the building to be entered from all directions in order to address each of the frontages the site has to the surrounding road network.</p>
	Provide as direct a physical and visual connection as possible between the street and the entry	
	Achieve clear lines of transition	

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	between the public street, the shared private, circulation spaces and the dwelling unit.	
	Ensure equal access for all	Complies. A ramp provides access to the building from the primary frontage of Simone Crescent and a lift provides access within the building.
	Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas. - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	Complies. Safe and secure access is provided to the buildings, with clear entry points to the development for pedestrians and vehicles. A two stage access system is provided where entrances are recessed back in the building to ensure safer urban design outcomes.
	Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed-use development. - Ground floor dwellings, where applicable.	Complies The proposal provides separate vehicle and pedestrian access points.
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	Complies Letterboxes will be located adjacent to the main entry at 90 degrees to the street.
Balconies	Balconies may project up to 1m from the façade of a building.	Considered Acceptable Compliance with the ADG is provided for balconies in which minimum depths are required to be achieved. It is noted that the balconies do not project beyond the minimum setbacks required.
	Balustrades must be compatible with the façade of the building.	Complies Balustrades compatible with the façade of the building.
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	Complies Balconies of a depth to allow solar access.
	Design balustrades to allow views and casual surveillance of the	Complies Balconies provide views and

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	street.	surveillance to the street.
	Balustrades on balconies at lower levels shall be of solid construction. Solid or semi solid louvres are permitted.	Considered Acceptable The privacy measures implemented for balconies are of a construction and material which is compatible with the development and allow for privacy and solar access compliance to be achieved.
	Noise attenuation measures on balconies facing a Classified Road should be considered.	Not applicable Site does not front a classified road.
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	Complies The majority of balconies are all on the external facades of the building, there are some internal balconies, however, these have privacy screens to prevent any privacy concerns.
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	Complies Balconies are located off main living spaces and are of good sizes and dimensions to be fit for purpose.
	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	Complies The secondary balconies proposed for the south-western units is in a location which fronts Old Kurrajong Road and the southern elevation. This provides some additional space to the units, however are not necessarily required to achieve compliance with the main balcony size and dimension requirements.
	Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies	Complies Balconies designed in accordance with climate and context requirements.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	
	Provide primary balconies for all dwellings with a minimum depth of 2m.	Complies All main balconies have minimum width of 2m.
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	Complies All balconies allow for adequate solar access.
	Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: - Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. - Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units	Complies Balconies provide views and surveillance to the street.
	Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	Complies Screening provided to some east and west balconies.
Daylight Access	Plan the site so that new residential flat development is oriented to optimise northern aspect.	Complies The building maximises the northern aspect.
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	Complies The communal open space receives adequate daylight, with the opportunity for shading.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	Complies Main rooms and windows receive daylight in accordance with the ADG requirements.
	Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	Not applicable
	Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. Avoid south facing dwellings.	Complies The number of units receiving direct daylight and sunlight is in accordance with the ADG requirements. Additionally, all units have two aspects and are able to receive some sunlight during the day.
	Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	Complies Shutters provided to balconies.
	Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	Complies Ceilings are in line with the minimum requirements of the ADG.
	On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	Complies Shutters provided to balconies.
	On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.	Complies Shutters provided to balconies.
Internal Design	All staircases should be internal.	Complies Stairways are internal.
	Minimise the length of common walls between dwellings.	Complies Common walls are minimised through the development.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	Basement car parking shall be located beneath the building footprint.	Considered Acceptable Basement car parking is located below the building and provides enough room for the site to comply with deep soil requirements and ensure compliance with parking and manoeuvring.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Complies The building has been designed generally in accordance with the ADG building separation requirements.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	Complies Noise generating rooms are clustered where possible.
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	Not applicable
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	Complies with conditions
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas.	Complies Habitable rooms overlook open space where possible.
Ground Floor Dwellings	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	Complies The landscaping to the front of the site will provide an attractive frontage to the street.
	Create more pedestrian activity along the street and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from	Complies The ground floor treatment to the building, including landscaping and level changes will assist in providing an active environment to the street.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.</p>	
	<p>Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard.</p>	<p>Complies The ground floor treatment to the building, including landscaping and level changes will assist in providing an active environment to the street. Ground floor units are able to be accessed directly to the street from the courtyard areas and internal pathway.</p>
Security	<p>Entrances to buildings should be orientated towards the front of the site and facing the street. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.</p>	<p>Considered Acceptable The Design Excellence Panel has encouraged the development to address each street frontage and provide access to them. As such, the main entrance to the site is from Simone Crescent however access is also provided from the secondary frontage to Jacaranda Crescent and side fronting Old Kurrajong Road.</p>
	<p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>	<p>Complies No blank walls are proposed.</p>
	<p>Minimise the number of entry points to buildings.</p>	<p>Considered Acceptable The Design Excellence Panel has</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
		encouraged the development to address each street frontage and provide access to them. As such, the main entrance to the site is from Simone Crescent however access is also provided from the secondary frontage to Jacaranda Crescent and side fronting Old Kurrajong Road.
	<p>Reinforce the development boundary to strengthen the distinction between public and private space by:</p> <ul style="list-style-type: none"> - Employing a level change at the site and/or building threshold (subject to accessibility requirements). - Signage. - Entry awnings. - Fences, walls and gates. - Change of material in paving between the street and the development 	<p>Complies</p> <p>The building steps up from the street to provide a distinction from the street/footpath.</p>
	<p>Optimise the visibility, functionality and safety of building entrances by:</p> <ul style="list-style-type: none"> - Orienting entrances towards the public street. - Providing clear lines of sight between entrances, foyers and the street. - Providing direct entry to ground level dwellings from the street rather than through a common foyer. - Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances. 	<p>Complies</p> <p>Entrances are noticeable and the access ways are prominent to the streets.</p>
	<p>Improve the opportunities for casual surveillance by:</p> <ul style="list-style-type: none"> - Orienting living areas with views over public or communal open spaces, where possible. - Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street. - Using corner windows, which provide oblique views of the street. - Providing casual views of common internal areas, such as 	<p>Complies</p> <p>The upper floor balconies will provide for casual surveillance.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	lobbies and foyers, hallways, recreation areas and car parks.	
	<p>Minimise opportunities for concealment by:</p> <ul style="list-style-type: none"> - Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. - Providing well-lit routes throughout the development. - Providing appropriate levels of illumination for all common areas. - Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. 	<p>Complies</p> <p>The access points are well laid out and are to be well lit, and do not provide opportunities for concealment.</p>
	<p>Control access to the development by:</p> <ul style="list-style-type: none"> - Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. - Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. - Providing direct access from car parks to dwelling lobbies for residents. 	<p>Complies</p> <p>Dwellings would be inaccessible from neighbouring buildings. The car park is also to be a secure basement and there is to be direct access from the car park to the lobbies via the lift.</p>
Natural Ventilation	<p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:</p> <ul style="list-style-type: none"> - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings. 	<p>Complies</p> <p>Cross ventilation and natural ventilation is in accordance with the ADG requirements.</p>
	<p>Provide narrow building depths to support cross ventilation.</p>	<p>Complies</p> <p>Dwellings depths are in line with the ADG requirements.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	Avoid single-aspect dwellings with a southerly aspect.	Complies All units are dual aspect.
Building Layout	The layout of dwellings within a residential flat building should minimise the extent of common walls.	Complies Common walls are minimised through the development.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume 8 m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage is provided in accordance with ADG requirements.
7. Landscaping and Fencing	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.	Complies Canopy trees are proposed in the front, secondary and rear setbacks.
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees	Complies The planting plan is made up of predominantly native species.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	Complies A mixture of plant types and sizes is proposed.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Complies Minimal landscaping is proposed in the vicinity of the driveway.
	Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties.	Complies Planting is proposed along the side and rear boundaries.
	Landscaping on any podium level	Complies

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	Landscaping on any podium level or planter box has been appropriately designed.
	The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	Considered Acceptable The subject site contains existing trees which are proposed to be removed to facilitate the development. The applicant has provided an Arboricultural Impact Assessment in addition to Landscape Plans which was reviewed by Council's Landscape Officer who supports the proposal subject to conditions of consent
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Complies Canopy trees will provide shade.
	Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.	Not applicable
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Complies Trees over 3m from building.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>Contribute to streetscape character and the amenity of the public domain by:</p> <ul style="list-style-type: none"> - Relating landscape design to the desired proportions and character of the streetscape. - Using planting and landscape elements appropriate to the scale of the development. - Mediating between and visually softening the bulk of large development for the person on the street. <p>Planting design solutions include:</p> <ul style="list-style-type: none"> - Trees for shading low-angle sun on the eastern and western sides of a dwelling. - Trees that do not cast a shadow over solar collectors at any time of the year. - Deciduous trees for shading of windows and open space areas in summer. <p>methods.</p> <ul style="list-style-type: none"> - Providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by: - Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth. - Providing square or rectangular planting areas rather than long narrow linear areas. 	<p>Complies</p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>Design landscape which contributes to the site's particular and positive characteristics, for example by:</p> <ul style="list-style-type: none"> - Enhancing habitat and ecology. - Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate. - Retaining and incorporating changes of level, visual markers, views and any significant site elements <p>Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> - Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established. - Providing appropriate soil conditions and irrigation 	<p>Complies. An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>
Fencing	<p>The maximum height of a front fence is 1.2m. The maximum height of side boundary fencing within the setback to the street is 1.2m</p>	<p>Complies 1.2m front fence is proposed around the north, east and southern boundaries of the site.</p>
	<p>Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p>	<p>Complies 1.8m timber lapped and capped fence proposed along side boundary.</p>
	<p>For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.</p>	<p>Complies 1.2m front fence is proposed around the north, east and southern boundaries of the site.</p>
	<p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>Complies 1.8m timber lapped and capped fence proposed along side boundary.</p>
8. Car parking and access	<p>Visitor car parking shall be clearly identified and may not be stacked car parking. Visitor car parking shall be located between any roller shutter door and the front boundary.</p>	<p>Complies Visitor car parking provided in accordance with Part 1 of the LDCP 2008</p>
	<p>Pedestrian and driveways shall be separated.</p>	<p>Complies Separate access points are provided.</p>
	<p>Where possible vehicular</p>	<p>Complies</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Vehicle access along the western boundary of the site.
	Give preference to underground parking, whenever possible by: <ul style="list-style-type: none"> - Retaining and optimising the consolidated areas of deep soil zones. - Facilitating natural ventilation to basement and sub-basement car parking areas, where possible. - Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design. - Providing safe and secure access for building users, including direct access to residential dwellings, where possible. - Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths. 	Complies Basement parking proposed.
	Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> - Avoid exposed parking on the street frontage. - Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail. 	Not applicable No above ground parking proposed.
	Promote equity by: <ul style="list-style-type: none"> - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall 	Complies Ramp provided to access building.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>building and landscape design.</p> <ul style="list-style-type: none"> - Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space. 	
	<p>Maximise the number of accessible and adaptable dwellings in a building by:</p> <ul style="list-style-type: none"> - Providing more than one accessible entrance where a development contains clusters of buildings. - Separating and clearly distinguish between pedestrian accessways and vehicle accessways. - Locating vehicle entries away from main pedestrian entries and on secondary frontages. 	<p>Complies Unit 3 will be an adaptable unit.</p>
9. Amenity and Environmental Impact	<p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	<p>Complies The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.</p>
	<p>Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p> <p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>	<p>Complies The building generally complies with the ADG separation requirements.</p>
	<p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p>	<p>Complies Appropriate shrubs and tree planting is proposed along the site boundaries.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	<p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:</p> <ul style="list-style-type: none"> - Balconies to screen other balconies and any ground level private open space. - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. <p>Use detailed site and building design elements to increase privacy without compromising access to light and air by:</p> <ul style="list-style-type: none"> - Offsetting windows of dwellings in new development and adjacent development windows. - Recessed balconies and/or vertical fins between adjacent balconies. - Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies. 	<p>Complies The building generally complies with the ADG separation requirements.</p>
	<ul style="list-style-type: none"> - Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space. 	
	<p>Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p>	<p>Complies An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils Environmental Health department in the clearing house</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
		process and raised no objection to the acoustic report, subject to conditions.
	Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	Complies The site is not mapped as within proximity to a classified road or railway.
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	Complies with conditions
	Arrange dwellings within a development to minimise noise transition between dwellings by: - Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms - Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas - Minimising the amount of common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	Complies An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils Environmental Health department in the clearing house process and raised no objection to the acoustic report, subject to conditions.
10. Site Services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Complies with conditions Letterboxes will be located adjacent to the main entry at 90 degrees to the street. Advisory conditions to apply regarding compliance with Australia Post requirements.
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street	Complies with condition

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment
	frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	Complies Waste storage facilities are provided and will be maintained by the caretaker. Councils Waste Management officer has reviewed the waste management plan and conditions of consent have been provided.
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	Complies with condition
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	Complies with condition
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	Complies Street tree planting is proposed as part of the landscape design for all three frontages and is satisfactory.

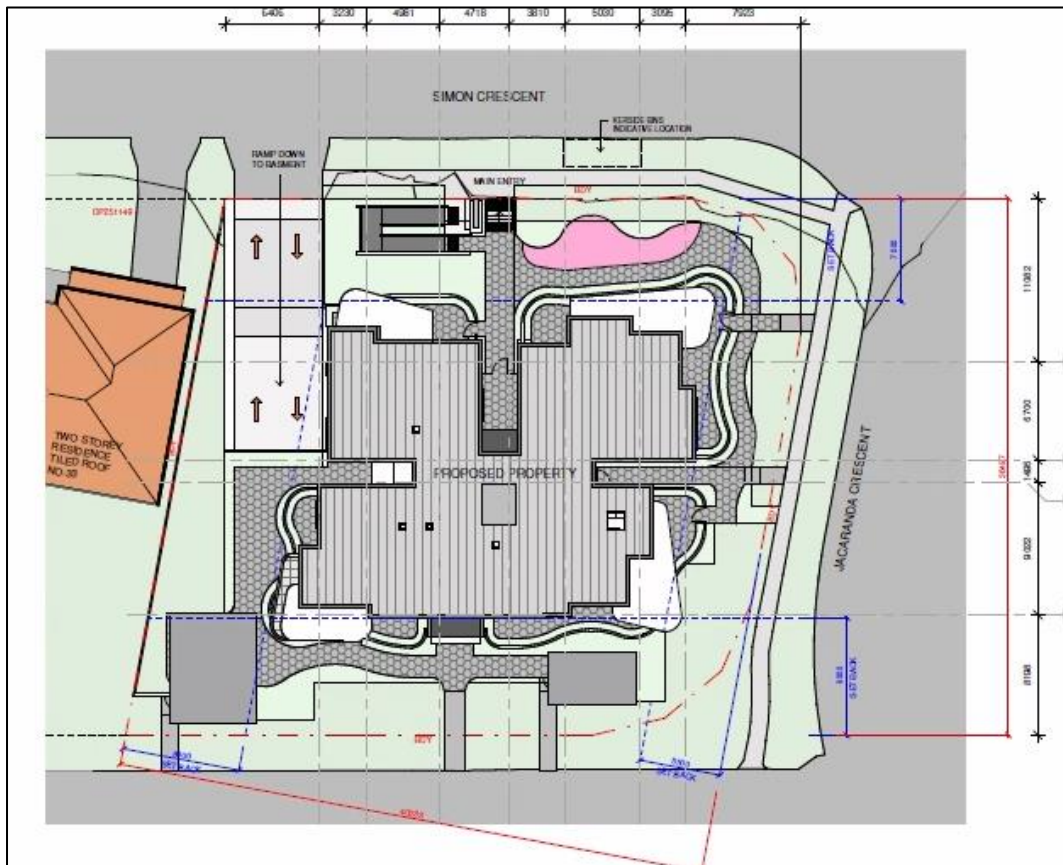
REPORT ATTACHMENT 3 – PLANS OF THE PROPOSAL

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



Demolition Plan



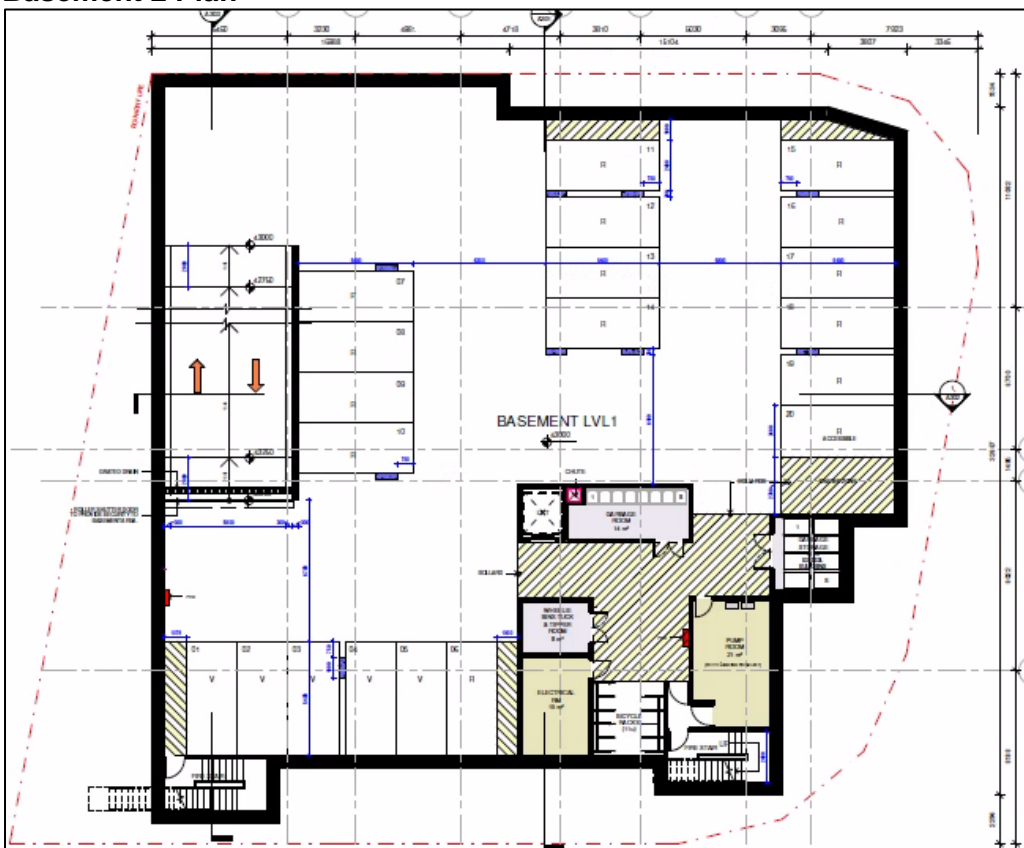
Site Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



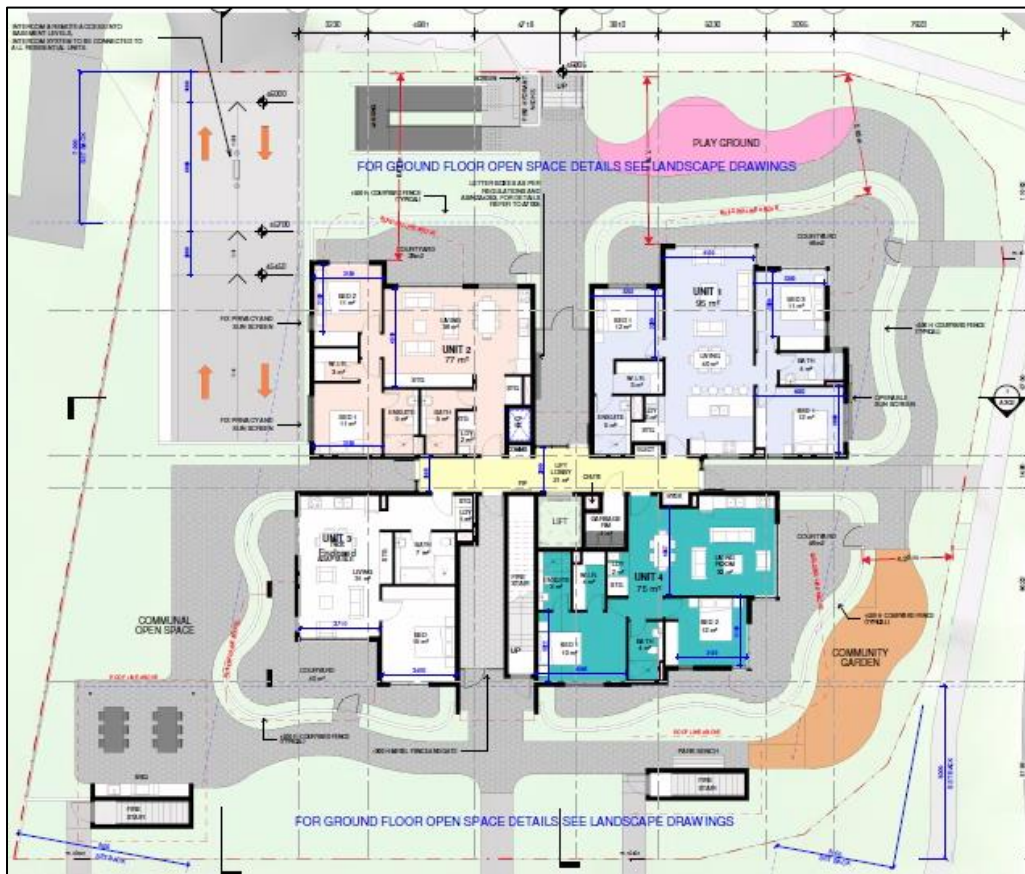
Basement 2 Plan



Basement 1 Plan

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



Ground Floor Plan



Level 1

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



Level 2



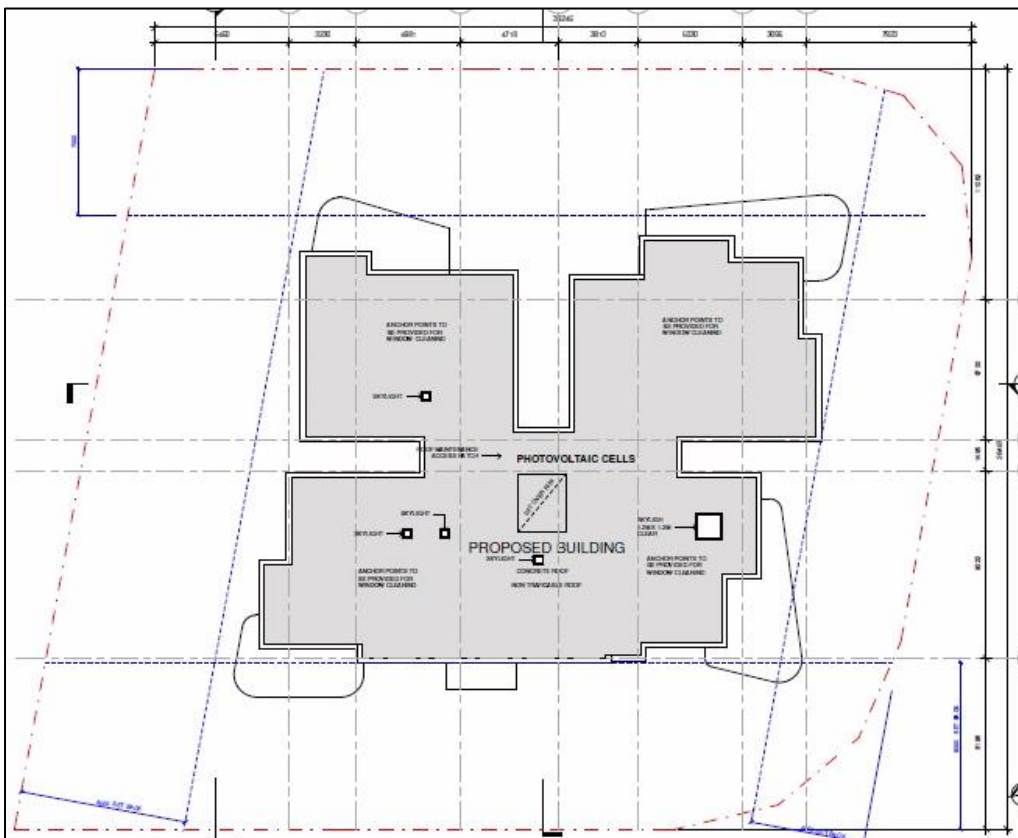
Level 3

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



Level 4



Roof Plan

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



North Elevation



East Elevation



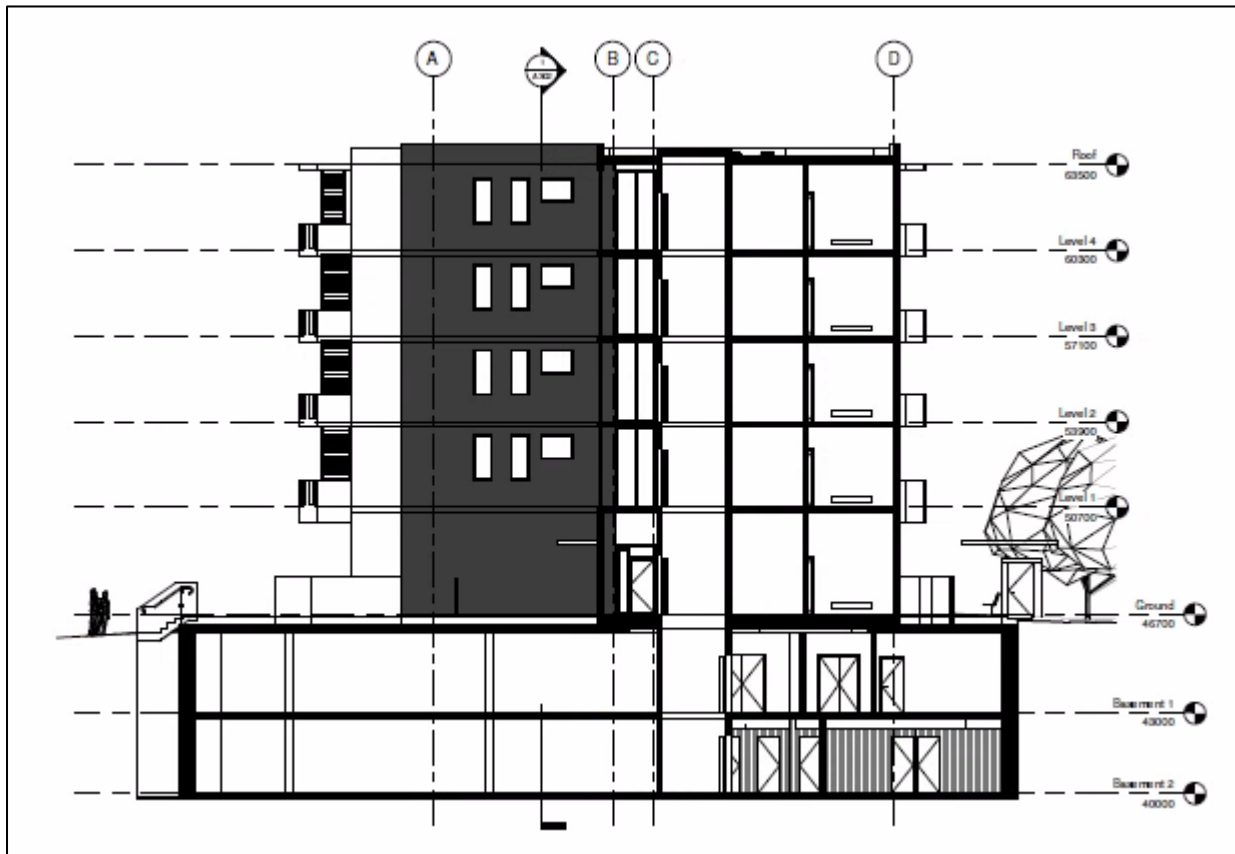
South Elevation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

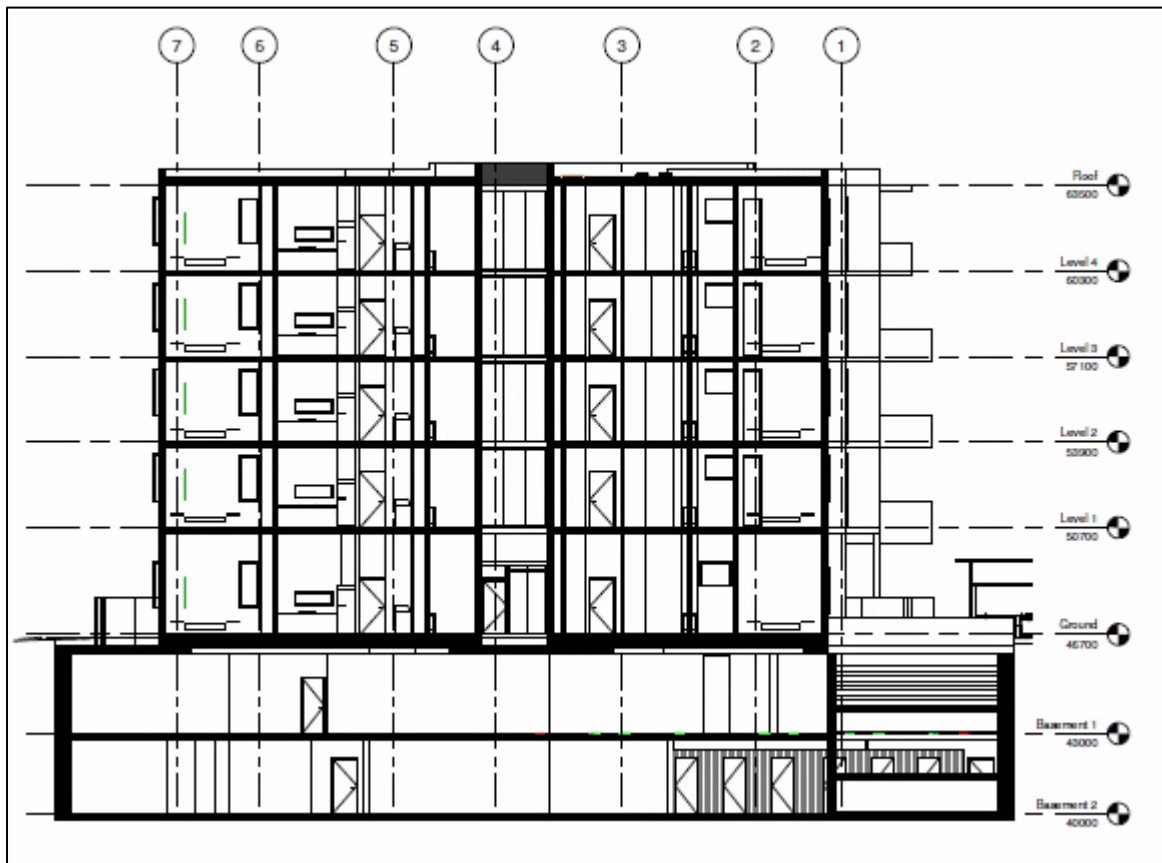
Monday 27th June 2022



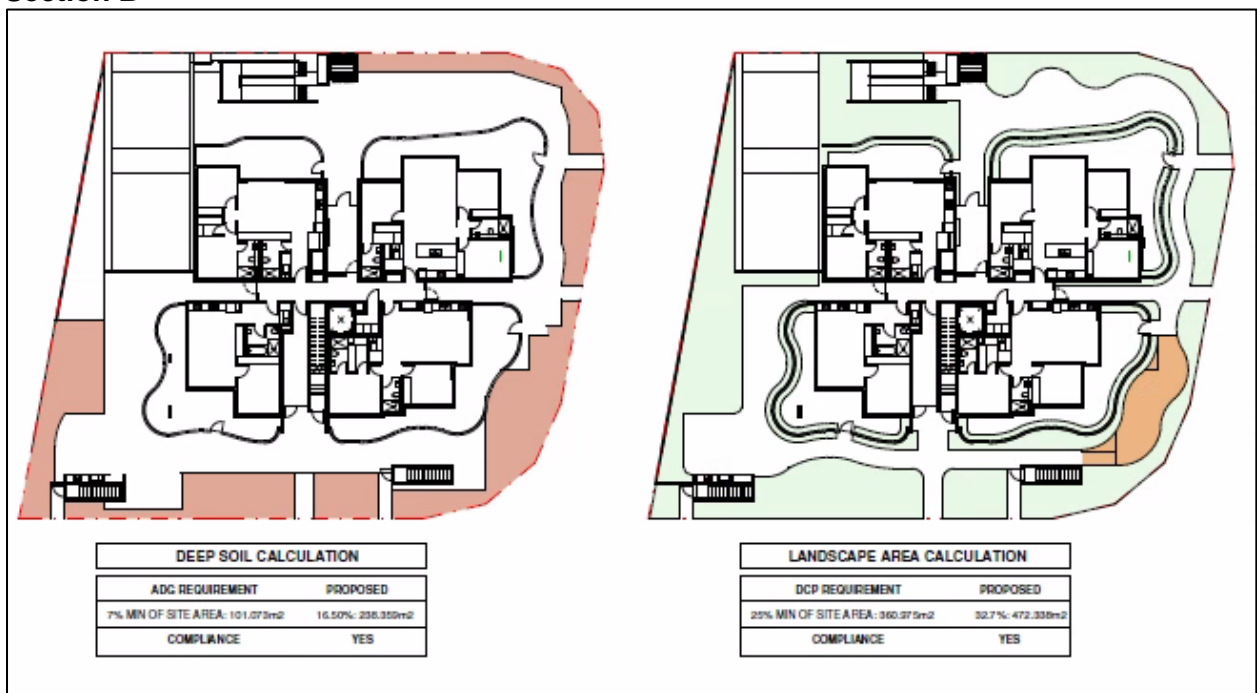
West Elevation



Section A



Section B



Deep Soil and Landscape Calculations

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022



Perspective 1



Perspective 2



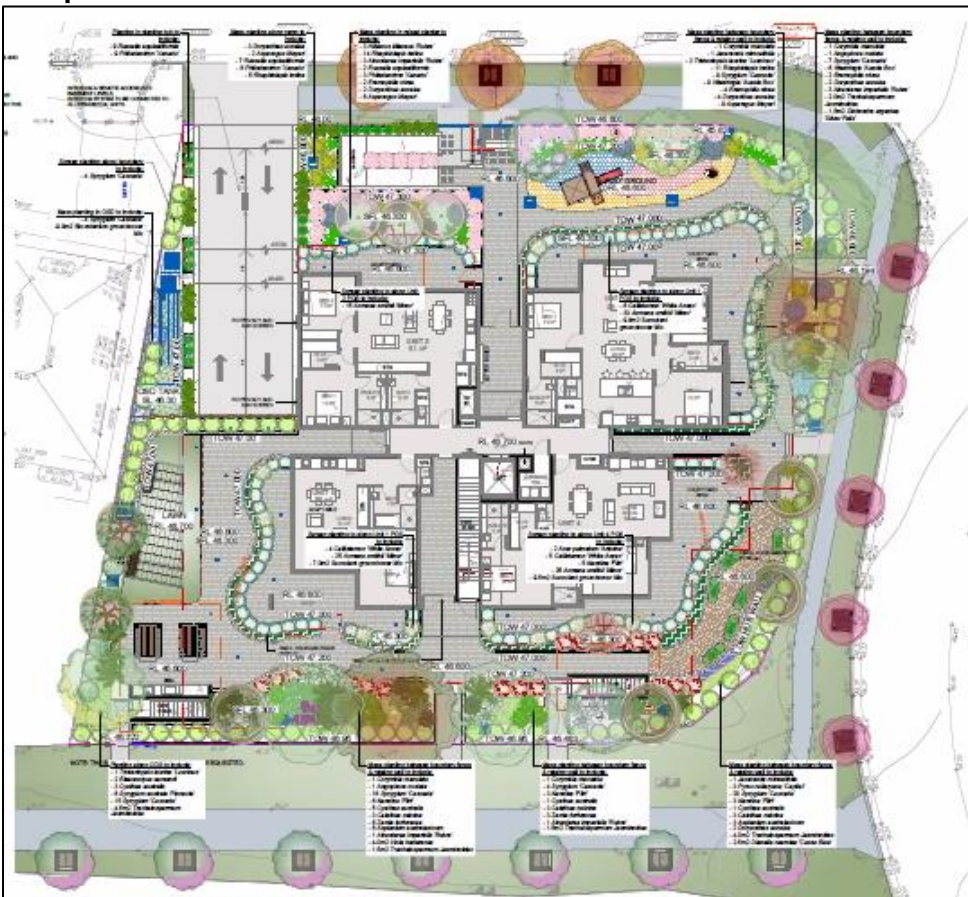
Perspective 3



Perspective 4



Perspective 5



Landscape Plan

REPORT ATTACHMENT 4 – DESIGN EXCELLENCE PANEL MINUTES



Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday 12th August 2021

DEP PANEL MEMBERS PRESENT:

Matthew Taylor	Chairperson	Taylorbrammer
Ian Armstrong	Panel Member	Design Inc
Lee Hilliam	Panel Member	Dunnhilliam

APPLICANT REPRESENTATIVES:

Shaheer Gobran	AUDAA
Craig Schulman	Myriad Town Planning

OBSERVERS:

Artz Ashraf	Senior Urban Designer	Liverpool City Council
Danielle Hijazi	Panel Support Officer	Liverpool City Council
Peter Nelson	Planner	Liverpool City Council

ITEM DETAILS:

Application Reference Number: DA-540/2021

Property Address: 35-37 Simone Crescent Casula

Council's Planning Officer: Peter Nelson

Applicant: AUDAA

Proposal: Demolition of existing dwellings, construction of a residential flat building with basement carparking and consolidation of two lots

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

NIL

3.0 PRESENTATION

The applicant presented their proposal for DA-540/2021, 35-37 Simone Crescent Casula.

4.0 DEP PANEL RECOMMENDATIONS

The nine design principles were considered by the panel in discussion of the Development Application. These are 1] Context, 2] Built Form + Scale, 3] Density, 4] Sustainability, 5] Landscape, 6] Amenity, 7] Safety, 8] Housing Diversity + Social Interaction, 9] Aesthetics.

The Design Excellence Panel makes the following recommendations in relation to the project:

4.1. Context

- Panel notes that the subject site front on to two roads and a pedestrian laneway, with the primary access for the building being provided along Simone Crescent which requires a set of access ramp and stairs. Panel questions the applicant for any alternative building entries that were explored as part of initial site planning so that the level difference was not as marked. In particular the Panel noted that the current entry (due to the GF level selected) requires extensive ramping that reduces the use of the front garden.
- Panel questions the applicant regarding the desire lines of movement for the pedestrians coming in and out of the building (i.e., to catch a bus, get grocery, etc.). Panel recommends the applicant to consider the circulation/movement lines as part of site planning and ensure a more convincing movement pattern for the pedestrians exiting along the southern side of the building.
- Panel recommends the applicant to relocate the substation along the southern or the eastern side to provide a better street presentation along Simone Crescent. The substation needs to be screened to preserve visual amenity.

4.2. Built Form + Scale

- Panel notes that the location of balcony for the northern western units (i.e., Units 6, 10, 14 & 18) are in close proximity with the living areas for the adjoining units towards the east. Panel recommends the applicant to consider appropriate measures to ensure privacy for the north eastern units (i.e., provide privacy screens, angled vertical slats, etc.). In particular, the large extent of the of curved portion of glazing is considered to create privacy issues between apartments and should be redesigned to address this issue.
Similarly, the balcony for Unit 8 is in very close proximity to the bedroom window for Unit 5 – Bedroom 2. Panel requires the applicant to resolve all privacy issues as part of further design development.

- Panel appreciates and supports the high ceiling heights being provided for the ground floor units.
- Panel questions the design of the balconies and the selection of sharp angular forms. Panel recommends the applicant to consider incorporating more fluid profiles reinforcing the overall built form, site terrain/topography and to complement the desired form of the building.

4.3. Density

- The Panel supports the overall density being proposed on the site.

4.4. Sustainability

- The Panel recommends the applicant to consider appropriate measures to respond to the climate of south-western Sydney and provide adequate sun shading devices to control solar access during summer and winter months.

4.5. Landscape

- Panel requires the applicant to engage a registered landscape architect to develop a detailed / more refined landscape scheme for the proposed development. Panel requires the applicant to provide large canopy trees and incorporate layered planting around the site as part of the landscape design. The panel notes that the site has three sides to the public domain and as such there is an opportunity with landscape to address these frontages in coordination with the built form and massing.
- The Panel notes that the current location of the OSD tank (i.e., the north eastern corner of the site) is not a great outcome. Panel recommends the applicant to explore an alternative location for the OSD tank such as under the driveway in order to preserve the prominent corner for landscaping and to maximise deep soil planting within the site.
- Panel requires the applicant to have a closer look at the relationship of communal open space (COS) with the private open spaces (POS) and the community garden areas. Panel requires the applicant to consider the actual functioning of the communal areas and its impact to the POS and living areas for ground floor units. Panel recommends the applicant to consider converting some of the communal areas into POS to minimise potential competition / conflict within these spaces.
- Panel appreciates the applicant for providing community gardens and playground as part of the communal open space. Panel recommends the applicant to consider the actual usability and functional relationship of these communal spaces with respect to the number of units.
- The principles of urban greening and greening canopy objectives are to be incorporated as a design principle for the site. Note is also made of the contribution of the public domain forming part of this principle and contributing to the overall amenity and character of the area.

4.6. Amenity

- The Panel notes that the COS and the community gardens proposed along the north eastern corner might reduce privacy for the lower units. Panel recommends the applicant to consider adequate landscape solutions to provide the required screening so that the use and enjoyment of the POS of the units are not infringed and marginalised.

4.7. Safety

- Panel notes that the proposed building entry (i.e., secured entrance to the lift lobby) is quite recessed/tucked in within the core of the building which might result in safety concerns for the residents. Panel recommends the applicant to consider incorporating two staged security/access point closer to the external building line.
- Panel requires the applicant to provide adequate safety measures and incorporate CPTED principles to ensure passive surveillance and general safety/security for the residents.

4.8. Housing Diversity + Social Interaction

- The Panel notes that the applicant has provided four 3-bedroom units as part of proposed unit mix. Panel supports the housing diversity being proposed and commends the applicant for including the larger family sized units as part of the development.

4.9. Aesthetics

- The Panel notes that the applicant proposes Hebel panels with a painted finish. Panel recommends the applicant to incorporate a more robust materiality for the building. Panel recommends incorporating quality face bricks to ensure longevity and better ageing of the building.
- Panel requires the applicant to provide additional details for Hebel Panel and the paint finish that is being applied on the panels. Panel recommends the applicant to use factory finishes to the building as far as possible.

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council

REPORT ATTACHMENT 5 – CONDITIONS OF APPROVAL

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

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

- (a) Architectural plans, prepared by AUDAA, Project No. 20022, including the following;

Plan Name	Plan Number	Revision	Date
Title Page	A001	4	23.05.2022
Demolition Plan	A002	4	23.05.2022
Site Plan	A100	8	23.05.2022
Basement 1	A101	7	23.05.2022
Basement 2	A102	7	23.05.2022
Ground	A103	8	23.05.2022
Level 1	A104	7	23.05.2022
Level 2	A105	6	23.05.2022
Level 3	A106	6	23.05.2022
Level 4	A107	5	23.05.2022
Roof Plan	A108	5	23.05.2022
Adaptable Unit	A110	2	23.05.2022
East Elevation	A201	6	23.05.2022
North Elevation	A202	6	23.05.2022
West Elevation	A203	6	23.05.2022
South Elevation	A204	6	23.05.2022
Section A	A301	6	23.05.2022
Section B	A302	6	23.05.2022
3D Images	A901	3	23.05.2022
3D Image	A902	2	23.05.2022
3D Image	A904	2	23.05.2022
3D Image	A905	2	23.05.2022
Schedule of Colours and Finishes	A906	3	23.05.2022

- (b) Landscape plans, prepared by Conzept Landscape Architects, including the following;

Plan Name	Drawing No.	Page No.	Date	Revision
Trees Survey	LPDA 22-236	1	16.05.2022	D
Hardscape/ Site Plan	LPDA 22-236	2	16.05.2022	D
Landscape Plan	LPDA 22-236	3	16.05.2022	D

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Sections	LPDA 22-236	4	31.1.2022	C
Specification & Details	LPDA 22-236	5	16.05.2022	D
Details	LPDA 22-236	6	31.1.2022	C
Details	LPDA 22-236	7	31.1.2022	C

(c) Documents

Report Name	Date	Reference	Prepared by
Waste Management Plan	30 January 2022	-	AUDAA
BASIX Certificate	18 May 2021	Certificate No. 1202933M_02	Sustainability-Z Pty Ltd
Arboricultural Impact Assessment	20 January 2022	Version 1	Horticultural Management Services
Traffic and Parking Assessment	20 May 2021	21179	Varga Traffic Planning Pty Ltd
Acoustic DA Assessment	17/05/2021	SYD2021-1058-R001B	Acouras Consultancy
Accessibility Report	17.05.2021	210063r2/access	Building Anatomy
National Construction Code (NCC) 2019 Amendment 1 Report	17.05.2021	210063r2	Building Anatomy

Endeavour Energy Requirements

- The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 8 July 2021 (Attachment 3).

Sydney Water Requirements

- The development is to demonstrate compliance with all relevant requirements issued by Sydney Water, issued 20 July 2021 (Attachment 4).

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate.

Comply with EP&A Act

- The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, 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.

Prescribed Condition

6. In accordance with section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 69 of the Environmental Planning & Assessment Regulation 2021, 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).

Section 7.11 Payment (Liverpool Contributions Plan 2018 - Established Areas)

7. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 - Established Areas as amended.

The total contribution is **\$201,132** and will be adjusted at the time of payment in accordance with the contributions plan.

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

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

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

Plan Amendments

8. Prior to the issue of a construction certificate, the architectural plans are to be amended to the satisfaction of the Principal Certifying Authority, to demonstrate the following:
- (a) All balconies with access to a western aspect should incorporate privacy screening (i.e. that is solar penetrable) to increase privacy and prevent overlooking into the adjacent western property.
 - (b) The roof plan is to clearly indicate the location of the photovoltaic panels to be installed.

Site Development Work

9. 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.

Access

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

Fee Payments

11. 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, and
- (c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

Notification

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

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

S138 Roads Act – roadworks requiring approval of civil drawings

13. Prior to the issue of a Construction Certificate for building works the Principal Certifier shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of the following in the road reserve at 35-37 Simone Crescent, Casula:
- (a) Demolish all existing driveways and laybacks, including construction of kerb and gutter (site frontage).
 - (b) Minimum 1.5m wide concrete footpath paving (site frontage along Simone Crescent and Jacaranda Crescent and connecting to the existing Cycleway to the south within Kurrajong Road/ Old Kurrajong Road). Pram ramp is to also be reconstructed to correspond at the Simone with Jacaranda Crescent intersection.
 - (c) Removal of existing and construction of concrete kerb and gutter (Simone Crescent site frontage).
 - (d) Half road width pavement reconstruction (Simone Crescent site frontage & to centre line).

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

Note: All works shall be undertaken at no cost to Liverpool City Council.

Fees – Road Opening

14. 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.

On-Site Detention

15. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by UBER Engineering, reference number U21113- SW01-08, revision D, dated 27-01-2022.

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

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

A clear emergency spillway and overland flow path is to be provided from the OSD tank to the street footpath to allow for emergency flows during larger storm event or system failure. The flow path is also to ensure no stormwater will enter the basement when this occurs.

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

Stormwater Discharge – Basement Car parks

16. 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.

Residential storage areas, lift entry points and services rooms in the basement shall be set a minimum of 100mm above the design top of water level or surface level of the tank (whichever is higher).

An additional grate is to be shown next to the one that's above the pumps.

No loading on easements

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

Water Quality

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

The Construction Certificate must be supported by:

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

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

Dilapidation Report

19. Prior to the issue of a Construction Certificate, a dilapidation report of all infrastructure fronting the development Simone Crescent & Jacaranda Crescent is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Dilapidation Report Private Property (Excavations)

20. A full dilapidation survey and report on the visible and structural condition, with comment on the footings and foundations, of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier 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, survey and comments are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. A copy is also to be provided to the affected adjoining property owner/s.

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

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must:

- (a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property, and

- (b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

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.

BASIX

21. Prior to the issue of a Construction Certificate, an amended BASIX Certificate is to be submitted to the PCA.

Cladding

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

Products banned under the Building Products (Safety) Act 2017

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

Retaining Walls on Boundary

24. 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.

Access, Car Parking and Manoeuvring – General

25. 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.
26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- (a) Off street access and parking complies with AS2890.1.
 - (b) All cars can enter and exit the site in a forward direction.

Traffic and Parking

27. Detailed design drawings of the proposed vehicular access arrangements including a signs and line marking scheme prepared by a traffic engineer or designer is to be submitted through Council's Transport Management Section, to the Liverpool Traffic Committee for assessment and Council's approval. It should be supported by swept path diagrams.

The design is to be certified by a qualified professional that it complies with the requirements of Council's DCP and Australian Standards.

Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved.

Construction Traffic Management Plan

28. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to Liverpool City Council's Traffic and Transport Section for endorsement. The CTMP is to be lodged online via Council's portal accompanied by an application to be found on the Council website and the appropriate fees. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer.
29. Construction shall not commence until the construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

Driveway/Services – Location

30. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.

Garbage Services

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

Waste Storage Area – Construction

32. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:
- (a) Sufficient space for access by residents, storage and easy manoeuvring of bins;
 - (b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls covered to the floor;
 - (c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;

- (d) Adequate ventilation to the external air by natural or mechanical means;
- (e) The door to the room must be tight fitting and self-closing;
- (f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
- (g) Sufficient lighting to permit usage at night; and
- (h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

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

Waste Storage Area

33. Any bin bays must be:
- (a) Provided with mechanical ventilation,
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer 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,

Waste Management

34. Prior to the issue of a construction certificate, the waste management plan is to be revised, to show that all metals from the demolition process, including stainless steel items such as the kitchen sink, and all roof tiles and door furniture, are to be sent to recycling and not to landfill. Also, the wording of 'Note 2', for both Demolition and Construction waste, is to be revised to state that: "The Waste Management Plan is binding upon any contractor that will undertake the waste separation and removal/disposal work on this project. The aim of this document is to ensure that the maximum amount of materials are recovered and recycled, and the minimum amount sent to landfill. Only 'unexpected finds' on site, or latent conditions not evident, may require some variation to this plan in regards to Section One and Two."
35. Prior to the issue of a construction certificate, the plans and waste management plan showing the basement bin facilities, are to be amended to show that a 660 litre bulk waste bin is capable of being placed under the exit of the garbage chute, to catch general waste. The powered bin moving device and the bin tipper supplied by the developer, are to be shown drawn in the room marked, 'Wheelie bins truck and tipper room'.
36. Prior to the issue of a construction certificate, the building plans and waste management plan are to be revised to show and to state, that the internal dimensions of the waste chute are to be no less than 100mm larger than the dimensions of the chute openings on each level, to reduce the likelihood of the chute becoming blocked.

Street Lighting

37. Street lighting is to be provided to the site frontage (Simone with Jacaranda Crescent) of the proposed development.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting. 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 works including installation to be at no cost to Council.

Provision of Services

38. 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.

39. 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.
40. 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.

Recommendations of Acoustic Report

41. The recommendations provided in the approved Acoustic DA Assessment, prepared by Acouras Consultancy, reference no. SYD2021-1058-R001B, dated 17/05/2021, shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate

application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Design Verification Statement

42. 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.

Site works

43. 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.

Crime Prevention Through Environmental Design

44. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
- (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and

- (f) Access to the parking levels of the building shall be controlled via a security controlled device.

Security Access to car park

45. Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the construction certificate to the satisfaction of the PCA.

C. PRIOR TO WORKS COMMENCING

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

Commencement of Building work

46. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
47. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

48. 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.
49. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an accredited certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A principal certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The principal certifier must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of

building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Tree Removal

50. To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work, all approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

Notification/Principal Certifying Authority

51. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
- (a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

Residential Building Work

52. 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.

Demolition Works

53. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601- 2001 The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by an NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Cladding

54. 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.

Fire Safety Measures

55. 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.

Site Notice Board

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

Construction Requirements

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

Site Facilities

58. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

Waste Management

59. Prior to any works commencing, any Council-issued domestic waste bins serving the existing houses to be demolished at 35 and 37 Simone Crescent Casula, and any other Council-issued bins that may be on the site, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise the bins are empty and ready to be removed, so their removal can be noted on the rates system.
60. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the dwellings or the outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if indeed these systems are fitted to the dwelling, must be sighted by the

Principal Certifying Authority and included as part of the Occupation Certificate documentation.

Sydney Water

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

“DIAL BEFORE YOU DIG”

62. 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.

Waste Classification and Disposal of Contaminated Soil and Material

63. 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.

Sediment & Erosion Control

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

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

Traffic Management

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

66. The Applications must be made to Council's Traffic and Transport Section under Section 138 of the NSW Roads Act, for required Road Occupancy permit and Road Opening approval for any road occupancy within public road reserve.

The Road Occupancy permit and Road Opening approval application, is to include Traffic Control Plans including details for pedestrian management, 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.

The road occupancy permit and road opening approval with approved traffic control measures shall be implemented during construction. A copy of the road occupancy permit and road opening approval shall be available on site at all times. Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Traffic Control Plan

67. 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 Work's on Road" and the Roads and Traffic Authority publication "Traffic Control at Worksites" and certified by an appropriately accredited Road 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.

Environmental Management

68. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
69. 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.

D. DURING CONSTRUCTION

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

Demolition Inspections

70. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
 - (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Building Inspections

71. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
72. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

73. 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.

74. 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.

Construction Requirements

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

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

76. 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.

Hours of Construction Work and Deliveries

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

Craning and Hoardings

78. 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.

79. 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.

Refuse Disposal

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

Security Fence

81. 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.

Removal of Dangerous and/or Hazardous Waste

82. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Contamination

83. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
84. 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.

Record Keeping of Imported Fill

85. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
- (a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - (b) Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
 - (c) the results of any chemical testing undertaken on fill material.

Unidentified Contamination

86. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be 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.

Environmental Controls

87. 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.
88. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
89. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Air Quality

90. Dust screens shall be erected and maintained in good repair around the perimeter of the area being remediated for the duration of works and until such time as dust nuisance is unlikely.
91. During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
92. 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.
93. 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.

Major Fill / Earthworks

94. 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.

Drainage Connection

95. 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.

Aboriginal Heritage

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

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

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

97. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Protection of Adjoining Sites

98. In the event that proposed works damages any adjoining land or building on adjoining land, any rectification works are the responsibility of the developer.

Waste Management

99. The Waste Management Plan submitted to and approved by Council and as amended by conditions of consent, 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.

100. Any asbestos materials encountered during the demolition work, must be removed, handled, wrapped and disposed of in accordance with the relevant legislation, regulations and safe work practices, of the NSW EPA and WorkCover NSW, in force at the time. The licenced disposal facility for any asbestos that is found, must be advised to both Council and the PCA.
101. All solid and liquid waste is to be removed from the site by a registered waste contractor.
102. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
103. All solid waste stored on site is to be covered at all times.
104. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
105. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Water Quality

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

Pollution Control

107. 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.
108. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Ventilation

109. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
110. 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.

Traffic Management

111. If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
112. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
113. Applications must be made to Council's Traffic & Transport Section for temporary road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information. 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.
114. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the RMS Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RMS Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.
115. All works within the road reserve, including the approved sign and line making scheme, are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Guide to Signs and Markings.

Road Works (Laybacks)

116. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

Car Parking Areas

117. 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.

Termite Protection

118. 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.

Construction Environmental Management Plan (CEMP)

119. The CEMP requirements must remain in place, adhered to and be maintained throughout the period of the development.

External

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

121. The mailboxes are to be consistent with the design and colours and materials for the development.

122. Photovoltaic panels are to be installed on the roof of the proposed building and in accordance with the manufacturers specifications.

Windows and Balconies

123. All balconies with access to a western aspect should incorporate privacy screening (i.e. that is solar penetrable) to increase privacy and prevent overlooking into the adjacent western property.

124. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

125. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

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

Construction Requirements

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

Security and Safety

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

Vegetation and Landscaping

131. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
132. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue an Occupation Certificate.

Occupation Certificates

133. The premises must not be utilised until an Occupation Certificate (OC) is issued by the principal certifier.

Fire Safety Certificate

134. 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*.

Inspections

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

Certificates

136. 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.
137. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
138. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the 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

Land Consolidation

139. All separate lots must be consolidated and the new lot must be registered. The applicant shall provide evidence that the linen plan, for the required lot consolidation, endorsed by Council, has been registered with the NSW Land Registry Services prior to the issue of any OC.

Cladding

140. 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.

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Works as executed – General

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

An original set of works-as-executed drawings and electronic copies on a USB of compliance documentation shall also be submitted to Liverpool City Council with

notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

143. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out system:
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

144. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out system shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

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

Any rectification works within Simone Crescent and Jacaranda Crescent 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

146. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
147. At completion of works a survey and report must be undertaken and submitted to the Principal Certifier and affected adjoining property owner/s, commenting on the risk of latent damage (if any) to the existing building caused by the excavation and construction activities.

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

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

If access for undertaking the survey is denied by an adjoining owner, the applicant must:

- (a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property.
- (b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

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.

Landscape

148. 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.

Traffic

149. All road and traffic management works include required public street lights, are to be completed to Council's satisfaction.

Footpaths

150. Prior to the issue of an occupation certificate, a minimum 1.5m wide concrete footpath paving is to be constructed along the site frontage along Simone Crescent and Jacaranda Crescent and connecting to the existing Cycleway to the south within Kurrajong Road/Old Kurrajong Road. A pram ramp is to also be reconstructed to correspond at the intersection of Simone Crescent with Jacaranda Crescent.

Recommendations of Acoustic Report

151. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved Acoustic DA Assessment, prepared by Acouras Consultancy, reference no. SYD2021-1058-R001B, dated 17/05/2021. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Access Report

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

Design Verification Statement

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

BASIX

154. 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.

Display of Street Numbers

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

Waste Management

156. All waste management facilities, equipment (including the bin-lifter, but excluding the waste bins themselves), waste room features and permanent fixed signage will be installed and operational prior to the issue of an Occupation Certificate.
157. Prior to issue of an Occupation Certificate, all permanent waste signage necessary for the identification of the various waste rooms, and the correct separation and disposal of waste items by residents, is to be installed.
158. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.

159. Prior to issue of an Occupation Certificate, the development's by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste correctly upon all residents, and ensures that any additional costs incurred by the building management/body corporate as a result of a failure to do so, can be recovered from the parties responsible.

G. CONDITIONS RELATING TO USE

Car Parking and Basement

160. All parking areas shown on the approved plans must be used solely for this purpose.
161. A total of 40 off street parking spaces including 5 visitor car parking spaces and one washing bay and 11 bicycle spaces must be provided.
162. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
163. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.
164. Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.
165. The operation of the pump system shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

Landscaping

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

Mail-boxes

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

Washing on Balconies

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

Lighting

170. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Waste Management

171. All solid and liquid waste is to be removed from the site by a registered waste contractor.
172. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
173. 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.
174. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
175. Under current collection arrangements, the property will be issued by Council with 4 x 660L general waste bins and 4 x 660L recycling bins. No green waste bins or services will be supplied by Council. These arrangements re bin sizes and types may be subject to change in future, as FOGO waste services are adopted. All other bins, including waste separation bins to the units themselves, and the recycling bins within the waste disposal space on each level, are to be supplied by the developer.
176. All green (garden) waste from the common area gardens must be removed from site as it is generated, by the garden maintenance contractor appointed by the strata, and disposed of legally. No garden waste is to be disposed of in the building's bins.
177. Once the Occupation Certificate has been issued, but at least seven days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins to this property. Please contact Council on 1300 36 2170 to arrange the delivery of bins.
178. Agents of the strata must present the waste bins for emptying to the kerbside of Simone Crescent, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection, and placed back into the basement bin storage room.
179. Waste and recycling bulk bins are to be presented on the kerbside nature strip ready for emptying with wheel locks engaged.
180. Residents placing unwanted materials in the bulky waste storage room on Basement Level 2 are to be supervised by an agent of the strata at all times, so that the manner and type of materials being placed there can be noted. No resident access is to be permitted to any of the waste facilities on Basement Level 1, these are to be accessible to agents of the strata only.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

181. Signage showing how to safely operate the waste chute doors is to be prominently displayed at every waste chute inlet point. Also, signage with a graphic illustrative content of at least 50%, is to be prominently displayed at each chute inlet point, to convey that:
- (a) General non-recyclable waste is to be placed in bags and put into the general waste chute.
 - (b) Items too large to fit down the chute are to be taken to the bulky household goods room on Basement Level 2.
 - (c) Recyclable materials accepted by Council are to be placed, loose and unbagged within the recycling bins, plus what the acceptable recycling materials are.
 - (d) The waste disposal room is to be kept tidy.
 - (e) That the strata can reclaim any costs incurred as a result of a failure to follow correct waste disposal practice from the parties responsible.
182. The powered bin towing device provided by the developer, is to be used on all occasions that bins are required to be moved up and down the driveway ramp. It must be of a sufficient power/rating to move a full 660 litre general waste bin up the maximum slope of the driveway ramp. This equipment must be maintained according to the manufacturer's instructions, and be available in an operable condition when needed. If this equipment breaks down, it must either be repaired promptly, or replaced as needed. The powered bin mover must be operated only by persons who are trained and insured to use it.
183. The bin tipper provided by the developer is to be used on all occasions when recycling bins from each residential level are required to be decanted to the larger bulk bins. This piece of equipment must be maintained according to the manufacturer's instructions and be available in an operable condition. If this equipment breaks down, it must either be repaired promptly, or replaced as needed.
184. The waste chutes and all chute doors and associated infrastructure are to be maintained according to the manufacturer's instructions and be available to the residents whenever needed in an operable condition. If this equipment breaks down, it must either be repaired promptly, or replaced as needed.
185. The cleaning timetable of the building must ensure that empty bulk waste bins are regularly placed under the waste chute, and that recycling bins on each level are emptied as they become full, so that residents always have room in the bins to place their recyclables.
186. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials placed in recycling bins must be loose, unbagged and easily separable.
187. The building manager/strata manager is responsible for ensuring that residents place all bulky household waste into the room provided for the purpose, and that bookings are made for the removal of these items. The types of materials accepted will be as per the Council conditions at the time. Household materials may be put out for collection at the kerbside by agents of the strata, no earlier than 24 hours before a booked clean-up is due.
188. The building manager/strata manager is responsible for providing monitoring and feedback to residents on correct waste performance, including contamination of recycling bins, and instituting corrective actions to address non-conformance where necessary.

- 189. Sufficient space shall be provided within each dwelling for the storage of a minimum of the one day's waste and recycling.
- 190. A separate storage area must be allocated for the holding of bulk waste prior to collection.

H. ADVISORY

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

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

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

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

(h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- (i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- (j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- (k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- (l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 Liverpool Contribution Plan 2018 Established Areas

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

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

APPLICATION NO: DA-540/2021

PROPOSAL: Demolition of existing structures, construction of a 5-storey residential flat building containing 20 units with basement carparking and consolidation of two lots

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Central	\$17,348	GL.10000001870.10099
District Sporting Fields - works		
Central	\$58,342	GL.10000001869.10211
District Passive Open Space - works		
Central	\$36,464	GL.10000001869.10093
Local Passive Open Space - works		
Casula	\$51,049	GL.10000001869.10094
Transport - Bikeways - works		
Central	\$7,099	GL.10000001865.10207
Transport - Traffic management - works		
Central	\$20,227	GL.10000001865.10213
Drainage - works		
Central	\$7,631	GL.10000001866.10209
Administration	\$2,972	GL.10000001872.10104
<u>TOTAL</u>	<u>\$201,132</u>	

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

RECORD OF PAYMENT


Total Amount paid: _____

Date: _____

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

ATTACHMENT 3 – ENDEAVOUR ENERGY REQUIREMENTS

-
-
-
-



Chief Executive Officer
Liverpool City Council

8 July 2021

ATTENTION: Peter Nelson

Dear Sir or Madam

I refer to the referral of 7 July 2021 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-24799 for Liverpool City Council Development Application DA-540/2021 at 35 - 37 SIMONE CRESCENT CASULA 2170 (Lot 1 DP 251149, Lot 1 DP263692) for 'Demolition of existing dwellings, construction of a residential flat building with basement carparking and consolidation of two lots'. Submissions need to be made to Council by 28 July 2021.

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

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- 11,000 volt / 11 kilovolt (kV) high voltage and 33,000 volt / 33 kV high voltage overhead power lines, overhead earth cables and over pilot cables (carrying protection signals or communications between substations) to the Kurrajong Road road verge / roadway.
- Low voltage and 11 kV high voltage underground cables including a streetlight to the Jacaranda Crescent road verge / roadway.
- Low voltage underground cables including a streetlight and a low voltage pillar (from which the low voltage underground service conductors go to the customer connection points for the existing dwellings) to the Simone Crescent road verge / roadway.

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

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

-
-
-
-
-

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

endeavourenergy.com.au
ABN 11 247 365 823

- Network Capacity / Connection

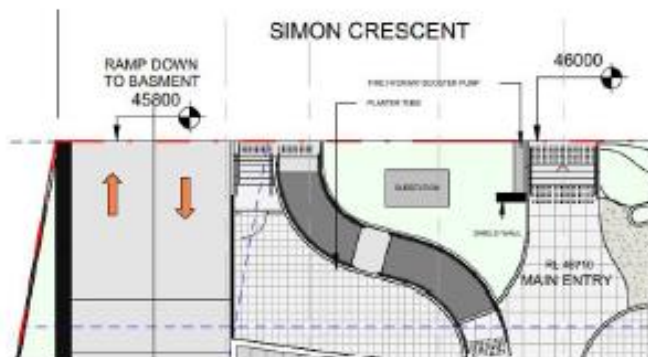
Endeavour Energy has noted the following in the Statement of Environmental Effects addressing the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.

2. PRE-DEVELOPMENT APPLICATION

A Pre-Development Application was held with Council on 17 March 2021 (Reference No. PL-17/2021).

The key matters raised in Council's Pre-Development Application Advice have been summarised and addressed in the following table.

Council Comment	Response
Planning	
<ul style="list-style-type: none"> • Utility services: The substation should be concealed from view from the street and integrated into the architecture of the building. Overhead power cables should be placed underground with overhead electricity infrastructure removed. Street lighting shall be installed using multi-function poles. Landscape Plan shall include provision to soften the view around the substation 	<p>The proposed substation will be located along the Simone Crescent frontage and will be located adjacent to the driveway in order to reduce its visual impact on the street.</p>

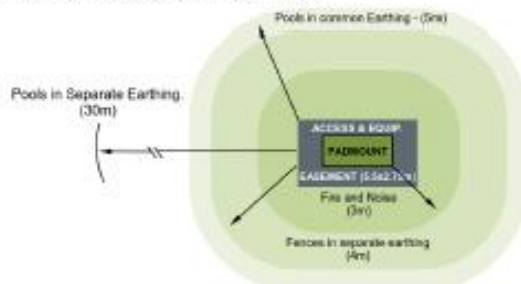


From Endeavour Energy's perspective the fact that provision is being made for a padmount substation is a positive. Endeavour Energy's general requirements is for a padmount substation to be at ground level and have direct access from a public street (unless provided with appropriate easements for the associated underground cables and right of access).

As shown in the following extract of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:

- Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
- Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth and 6 metres vertically from the same point.
- Restriction for swimming pools which extends 5 metres from the easement.

A4.3 - Padmount easements and clearances



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

- o Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- o Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. In this instance the 11 kV high voltage feeder will need to be extended to the padmount substation location.

Accordingly an extension and / or augmentation of the existing local network will be required. However the extent of the works will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further development of areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an appropriate application based on the maximum demand for electricity for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Straightforward applications can be completed online and permission to connect may be provided immediately if submitting a complying application.

Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Alternatively the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works>.

- Network Asset Design

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

5.11 Reticulation policy

5.11.1 Distribution reticulation

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

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed² areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

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

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

5.11.1.1 Urban areas

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

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

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

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

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

- Streetlighting

With the likely increase in both vehicular and pedestrian traffic, although the existing streetlighting is designed for an urban environment, the streetlighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australia/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or email mainsenquiry@endeavourenergy.com.au.

- Earthing

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

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

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

- Prudent Avoidance

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

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

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

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

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

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

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

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

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

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

- Vegetation Management

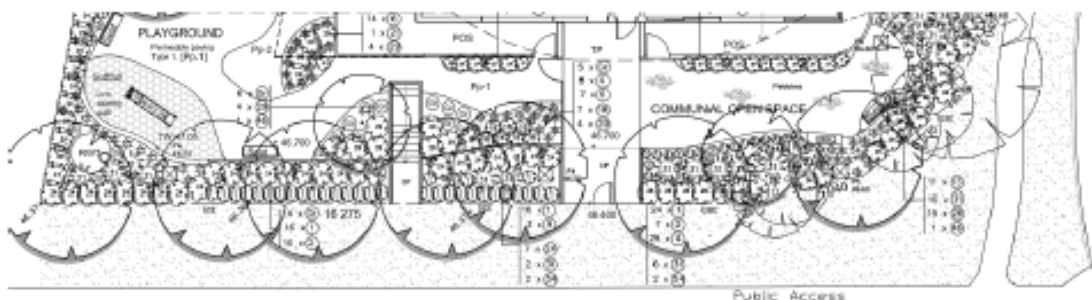
The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Particularly for overhead power lines, ongoing vegetation management / tree trimming is a significant network cost and falling trees and branches during storms are a major cause of power outages.

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

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

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

Endeavour Energy has noted that as shown in the following extract of the Landscape Concept Plan the proposed planting of a trees near the rear boundary to the Kurrajong Road frontage and the overhead power lines which is opposed by Endeavour Energy. The landscape designer will need to reconsider if the proposed plantings achieve the foregoing requirements.



PROPOSED PLANT SCHEDULE



Code	Botanical Name	Common Name	Approximate height, approx	Pot size	Quantity
46	<i>Tristania laurina</i> 'Laclosa'	Water Gum	8 x 5m	45 litre	3
47	<i>Acmena acutifolia</i>	Lilyilly	8 x 5m	45 litre	4
48	<i>Juniperus chinensis</i> 'Spartan'	Spartan Pine	8 x 5m	300mm	17
49	<i>Waterhousea borbonica</i>	Peeping Lilyilly	12 x 6m	45 litre	9

- Dial Before You Dig

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

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on business days from 9am - 4:30pm on telephone 133 718 or (02) 9853 6666) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

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

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. all electrical apparatus shall be regarded as live until isolated and proved de-energised by approved means.

Depending on the extent of the demolition works, the low voltage service conductor and customer connection may need to be isolated and/or removed during demolition. Please refer to the above point 'Removal of Electricity Supply' for further information.

Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

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

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

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

- Emergency Contact

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022

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

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

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

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

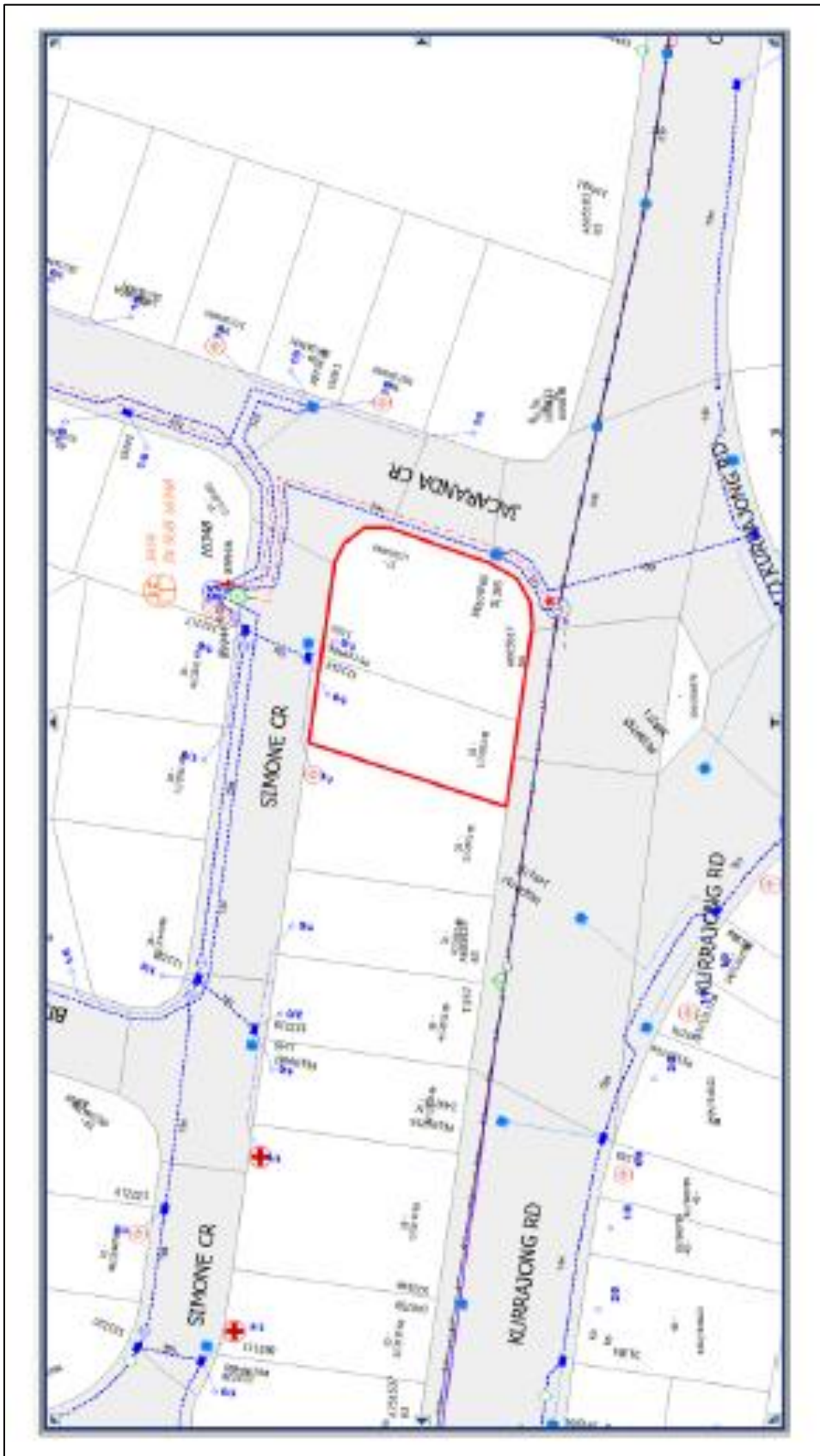
M: 0455 250 981

E: cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au





LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022





ATTACHMENT 4 – SYDNEY WATER REQUIREMENTS



20 July 2021

Peter Nelson
Council Assessing Officer
Liverpool City Council
nelsonp@liverpool.nsw.gov.au

RE: Development Application DA-540/2021 at 35 Simone Crescent Casula

Thank you for notifying Sydney Water of DA-540/2021 at 35 Simone Crescent Casula, which proposes consolidation of two lots, demolition of existing dwellings, and construction of a residential flat building with 20 dwellings and basement carparking. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 100mm CICL watermain (laid in 1973) on Simone Crescent.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available via a 150mm VC wastewater main (laid in 1982) within the property boundary.
- Amplifications, adjustments, and/or minor extensions may be required.

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

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

Yours sincerely,

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

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



Attachment 1

Section 73 Compliance Certificate

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

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

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

Building Plan Approval

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

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

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

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

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

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



Out of Scope Building Plan Approval

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

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

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

The detailed review is to ensure that:

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

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

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Item no:	3
Application Number:	DA-255/2021
Proposed Development: (Revised)	Demolition of existing structures and the construction of 5-storey residential flat building consisting of 13 units and basement parking.
Property Address	14 Mckay Avenue, Moorebank
Applicant:	Ziad Boumelhem
Land Owner:	Mr Nicholas Ancona and Michael & Lourdes Farag
Cost of Works:	\$4,150,067.00
Recommendation:	Approval, subject to conditions
Assessing Officer:	Akshay Bishnoi

1 EXECUTIVE SUMMARY

1.1 Reasons for the Report

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 Schedule 2 of a sensitive development which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies and is over 4-storeys in height.

1.2 The proposal

The application seeks consent for the demolition of existing structures and the construction of a 5-storey residential flat building consisting of 13 units and basement parking.

1.3 The site

The site is legally referred to as Lot 69 in DP 235785 with a street address of 14 McKay Avenue, Moorebank. It has a total land area of 869m² and can be best described as irregular in shape with a frontage of 27.12m to McKay Avenue on the south-west and 36.59m to Harvey Pathway to the north-west. It is zoned R4 High Density Residential under the Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

1.4 Exhibition of the proposal

The development application was notified for a period of 14 days from 15 April 2021 to 29 April 2021, in accordance with the Liverpool Community Participation Plan 2019. A total of six written objections were received which raised concerns relating to: privacy, traffic, solar access,

building separation, parking, traffic generation, noise, public infrastructure, dilapidation and local character.

1.5 The issues

The key issues associated with the proposal relate to:

- The proposal, as amended is reduced in size and scale from the original application and complies with the maximum building height and floor space ratio (FSR). However, there are non-compliances with regard to the LDCP and ADG on front setback and building separation, respectively. These are discussed in detail in this report.
- The proposed main pedestrian entry into the residential flat building is through the side public walkway (Harvey Pathway) to the mid-section of the building.

Following assessment by Council Officers and a meeting with the Liverpool Design Excellence Panel (LDEP), the applicant submitted a revised proposal which has addressed a number of issues and can be supported.

1.6 Conclusion

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

2 SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is legally known as Lot 69 in DP 235785 with a street address of 14 McKay Avenue, Moorebank. It has a total land area of 869m² and can be best described as irregular in shape with a frontage of 27.12m to McKay Avenue on the south-west and 36.59m to Harvey Pathway to the north-west. The site has a side boundary of approximately 38m to the east, with a rear boundary of 19.12m in length. The site has a gradual cross-slope from the northeast to the southwest of approximately 0.95m. The site is currently occupied by one detached dwelling, outbuildings, and sparse vegetation.

An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site

2.2 The locality

The general area is characterised by predominantly 1 to 2 storey single detached dwellings. The site is located in a residential block bounded by McKay Avenue, Lucas Avenue (to the east), Harvey Avenue (to the north-east) and Dredge Avenue (to the north) with a midblock pedestrian walkway (Harvey pathway that adjoins the north-west boundary of the site).

A local centre comprising of Moorebank Shopping Centre and Nuwarra Public School is located to the south of the subject site, while the Ernie Smith Reserve is located approximately 740m to the west. An aerial photograph of the locality is provided below.



Figure 2: Aerial photograph of the locality

3 BACKGROUND/HISTORY

A history of the DA is detailed below:

3.1 DA lodgement and notification

On 17 March 2021, DA-255/2021 was lodged. Subsequently, the DA was notified to surrounding properties for a period of 14 days from 15 April 2021 to 29 April 2021 in accordance with Liverpool Community Participation Plan 2019. A total of six written objections were submitted.

3.2 DEP Briefings

The subject application was considered by Council's Design Excellence Panel (DEP) on 12 August 2021.

The main issues raised by the panel from the meeting of 12 August 2021 are summarised below:

The Design Excellence Panel makes the following comments in relation to the project:

- *Panel notes that the proposed pedestrian entry along the through site link is a positive outcome for the site. Panel recommends the applicant to consider appropriate treatments*

(i.e., additional landscaping, canopy trees, laneway lighting and layered planting) along the laneway/street frontages to address the same.

Comment: The applicant provided amended landscape plans incorporating additional landscaping along the street front and additional trees along the laneway.

- *Panel notes that the building elevation proposes fixed privacy screens. Panel recommends the applicant to consider more operable screens to ameliorate the privacy issues with the neighbouring building and allow the residents to control the solar access to their units.*

Comment: The applicant provided amended architectural plans with operable privacy screen noted on the floor plans.

- *Panel notes that some of the bedrooms within the proposed design might be smaller in size as per the minimum requirements. Panel requires the applicant to fully comply with the requirements of SEPP 65 Apartment Design Guide and provide bedroom sizes beyond the minimum requirements to achieve design excellence.*

Comment: The proposal complies with the Apartment Design Guide in terms of minimum size requirements for bedrooms.

- *Panel notes that the common toilet for Unit L4.01 has no external windows which is not acceptable. Panel recommends the applicant to incorporate a high sill glazing for the common toilet within unit L4.01*

Comment: The applicant has addressed the above concern by redesigning Unit L4.01.

- *Panel notes that landing area in front of the lift door opening on roof level can be increased. Panel recommends the applicant to reconsider the arrangement of non-trafficable roof area in front of the lift opening to achieve a better design outcome*

Comment: Amended architectural plans submitted by the applicant shows a lift door opening directly into the communal open space on the roof level which is considered a better design outcome.

- *Panel requires the applicant to incorporate sustainability measures (i.e., Photovoltaic Panels, rainwater harvesting systems, OSD measures, etc.) as part of the design and consider the climate of western Sydney while selecting the building materials for the site*

Comment: Architectural Plans have been amended to include solar panels at the roof level.

- *The Panel notes that the subject site has substantial potential for meaningful greening opportunities and recommends the applicant to provide additional canopy trees within the development. Panel requires the applicant to provide a landscape scheme for the public*

domain areas with appropriately scaled canopy trees for the area and layered planting along the street/laneway frontages.

Comment: Landscape plans have been amended to include additional canopy trees across the site, including the street/laneway frontages.

- *Panel notes that the landscape planting indicated in the 3D renders do not align with the landscape plans. Panel recommends the applicant to ensure that all drawings align with and present as a coordinated set and recommends the applicant to consider additional landscaping on the non-trafficable areas to achieve additional green cover.*

Comment: Amended landscape plans have been provided, which are consistent and include additional landscaping within the front setback and on the non-trafficable areas at the roof level.

- *Panel remarks that the current landscape design proposes extensive hard stand areas around the building (i.e., the paved COS area on the southern side of the building) and notes that the planting scheme is a scale where the built form dominates the site. Panel requires the applicant to incorporate additional softscape elements within the outdoor areas and provide appropriately scale sized canopy trees to add the landscape volume that would complement the overall built form. Areas that could benefit from further landscape is the COS to the southern side where the planter box could be increased to 3 metres in width and improve the form and useability of the COS. This would allow for further tree planting in this area. Similarly, the private open spaces adjacent could also be increased in width so as to form an appropriate location for trees in planter boxes and make a more substantial contribution to the public domain and area surrounding as part of the urban greening strategies for Sydney and the LGA.*

Comment: Amended landscape and architectural plans have been provided, which show design amendments to the building to allow for additional landscaping areas, canopy trees and improved communal open space.

- *Panel notes that the location of bicycle parking and the design of the Communal Open Space (COS) on ground level can be improved. Panel recommends the applicant to relocate the bicycle parking within the basement level and refine the overall design of the communal areas around the building. Panel requires the applicant to consider providing larger garden areas within the Private Open Spaces (POS) for the ground floor units.*

Comment: Amended landscape plans have been provided which shows improvement to the communal open space on the ground floor level and increased garden areas within the private open space for the ground floor units. Additionally, bicycle parking originally proposed within the communal open on the ground floor has been moved into the basement.

- *Panel raises concern regarding the design of the COS at the roof level which might end up having ownership issues. Panel recommends the applicant to reconsider the design of the COS at roof level (i.e., make the COS larger by increasing the width, provide a wider /more visible connection from the lift and incorporate additional amen.*

Comment: Amended architectural plans submitted by the applicant indicate an increased communal open space at roof level and the lift door opening directly into the communal open space which is considered a better design outcome.

- *Panel recommends the applicant to include upgrades to the laneway as part of the development (i.e., replace existing footpath and provide pedestrian lighting along the laneway). This will provide a further positive contribution to the site and to the immediate area by providing landscape benefits and amenity (shade, colour, texture).*

Comment: The applicant has not submitted any details with regards to upgrades to the laneway, however, this requirement can be conditioned, should approval be granted.

- *Panel reiterates that the landscaping along the lot boundary can be improved and requires the applicant to provide buffer planting with visual connections across the laneway to ensure passive surveillance from the units at ground level and therefore satisfying CPTED guidelines*

Comment: The amended landscape plans provided in response to the DEP comments is considered acceptable with regards to passive surveillance from the ground floor units.

- *Panel notes that the apartment unit G03 on ground level has limited amenity. Panel recommends the applicant to consider appropriate measures to resolve amenity issues.*
- *The Panel recommends the applicant to review / ensure the privacy for bedrooms opening towards the communal areas and requires the applicant to provide adequate measures to resolve any minor inconsistencies.*
- *Panel requires the applicant to consider appropriate measures to ameliorate the impacts of noise emanating from the communal areas to the bedrooms on the ground level.*

Comment: The applicant has addressed the above concerns raised by DEP through changing the bedroom window to a highlight window and providing dense landscaping adjacent to the bedroom of unit G03 to minimise any amenity impacts.

- *Panel requires the applicant to consider CPTED guidelines (noted above) as part of the design and incorporate adequate measures to ensure passive surveillance and general safety for the residents.*

Comment: The proposed development has been amended and has addressed matters relating to CPTED principles. The proposal, as amended ensures that private open space and communal open space located on the ground floor level are well defined and appropriately fenced/gated. Additionally, there are windows and balconies proposed along Harvey Pathway and McKay Avenue for passive surveillance.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

- *Panel questions the treatments being proposed around the windows. Panel requires the applicant to consider appropriate materials to provide the required sun shading for the windows.*
- *Panel supports the brick façade of the building and notes that the rendered paint being used as part of the materiality of the building would not be a long-lasting outcome. Panel recommends the applicant to consider appropriate materials that would stand the test of time and age well with the building.*

Comment: The applicant has appropriately addressed matters relating to sun shading and material proposed for the rendered component by providing additional details on the elevations and justification regarding the materiality.

In view of the above, it is considered the revised plans (Revision B, dated 21/09/2021) have responded to majority of the DEP comments and the proposal in its current form can be supported, subject to conditions of consent.

4 DETAILS OF THE PROPOSAL

The application is seeking development consent for the demolition of existing structures and the construction of 5-storey residential flat building consisting of 13 units and basement parking.

Following an assessment of the application, the proposal has been revised in response to issues raised by DEP and Council officers, with the number of units and car parking spaces remaining unchanged.

Further details of the proposal are summarised as follows:

Element	Proposed
Site Area	869m ²
FSR	Proposed GFA = 1042m ² Proposed FSR = 1042/869= 1.2:1 Development Standard = 1.2:1 (LLEP)
Residential Units	Total of 13 residential units. Dwelling mix as follows: <ul style="list-style-type: none"> • 1 x 1 bedroom (7%) • 11 x 2 bedroom (84%) • 1 x 3 bedroom (7%)
Height	16.77m (33.750 – 16.97 AHD) < 18m (LLEP)
Storeys	Five (5) storeys
Front Setback	5m < 5.5m (LDCEP)
Building Separation/ Side Setbacks (south-east)	Ground to Level 3 (up to 10m in height) = 6m (ADG) = 6m Level 4 = 9m (ADG), = 9m

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Side Setback (north-west) to Harvey Pathway;	Ground to Level 3 = 3m Level 4 = 6m
Rear Setback	Ground to Level 3 = 6m Level 4 = 9m
Car parking spaces	23 basement parking spaces includes 3 visitor and 2 accessible parking spaces.

The proposed 5 storey residential flat building is comprised of 1 x 1br, 11 x 2br and 1x 3br units. A summary of the various units is shown in the table below:

Unit No.	Bedroom Type	Area m ²	POS m ²	Level
G01	2	77	75	Ground
G02	2	75	91	Ground
G03	1	59	35	Ground
101	2	77	17	Level 1
102	2	75	10	Level 1
103	2	78	11	Level 1
201	2	77	17	Level 2
202	2	75	10	Level 2
203	2	78	11	Level 2
301	2	77	17	Level 3
302	2	75	10	Level 3
303	2	78	11	Level 3
401	3	95	15	Level 4

4.1 Building Form and Design

The building footprint is appropriately set back from the site boundaries with the frontage designed to align with the curvature of the property boundary. In effect, the front elevation is articulated by a combination of varied wall planes punctuated by protruding balconies and use of contrasting material finishes and colours.

4.2 Communal Open Space

There are two Communal Open Space (COS) areas provided for the residents. The Ground Floor COS wraps around the south-east portion of the building. It features raised planter boxes, a tiled outdoor open space, BBQ facilities, seating areas and mature tree planting. The other POS is located at the rooftop on Level 4 similarly furnished with peripheral planter box, BBQ facilities and seating.

4.3 Access and Parking

The main pedestrian access to the development is via Harvey Walkway which is a public accessway connecting McKay Avenue to the west and Harvey Avenue to the east and is the direct route to the local shopping centre for residents from the north as far as Lucas and Dredge Avenue.

Located south of the RFB, the main entry door is highlighted by an overhead canopy that leads to the foyer area where the lift lobby, fire stairs and access to the ground level common area to the rear are integrated. The entry point for all units is accessed through the Harvey Pathway frontage.

The proposal includes construction of a driveway to the basement levels with direct access from Mackay Avenue. There is one level of basement car parking incorporating the following:

- 23 parking spaces (including 3 visitors and 2 accessible parking) with storage cages;
- Bicycle rack for 3 bikes;
- Bin storage area;
- Bulky Waste Storage area; and
- Storage areas

4.4 Landscaping

The development includes removal of two existing trees along Harvey Pathway and planting of 17 new trees having a mature height of between 2.5 to 8m within the deep soil zones and planter boxes located in the common open spaces at the ground and roof top levels.

Planting incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety. Landscaping is also provided within the front setback on of the site including fencing, paving and street trees.

4.5 Materials and finishes

The proposal includes a combination of painted rendered concrete, face brick composite cladding, aluminium sliding shutters, privacy screens and windows and doors to create a palette of colours and finishes that are compatible with other developments within the locality and provides a contemporary building design that would be consistent with the future desired image of the area.

4.6 Site Servicing Facilities

The development proposes to drain the site via an On-Site Detention (OSD) basin located to the south-east of the site underneath the communal open space at the ground floor level.

A garbage storage room is proposed in the Basement Level. Transfer of bins for collection on the street will be carried out by the strata management.



Figure 3: 3D render of the Harvey Pathway frontage

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (and associated Apartment Design Guide);
- State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 11 Georges River Catchment; and
- Liverpool Local Environmental Plan 2008

Draft Environmental Planning Instruments

- N/A

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 3.7 – Residential Flat Buildings in the R4 zone

Contributions Plans

- Liverpool Contributions Plan 2018 – Established Areas applies to the subject development.

5.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in Figure 4 below.

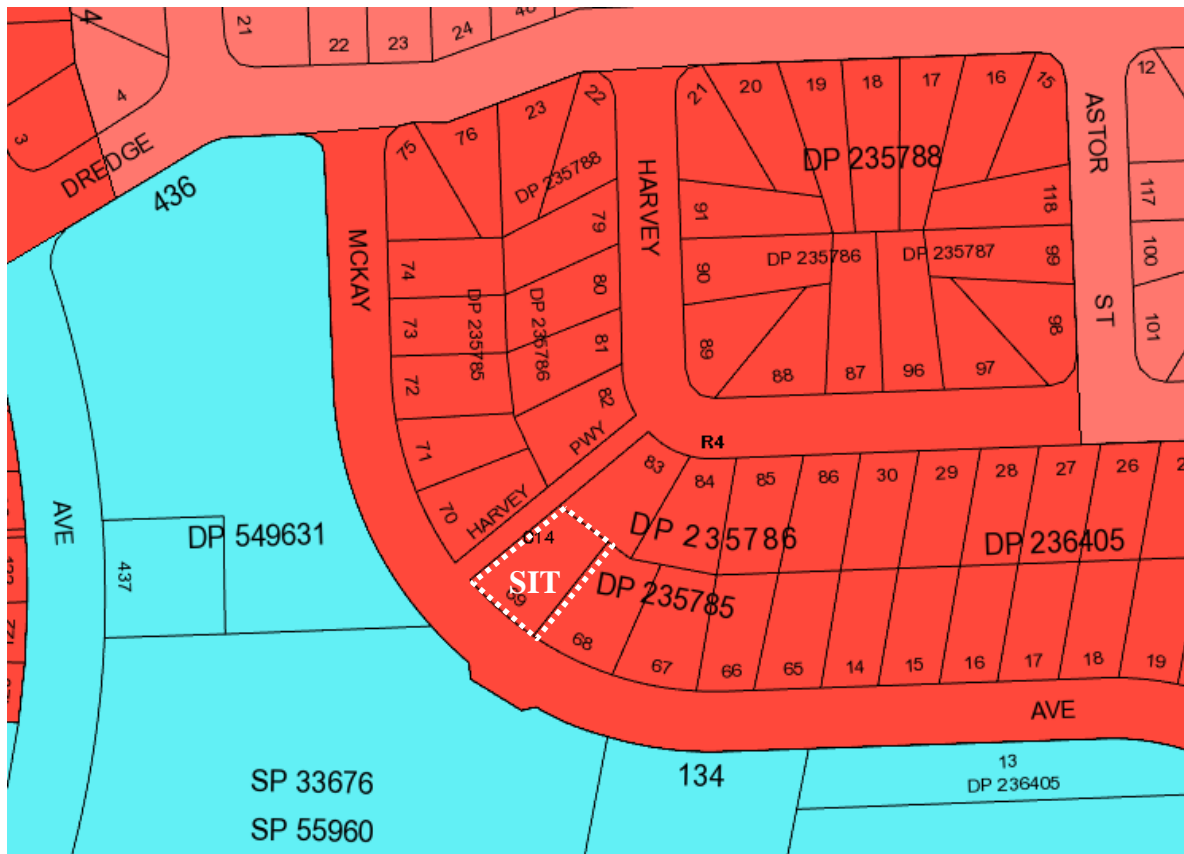


Figure 4: Zoning Map with site highlighted in white

5.3 Permissibility

The proposed development is defined as a *Residential flat building*, which is a permissible land use within the R4 High Density Residential zoning, subject to consent. An RFB is defined as

follows:

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

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 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 and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p><i>The Architect’s SEPP 65 statement in part states that “The current surrounding area is characterised by a mix of building forms and styles including, single and double storey dwelling as well as residential flat buildings and mixed-used developments which have been recently approved.</i></p> <p><i>The zoning and relevant built form controls allow for the style of building proposed in reference to the council’s DCP.</i></p> <p><i>The area is currently under a transition in densities such as that proposed in this application. Within this context the proposal will sit well and contribute in a positive manner to the quality and identity of the precinct.</i></p> <p><i>The proposed building still responds to the desired future character as articulated by the DCP and the LEP provisions.”</i></p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	<p><u>Comment:</u> The proposal is considered to be appropriate to the Context and Neighbourhood Streetscape Character, for the following reasons:</p> <p>The subject property is located in an area undergoing transition, so the appropriate context to be assessed is not only the existing situation, but especially the desired future character of the area.</p> <p>Most existing buildings in the neighbouring properties consist of small scale single and double storey dwellings.</p> <p>The streetscape and private properties in the area include large-landscaped areas.</p> <p>The proposed residential unit sizes meet the area's housing demand.</p>
Design Principle 2 – Built form and scale	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The applicant's architect considers that "The proposed development ensures the appropriate scale in relation to the relevant LLEP 2008, LDCEP 2008 and other relevant statutory and requirements relation to density, floor space ratio, height and setbacks.</p> <p><i>The proposal is consistent with the intended character of the future streetscape while providing an appropriate form to provide a high level of amenity."</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with Principle 2: Built Form and Scale, for the following reasons:</p> <p>The proposed development complies with the height of buildings and floor space ratio development standards prescribed in Liverpool LEP 2008.</p> <p>The proposed building will achieve a scale, bulk and height that will not have unreasonable impact on existing buildings in the vicinity and will be appropriate to the desired future character of the street. Building alignments, proportions, articulations and building elements will positively contribute to the streetscape.</p> <p>Additionally, the proposed generous on-structure planting will allow the building to blend-in with its surroundings. The quality of</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	<p>materials will help integrate the aesthetics of the building with the streetscape.</p> <p>The proposed building have a good integration and definition with the street, with an easily identifiable entry.</p>
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The applicant's architect considers that <i>"the proposed development has a floor space ratio which is consistent with the requirements of LLEP 2008 and LDCP 2008 density expected within a R4 High Density Residential zone.</i></p> <p><i>The proposed density is still appropriate to its location and in the future context of the neighbouring buildings."</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 3: Density, for the following reasons:</p> <p>The apartments are of good size and amenity, including solar access to most private open spaces and living rooms in mid-winter. All units have all internal rooms of a size large enough to allow the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies and courtyards with space for landscaping and leisure.</p> <p>The density is compatible with Council's controls and will be appropriate for the near future requirements of the area.</p> <p>Public infrastructure, transport, access to jobs, community facilities and parks can be readily accessed in the vicinity.</p>
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</i></p>	<p>The applicant's architect considers that <i>"It is apparent that the proposal still promotes the longer term sustainability of the local area.</i></p> <p><i>Natural ventilation compliance under the ADG is achieved by suitably designed double oriented apartments with reliable exposure to the relevant summer cooling breezes in Sydney. The fundamental attribute for achieving this condition is the degree of relief in the dominant windward façade. By the use of protruded elements and recessed balconies, as notably</i></p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	<p><i>employed in the double sided apartments can be characterised as complying with the performance requirements of the apartment design code.”</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 4: Sustainability, for the following reasons:</p> <p>Most of the units have good access to sunlight and cross ventilation. Heating, cooling and insulation will be provided as required by the Basix certificate.</p> <p>The proposed site design allows for adequate deep soil area around the building for planting. The courtyards and communal open spaces will also be landscaped which will be an integral part of the architecture of this building.</p>
Design Principle 5 – Landscape	
<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours’ amenity and provides for practical establishment and long term management.</i></p>	<p>The applicant’s architect considers that “<i>All of the proposed units have access to outdoor balconies and/or terraces, some with various aspects. A communal open space is also incorporated into the development providing a range of recreational opportunities for future residents. Generous communal and private open spaces are provided, large landscaped areas are provided along the Mckay ave and Harvey Pathway.</i>”</p> <p><u>Comment:</u> The proposal is considered to be satisfactory with Principle 5: Landscape, for the following reasons:</p> <p>The proposal provides for two communal open spaces for the building, which are accessible directly from main lobby or via lift.</p> <p>The proposal provides adequate deep soil space around the building for planting and landscaping over the courtyards and communal open spaces. The proposal also Achieves compliance with Part 3E of the ADG.</p>
Design Principle 6 – Amenity	
<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p>	<p>The applicant’s architect considers that “<i>The proposed units will have considerable internal amenity and achieves the minimum sizes contained within the Apartment Design Guide.</i>”</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
<p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p><i>They are of a sufficient size and appropriate room dimensions to meet the needs of future occupants. Storage is provided within all units and with some additional space within the basements. The outdoor areas (communal and private) are of sufficient size to meet the recreational needs of future occupants.</i></p> <p><i>The building has been designed in substantial compliance with the principal development standards to achieve high levels of internal and external amenity with more than 70% of units achieving the solar access requirements, and over 60% to achieve cross ventilation.</i></p> <p><i>The proposed building has been provided with generous setbacks to limit overshadowing, maximise solar access and minimise privacy and overlooking impacts.”</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 6: Amenity, for the following reasons:</p> <p>The proposal generally complies with the applicable design criteria prescribed by the Apartment Design Guide.</p> <p>The proposal also incorporates design measures specifically intended to reduce the potential for overlooking of neighbours with privacy screening to the balconies and highlight windows to the living/dining areas which will ensure visual privacy is adequately maintained between the development and neighbouring properties and also ensures a high level of privacy for the future occupants of the building.</p> <p>The proposed development is designed to provide high level of amenity for future occupants. With regards to access to sunlight, 70% of units will achieve solar access requirements.</p> <p>The proposed development achieves natural cross-flow ventilation to all 13 units.</p> <p>The building also includes three adaptable units and provision of a lift which will allow for accessible accommodation for persons of limited mobility.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
Design Principle 7 – Safety	
<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The applicant’s architect considers that “The principles of Crime Prevention through Environmental, Design include the consideration of Natural Surveillance, Natural Access Control and Natural Territorial Reinforcement as demonstrated below:</p> <p><u>Surveillance</u> - The development embodies good levels of casual surveillance from within the building and from the street. The proposed building and landscaping design do not create any concealment areas.</p> <p><u>Access</u> - The main ground level entry will be secured and fitted with a telecom for visitors. The entry to the building lobby is accessed from the street frontages of the property and is fully glazed, maximizing the potential for casual surveillance. Access to the basement is by a secured roller door, which again is fitted with an intercom entry system for visitors. Access from secured garages is available to all units above. The lifts will be restricted to resident use only by coded key cards. Access from the side and rear boundaries is restricted by fencing and secured gates. Direct street access is provided to the units on the ground floor from Best Rd to maximize passive surveillance. Generally, the proposed layout provides a high level of privacy and security. Adequate lighting to be provided for the lobby, car parks and communal open spaces, details will be submitted with the CC documents.</p> <p><u>Territorial Reinforcement:</u> The proposed development and its presentation to the street make it clearly identifiable by the public. The proposed development is considered to represent a satisfactory outcome in terms of security and crime prevention.</p> <p>We can conclude that the proposed development has been designed in accordance with the objectives and better design practice of the Crime Prevention through Environmental Design (CPTED).”</p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 7: Safety, for the following reasons:</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
	<p>The new residential building will have a security door to the main access and the carpark will be have security gate.</p> <p>The public and private spaces are well defined with a covered, well lit buffer area at the main entry. All entries are clearly defined.</p> <p>Additionally, the position of the residential units will allow for passive surveillance.</p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The applicant’s architect considers that “<i>the proposed design incorporates various dwelling sizes and shapes, with units capable of adaption, thereby promoting diversity, affordability and access to housing choice.</i>”</p> <p><i>The proposal provides a unit mix of;</i></p> <ul style="list-style-type: none"> • 1 x 1bed • 11 x 2bed • 1 x 3bed <p><i>The proposal also includes communal open space areas on ground level and roof, which will facilitate social interaction.”</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 8: Housing diversity and social interaction, for the following reasons:</p> <p>The building provides a mix of apartment sizes and types for different demographics, living needs and household budgets. There will be 1, 2 and 3 bedroom units. Ground floor units will have large courtyards, and upper level units will have large balconies.</p> <p>The subject site is located close to necessary facilities such as retail and commercial centre (Moorebank plaza), parks and schools.</p>
Design Principle 9 – Aesthetics	

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Design Quality Principle	Comment
<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The applicant's architect considers that "It is considered that the design of the proposed development ensures a high level of design through the careful selection of materials and finishes.</p> <p><i>The materials and finishes are also coupled with a built form which appropriately responds to the existing character of the locality as well as the transition to a medium density zone."</i></p> <p><u>Comment:</u> The proposal is considered to be satisfactory with regards to Principle 9: Aesthetics as it achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials and integrated landscaping. The proposal is supported by Council's DEP, as noted above in Section 3.2 of this report..</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. Compliance tables for the ADG can be found in Report Attachment 1. The following table provides an assessment of the proposal against the relevant provisions of the ADG which propose variations that are deemed to be acceptable for the proposed development.

Required	Proposed	Compliance										
2F Building separation												
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms (4.5m to boundary) • 6m between non-habitable rooms <p><u>Five to eight storeys (12m to 25m)</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: It is generally applicable that half the building separation distance is provided, as</p>	<p>The proposal provides the following:</p> <p><u>Up to four storeys (Ground to Level 3)</u></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2" style="text-align: center;">Setback to boundary</td> </tr> <tr> <td style="text-align: center;">South-east (Side)</td> <td style="text-align: center;">6m to building/windows</td> </tr> <tr> <td style="text-align: center;">North-east (rear)</td> <td style="text-align: center;">6m to balcony and 8.62m to building</td> </tr> </table> <p><u>Five to eight storeys (Level 4)</u></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2" style="text-align: center;">Setback to boundary</td> </tr> <tr> <td style="text-align: center;">South-east (Side)</td> <td style="text-align: center;">9m to building line and <u>6m</u> to the accessible part of COS</td> </tr> </table>	Setback to boundary		South-east (Side)	6m to building/windows	North-east (rear)	6m to balcony and 8.62m to building	Setback to boundary		South-east (Side)	9m to building line and <u>6m</u> to the accessible part of COS	Yes, by merit
Setback to boundary												
South-east (Side)	6m to building/windows											
North-east (rear)	6m to balcony and 8.62m to building											
Setback to boundary												
South-east (Side)	9m to building line and <u>6m</u> to the accessible part of COS											

adjoining development would provide the other half of the separation distance to ensure compliance.

North-east (rear)	9m to nearest part of building
-------------------	--------------------------------

See discussion below on building separation/setbacks:

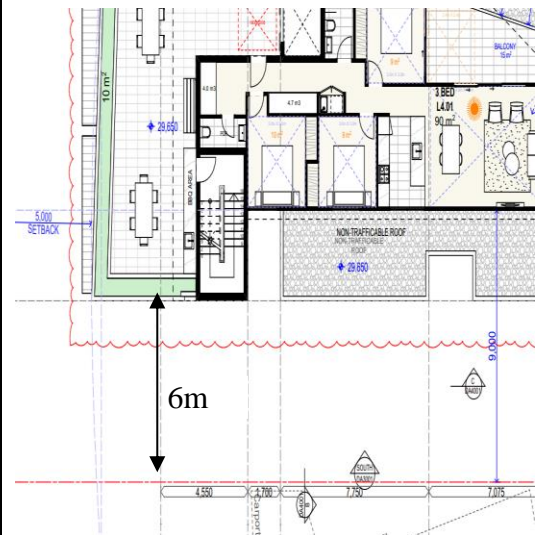
North-west (side): The proposed development adjoins a laneway 6m in width therefore would be subject to a side setback of 3m (1-4 storeys) and 6m (5-8 storeys) to Harvey Pathway to achieve appropriate Building Separation. The proposal provides a minimum of 3m setback for Ground to level 3 and 6m for level 4. Therefore, achieving compliance.

Variation to South-East Side Setback/Building Separation

The side setback provided on the south-eastern boundary is 6m and complies with the ADG. However, as shown on the figure on the right, the setback of the communal open space which is located on Level 4 is still 6m as it lines up with the building line below.

The prescribed setback is 9m to achieve a building separation of 18m for 5-8 storeys as prescribed in the ADG.

To achieve compliance means a reduced communal open space for the occupants. The accessible part of the COS is however approximately 7m from the side boundary and 2m breach to the building line is 22% which is considered acceptable in this instance subject privacy treatment to the south-east edge of the communal open space.



Comment:

The above breach allows for increased communal open space with overall increase in residential amenity for future occupants. With regards to the potential privacy impacts on the adjoining property at 16 McKay Avenue, Condition 3 is recommended, which requires installation of a privacy screen along the south-east edge of the communal open space. Subject to Condition 3, no undue overshadowing or overlooking into neighbouring sites comes as a result.

It should be noted that the proposal complies with FSR and maximum building height development standards and is not considered to be an over development of the site with regards to the LLEP 2008.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Therefore, given the constrained nature of the site and overall compliance with development standards, subject to condition 3 this minor variation is considered to be acceptable in this instance.

3F Visual Privacy			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			<u>See discussion below and in 2F - Building Separation above</u> Any overlooking to the surrounding sites has been mitigated through the careful positioning of windows and openings to the building with a focus on primary orientation to the north. The proposal incorporates design measures specifically intended to reduce the potential for overlooking of neighbours with privacy screening (in brise soleil pattern brick) to the main terrace areas, planter boxes to the small drying decks and highlight windows to the living/dining areas which will ensure visual privacy is adequately maintained between the development and neighbouring properties and also ensures a high level of privacy for the future occupants of the building. Additionally, Condition 3 has been recommended, requiring privacy treatment of the COS at roof level to minimise any potential overlooking of the adjoining properties.
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	

Yes, by merit

Discussion on visual privacy

The aims of section 3F – Visual Privacy of the ADG are as follows:

- *Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy*
- *Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space*

From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Any overlooking to the surrounding sites has been mitigated through the careful positioning of windows and openings to the building. The proposal incorporates design measures specifically intended to reduce the potential for overlooking of neighbours with operable privacy screening to the balconies, planter boxes to the COS and highlight windows to the living/dining areas which will ensure visual privacy is adequately maintained between the development and neighbouring properties and ensures a high level of privacy for the future occupants of the building.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

With regards to the potential privacy impacts on the adjoining property at 16 Mckay Avenue, Condition 3 has been recommended, which requires installation of a privacy screen along the south-east edge of the communal open space to minimise any overlooking.

It should be noted that the building is predominantly under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.

Therefore, notwithstanding above listed non-compliance, the development is considered to be acceptable with regards to visual privacy.

4A Solar and Daylight Access

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

A total of 13 units are proposed. There are 9 units that receive at least 2 hours sunlight between 9am and 3pm during mid-winter. This equates to 69.2% of the units.

It is noted that in the existing situation all 13 units will receive at least 2 hours sunlight, however, should the approved RFB at 12 Mckay be constructed, then 4 units fronting Mckay Avenue will no longer receive the minimum required solar access, resulting in a non-compliance of 0.8%, which is considered acceptable in this instance.

Yes, by merit

(c) State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land;

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, the following shall be addressed:

- (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*
 - (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*
 - (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 is currently utilised only for residential purposes and has been since the lot was created in the late 1960s. The subject land has been used for residential purposes for approximately 50 years. There is no reason to suspect that the land is contaminated or requires specific remediation or works beyond those that will be required in accordance with standard conditions attached to any consent issued.

With consideration to this and the above information, there is no evidence to suggest that the land has been or is contaminated and a formal land contamination assessment is considered to not be necessary.

Given the above, SEPP (Resilience and Hazards) 2021 considerations have been addressed and the land is considered suitable for its continued use for residential purposes.

(d) State Environmental Planning Policy (BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate demonstrating compliance with the SEPP. These requirements are imposed in recommended conditions.

(f) State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 11 Georges River Catchment;

The SEPP (Biodiversity and Conservation) 2021, Chapter 11– 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 11.5(a)).

Stormwater Concept Plans have been submitted with the DA that provide a scheme for capturing, detaining and treating stormwater flow and connecting to Council's system. The plans have been assessed by Council's Land Development Engineers and are considered satisfactory for the purpose of dealing with stormwater on site and protecting the quality of water discharging to the Georges River.

It is considered that the proposal satisfies the provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 11: Georges River Catchment subject to appropriate sedimentation and erosion controls being implemented during construction, the development will have minimal impact on the Georges River Catchment.

(g) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is for a *residential flat building*, which is defined as follows:

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

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings.

(ii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are as follows:

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 13 dwellings and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, retail and commercial facilities.

Principal Development Standards

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

Clause	Provision	Comment	Complies
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Development consent is sought for the demolition of the existing dwelling, ancillary structures, and removal of trees. A demolition plan has been submitted.	Yes
Clause 4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than 1000m ² .	Not Applicable as no subdivision proposed.	N/A
Clause 4.3 Height of Buildings	Maximum height of 18m	A building height of 16.77m is proposed.	Yes
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.2:1	The development provides an FSR of 1.2:1	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	No development standard is breached.	N/A
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	The site has a frontage of approximately 27.12m to McKay Avenue	Yes
Clause 7.31 Earthworks	Provisions relating to bulk earthworks	No earthworks proposed other than those ancillary to the development being excavation for the proposed basement.	

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

No draft Environmental Planning Instruments applies to the site.

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

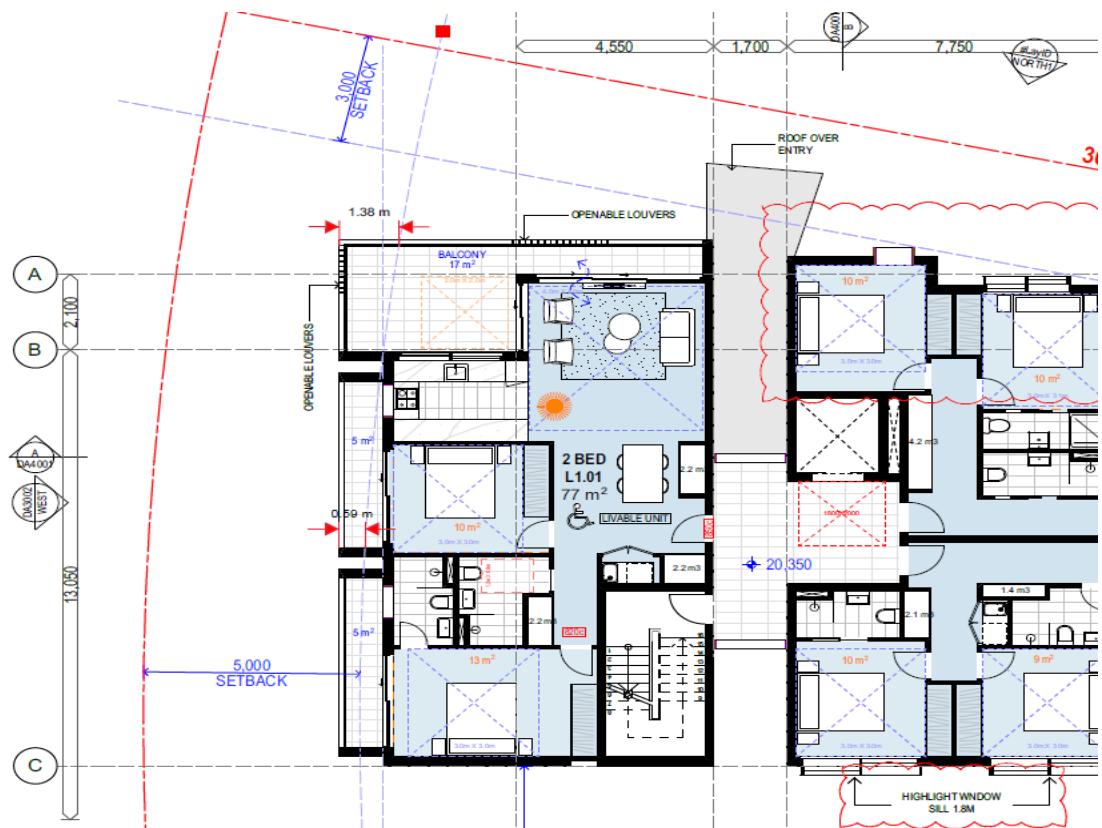
The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 3.7 *Residential Flat Buildings in the R4 Zone*.

Compliance tables for the LDCP 2008 can be found in Report Attachment 2. The following table provides an assessment of the proposal against the relevant provisions of the DCP which propose variations that are deemed to be acceptable for the proposed development.

Development Control	Provision	Comment	Complies
Setbacks			
Front Setback	Front setback of 5.5m is required Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	The proposal provides a 5m or a breach of 9.09%. Similarly, the balconies also breach the prescribed 1m allowable intrusion into the setback area. <u>See discussion below</u>	Yes, by merit
<p>Discussion on setbacks: As discussed previously in the ADG on Section 2F - Building Separation, the relevant discussion in terms of building separation is the boundary to north-east (rear) and south-east and north-west (sides) where potential RFB's may be constructed in the future. However, the front boundary relate to this section of the LDCP being front setback.</p> <p><u>Front Boundary:</u> The site has an arched frontage boundary and the proposal provides a front setback which varies from 5-5.5m. Likewise, the balconies on the upper levels also extend over the 1m allowed intrusion into the setback area. As shown on the image below, these breaches do not extend along the entire length of the building. A small triangular protrusion of the building towards Harvey Pathway and with regard to the balconies, largely on levels 1, 2, 3 & 4 and to lesser extent at the Ground Level.</p>			

Development Control	Provision	Comment	Complies
---------------------	-----------	---------	----------

The front boundary has an arched configuration and an irregular shaped building configuration is the result. The building façade design provides a desirable articulation to the streetscape.



It should be noted that the proposal complies with FSR and maximum building height development standards and is not considered to be an over development of the site with regards to the LLEP 2008. The objective of building setbacks to provide reasonable space for landscaping, open spaces and solar access, visual and acoustic privacy has not been compromised.

Therefore, given the constrained nature of the site and overall compliance with the development standards, the minor variation to the front setback control is considered to be acceptable in this instance.

Amenity and Environmental Impact			
<p>Privacy</p>	<p>Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy</p>	<p>The building has been designed to generally comply with the building separation distances of the ADG and setbacks in the LDCP. Where the breaches occur, these were thoroughly discussed in this report and found to be acceptable.</p> <p>While it is recognised that initially there will be potential for existing residents to feel they</p>	<p>Yes, by merit</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	are being overlooked and for new RFB residents to feel they are visually exposed, the expectations of various residents are expected to change as the locality transitions from low to high density. In the meantime, subject to Condition 3, it is considered that the design of the proposed development has given appropriate consideration to preserving residential privacy.	

As per the above DCP compliance tables, the development is consistent with the relevant development controls.

6.4 Section 4.15 (1)(a)(iii) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

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

(a) Natural and Built Environment

The design of the development is considered to comply with the future desired character of residential development in the area and the zone.

The design of the residential flat building it is considered to achieve adequate amenity for future residents and is likely to not adversely impact on the amenity of any redevelopment on the adjoining properties for high density residential development.

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

The site is considered suitable to accommodate a residential flat building as proposed and approval of the application would not create undesirable precedent in the area.

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

(a) Internal Referrals

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

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

Department	Comments
Building	No objection subject to conditions of consent.
Engineering	No objection subject to conditions of consent
Traffic and Transport	No objection subject to conditions of consent.
Waste	No objection subject to conditions of consent
Landscape	No objection

(b) External Referrals

The following comments have been received from external agencies:

Department	Comments
Sydney Water	No objection subject to conditions of consent.
Endeavour Energy	No objection subject to conditions of consent.

(c) Community Consultation

The development application was notified for a period of 14 days from 15 to 29 April 2021 in accordance with Liverpool Community Participation Plan 2019. A total of six written objections were received. A summary of the issues and corresponding responses are outlined in the table below.

Issue	Comment
<ul style="list-style-type: none"> • Site Unsuitability • Irregular shape allotment 	<p>The land and the locality is zoned R4 – High Density Residential. Residential Flat Buildings are types of development that are permitted within the R4 Zone. It is noted that Moorebank is under transition from low density development to high density development as evidenced by the current construction of flat buildings in the area.</p> <p>Additionally, as discussed throughout the report the site is considered adequate for the proposed development.</p>
<ul style="list-style-type: none"> • Overshadowing impacts on the adjoining properties 	<p>Shadow diagrams submitted for the development during 21 June shows that overshadowing to the rear yard of the adjoining property to the south-east does not start until midday. Therefore, there are no significant overshadowing impacts are foreseen as a result of the proposed development. Additionally, the proposal complies with current DCP provision for access to sunlight to adjoining properties.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

<ul style="list-style-type: none"> Intrusion into privacy to adjoining properties 	<p>The difference in height and scale also means that there is potential for high rise development to overlook established developments as the area transitions from low to high density.</p> <p>Design features of the proposed development aim to mitigate that impact in the meantime and for future high-rise neighbours. For example:</p> <ul style="list-style-type: none"> Balconies are provided with privacy treatment and generally comply with the ADG building/balcony separation. Rooftop COS is provided with peripheral planter boxes, when landscaped will prevent users to overlook into adjoining property backyards below. Additionally, to ensure the COS located at the roof level will not have any privacy impacts, condition 3 has been recommended, which requires privacy treatment to the south-east edge of the COS at the roof level. <p>It is recognised that as the area is in transition due to its zoning, established properties will be overlooked to some extent by new development. It is considered that the subject design provides a quality precedent for future development and has been designed to mitigate potential privacy impacts as much as possible.</p>
<ul style="list-style-type: none"> The bulk and scale is completely inappropriate and contrary to the existing residential area, existing development and is completely incompatible with the existing area. The proposal does not at all blend with the existing streetscape 	<p>As a residential flat building, the proposed development will present a very different character to the existing single storey dwellings currently in McKay Avenue. However, the locality is zoned R4 which enables a higher and denser built form and the proposed development meets these expectations and parameters. The proposed development is considered to provide a quality expression of high-density development in accordance with the R4 zone.</p>
<ul style="list-style-type: none"> Non-compliance and encroachment of the rules 	<p>No reference to a specific control has been made in the submission. All non-compliances to ADG and LDCP have been discussed in detail with in the report.</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

<ul style="list-style-type: none"> • Access from the side laneway should not be allowed 	<p>Access from Harvey Pathway is considered to have positive contribution to the pathway. A condition of consent will be imposed to improve the walkway pedestrian crossing, which will allow for a safe and improved pathway for the locality.</p>
<ul style="list-style-type: none"> • Impact on the shopping village's carpark • Inadequate parking • Lack of consideration for tenants having multi ownership of vehicles • Increased traffic flow • Inadequate Road network • No street parking is available 	<p>The proposal provides for 23 car parking spaces including 3 spaces for visitors, which complies with the Council's requirement for such development. As such, the proposed parking arrangement is considered to be adequate and there will be no significant impact on the nearby Shopping Village's carpark as a result of the development.</p> <p>With regards to the impacts of the proposed development on the local road network, the application was accompanied by a traffic report which was referred to Council's Traffic Engineering Unit for review. Both concur that the surrounding road network has the capacity to accommodate the increased traffic generated by the development.</p>
<ul style="list-style-type: none"> • Impact on property prices in the street 	<p>Not a relevant matter for consideration under the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<ul style="list-style-type: none"> • Inadequate existing infrastructure 	<p>The proposed development has been assessed by Council's development engineers and it is considered that drainage and stormwater can be satisfactorily handled for the site. Sydney Water has identified that it will deal with water and sewer connections at Construction Certificate stage. It is considered that adequate infrastructure is available or will be provided to service the proposed development.</p>
<ul style="list-style-type: none"> • Safety and structural concerns for adjacent buildings during the construction phase of the development is a concern. 	<p>A condition of consent will be imposed for the applicant to submit to Council a Construction Traffic Management Plan for review and approval prior to CC.</p> <p>Conditions of consent are imposed to minimise noise and vibration during work and to supports adjoining development during excavation.</p> <p>Condition of consent will be imposed on the preparation of a dilapidation report and protection of adjoining property during construction.</p>

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

Approval of the application is in the public interest, for the reasons outlined in this report.

7. SECTION 7.11 CONTRIBUTIONS

A Section 7.11 Development Contribution is applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 Established Areas and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$125,996**.

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 an adverse impact upon neighbouring properties and the locality.

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

9. RECOMMENDATION

That the Development Application DA-255/2021 be approved, subject to conditions of consent

10. ATTACHMENTS

Attachment 1: APARTMENT DESIGN GUIDE COMPLIANCE TABLE

Attachment 2: DCP COMPLIANCE TABLES

Attachment 3: RECOMMENDED CONDITIONS OF CONSENT

Attachment 4: PLANS OF THE PROPOSAL

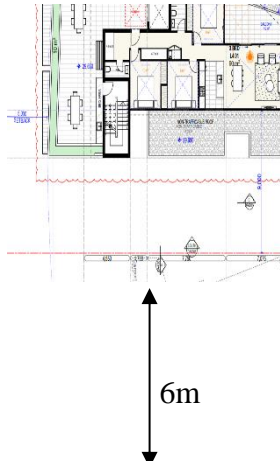
Attachment 5: DEP MINUTES

ATTACHMENT 1 – APARTMEN DESIGN GUIDE COMPLIANCE TABLE

Required	Proposed	Complies												
2E Building depth														
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	The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met. The proposed depths are between 11m and 14.5m.	Yes												
2F Building separation														
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms (4.5m to boundary) • 6m between non-habitable rooms <p><u>Five to eight storeys (12m to 25m)</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</p>	<p>The proposal provides the following:</p> <p><u>Up to four storeys (Ground to Level 3)</u></p> <table border="1" style="margin-left: 20px;"> <tr> <td colspan="2" style="text-align: center;">Setback to boundary</td> </tr> <tr> <td style="text-align: center;">South-east (Side)</td> <td style="text-align: center;">6m to building/windows</td> </tr> <tr> <td style="text-align: center;">North-east (rear)</td> <td style="text-align: center;">6m to balcony and 8.62m to building</td> </tr> </table> <p><u>Five to eight storeys (Level 4)</u></p> <table border="1" style="margin-left: 20px;"> <tr> <td colspan="2" style="text-align: center;">Setback to boundary</td> </tr> <tr> <td style="text-align: center;">South-east (Side)</td> <td style="text-align: center;">9m to building line and <u>6m</u> to the accessible part of COS</td> </tr> <tr> <td style="text-align: center;">North-east (rear)</td> <td style="text-align: center;">9m to nearest part of building</td> </tr> </table> <p>See discussion below on building separation/setbacks:</p> <p>North-west (side): The proposed development adjoins a laneway 6m in width therefore would be subject to a side setback of 3m (1-4 storeys) and 6m (5-8 storeys) to Harvey Pathway to achieve appropriate Building Separation. The proposal provides a minimum of 3m setback for Ground to level 3 and 6m for</p>	Setback to boundary		South-east (Side)	6m to building/windows	North-east (rear)	6m to balcony and 8.62m to building	Setback to boundary		South-east (Side)	9m to building line and <u>6m</u> to the accessible part of COS	North-east (rear)	9m to nearest part of building	Yes, by merit
Setback to boundary														
South-east (Side)	6m to building/windows													
North-east (rear)	6m to balcony and 8.62m to building													
Setback to boundary														
South-east (Side)	9m to building line and <u>6m</u> to the accessible part of COS													
North-east (rear)	9m to nearest part of building													

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies
	level 4. Therefore, achieving compliance.	
<p><u>Variation to South-East Side Setback/Building Separation</u></p> <p>The side setback provided on the south-eastern boundary is 6m and complies with the ADG. However, as shown on the figure on the right, the setback of the communal open space which is located on Level 4 is still 6m as it lines up with the building line below.</p> <p>The prescribed setback is 9m to achieve a building separation of 18m for 5-8 storeys as prescribed in the ADG.</p> <p>To achieve compliance means a reduced communal open space for the occupants. The accessible part of the COS is however approximately 7m from the side boundary and 2m breach to the building line is 22% which is considered acceptable in this instance subject privacy treatment to the south-east edge of the communal open space.</p>		
<p>Comment:</p> <p>The above breach allows for increased communal open space with overall increase in residential amenity for future occupants. With regards to the potential privacy impacts on the adjoining property at 16 McKay Avenue, Condition 3 is recommended, which requires installation of a privacy screen along the south-east edge of the communal open space. Subject to Condition 3, no undue overshadowing or overlooking into neighbouring sites comes as a result.</p> <p>It should be noted that the proposal complies with FSR and maximum building height development standards and is not considered to be an over development of the site with regards to the LLEP 2008.</p> <p>Therefore, given the constrained nature of the site and overall compliance with development standards, subject to condition 3 this minor variation is considered to be acceptable in this instance.</p>		
<p>3A Site analysis</p>		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	A detailed site analysis plan has been provided.	Yes
<p>3B Orientation</p>		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies
<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>Solar Access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>	<p>Shadow diagrams submitted for the development during 21 June shows that overshadowing to the rear yard of the adjoining property to the south-east (No. 16 Mckay Avenue) does not start until midday.</p> <p>Therefore, there are no significant overshadowing impact are foreseen as a result of the proposed development. The development at 16 Mckay Avenue will continue to receive a minimum of 3 hours of sunlight during mid-winter.</p> <p>The proposal therefore satisfies the relevant objectives and design guidance prescribed by this Part.</p>	<p>Yes</p>
3C Public Domain Interface		
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and, enhanced.</p>	<p>The setback area at the Mckay Avenue frontage is proposed to be planted with variety of trees and shrubs. The frontage along Harvey Pathway is proposed to be lined with low level planter boxes to be planted with a variety of shrubs behind the fence-line. The pedestrian entrance from Harvey Pathway is well defined and adequately addresses the public domain.</p> <p>The proposal therefore satisfies the relevant objectives and design guidance prescribed by this Part.</p>	<p>Yes</p>
3D Communal and public open space		
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>There are 2 Communal Open Spaces provided in the development. The ground level COS is a continuous space of 169m² accessible to all residents from the main foyer. The COS is provided with planter boxes, formal and informal seating areas, outdoor dining and canopy trees.</p>	<p>Yes</p>

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies												
<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 should be co-located with deep soil areas.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof</p>	<p>The COS is located in the north-east portion of the site allowing for good solar access.</p> <p>A rooftop COS comprising 84m² is provided with seating, and dining, covered bbq area, and surrounded by planter boxes. It is accessible to all residents via the lift and fire stairs. The rooftop COS will be located in the south-west corner of the building which also take advantage of solar access after midday.</p> <p>The total of 253m² COS (169 + 84) or 29.1% is provided and exceeds the 25% requirement.</p>													
3E Deep soil zones														
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Site Area</th> <th style="width: 20%;">Minimum Dimensions</th> <th style="width: 50%;">Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td style="text-align: center;">-</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">7%</td> </tr> <tr> <td>650m² to 1500m²</td> <td style="text-align: center;">3m</td> </tr> <tr> <td>Greater than 1500m²</td> <td style="text-align: center;">6m</td> </tr> <tr> <td>Greater than 1500m² with significant tree cover</td> <td style="text-align: center;">6m</td> </tr> </tbody> </table>	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	<p>Complies</p> <p>Proposal provides 66m² of deep soil zone, which is 7.5% of the site area and exceeds the 7% requirement</p> <p>The deep soil zones included in the calculation have a minimum dimension of 3m.</p>	Yes
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													
3F Visual Privacy														
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Building Height</th> <th style="width: 30%;">Habitable Rooms and Balconies</th> <th style="width: 50%;">Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td style="text-align: center;">6m</td> <td style="text-align: center;">3m</td> </tr> <tr> <td>12m to 25m (5-8 storeys)</td> <td style="text-align: center;">9m</td> <td style="text-align: center;">4.5m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	<p><u>See discussion below and in 2F - Building Separation above</u></p> <p>Any overlooking to the surrounding sites has been mitigated through the careful positioning of windows and openings to the building with a focus on primary orientation to the north. The proposal incorporates design measures specifically intended to reduce the potential for overlooking of neighbours with privacy screening (in brise soleil pattern brick) to the main terrace areas, planter boxes to the small drying decks and highlight windows</p>	Yes, by merit			
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												

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies
	to the living/dining areas which will ensure visual privacy is adequately maintained between the development and neighbouring properties and also ensures a high level of privacy for the future occupants of the building. Additionally, Condition 3 has been recommended, requiring privacy treatment of the COS at roof level to minimise any potential overlooking of the adjoining properties.	
<p>Discussion on visual privacy</p> <p>The aims of section 3F – Visual Privacy of the ADG are as follows:</p> <ul style="list-style-type: none"> • <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</i> • <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</i> <p>From the assessment of the development proposal, it is considered to be consistent with the aims for visual privacy listed above. Any overlooking to the surrounding sites has been mitigated through the careful positioning of windows and openings to the building. The proposal incorporates design measures specifically intended to reduce the potential for overlooking of neighbours with operable privacy screening to the balconies, planter boxes to the COS and highlight windows to the living/dining areas which will ensure visual privacy is adequately maintained between the development and neighbouring properties and ensures a high level of privacy for the future occupants of the building.</p> <p>With regards to the potential privacy impacts on the adjoining property at 16 Mckay Avenue, Condition 3 has been recommended, which requires installation of a privacy screen along the south-east edge of the communal open space to minimise any overlooking.</p> <p>It should be noted that the building is predominantly under the maximum allowable building height and is consistent with FSR development standards and is therefore of a scale that is considered to be consistent with the desired future character of the locality.</p> <p>Therefore, notwithstanding above listed non-compliance, the development is considered to be acceptable with regards to visual privacy.</p>		
3G Pedestrian Access and Entries		
Building entries and pedestrian access connects to and addresses the public domain	The development site is unique in that it shares a boundary with Harvey Pathway which the proposal taken advantage by designating the	Yes
Access, entries and pathways are accessible and easy to identify		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies										
Large sites provide pedestrian links for access to streets and connection to destinations	main pedestrian entry from the pathway. The building entry from the walkway is easily identifiable by the canopy and landscaping.											
3H Vehicle Access												
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Vehicle access point is considered to be in a satisfactory location.	Yes										
3J Bicycle and Car Parking												
<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>Car parking has been provided according to the DCP requirements</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th><i>Bedroom type/ unit area</i></th> <th><i>Required spaces</i></th> </tr> </thead> <tbody> <tr> <td><i>1/1br or <65m²</i></td> <td><i>1br = 1x1 = 1</i></td> </tr> <tr> <td><i>1/5/2br or >65-110 m²</i></td> <td><i>2br = 11x1.5 = 16.5</i></td> </tr> <tr> <td><i>2x3br or >110m²</i></td> <td><i>3br = 1 x 3br x 2 = 2</i></td> </tr> <tr> <td><i>Visitors</i></td> <td><i>1 in 4 units = 13/4 = 3.25</i></td> </tr> </tbody> </table> <p>Total car parking required = 22.75 or 23 spaces.</p> <p>The site is located across the road from a shopping centre.</p> <p>A total of 23 carparking spaces are proposed in the basement level, including 3 visitor parking of spaces is provided on-site. The proposal also provides 5 on-site bicycle parking with three being in the basement and two on the ground floor common area.</p> <p>Access to the basement is via a dual entry at the street kerb to allow 2 vehicles to pass. The driveway ramp tapers into a single lane at the roller shutter entry point.</p>	<i>Bedroom type/ unit area</i>	<i>Required spaces</i>	<i>1/1br or <65m²</i>	<i>1br = 1x1 = 1</i>	<i>1/5/2br or >65-110 m²</i>	<i>2br = 11x1.5 = 16.5</i>	<i>2x3br or >110m²</i>	<i>3br = 1 x 3br x 2 = 2</i>	<i>Visitors</i>	<i>1 in 4 units = 13/4 = 3.25</i>	Yes
<i>Bedroom type/ unit area</i>	<i>Required spaces</i>											
<i>1/1br or <65m²</i>	<i>1br = 1x1 = 1</i>											
<i>1/5/2br or >65-110 m²</i>	<i>2br = 11x1.5 = 16.5</i>											
<i>2x3br or >110m²</i>	<i>3br = 1 x 3br x 2 = 2</i>											
<i>Visitors</i>	<i>1 in 4 units = 13/4 = 3.25</i>											
Parking and facilities are provided for other modes of transport												
Car park design and access is safe and secure												
Visual and environmental impacts of underground car parking are minimised												
Visual and environmental impacts of on-grade car parking are minimised												
Visual and environmental impacts of above ground enclosed car parking are minimised												
4A Solar and Daylight Access												

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies		
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>A total of 13 units are proposed. There are 9 units that receive at least 2 hours sunlight between 9am and 3pm during mid-winter. This equates to 69.2% of the units.</p> <p>It is noted that in the existing situation all 13 units will receive at least 2 hours sunlight, however, should the approved RFB at 12 Mckay be constructed, then 4 units fronting Mckay Avenue will no longer receive the minimum required solar access, resulting in a non-compliance of 0.8%, which is considered acceptable in this instance.</p>	Yes, by merit		
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Notwithstanding the minimum 2 hours direct sunlight non-compliance, none of the proposed units within the building will receive no direct sun between 9am and 3pm in mid-winter, which complies with design criteria 3.	Yes		
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	High sills are used where there is potential of overlooking.	Yes		
4B Natural Ventilation				
All habitable rooms are naturally ventilated	All units are corner units and are naturally cross ventilated.	Yes		
The layout and design of single aspect apartments maximises natural ventilation		Yes		
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		Yes		
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		Yes		
4C Ceiling Heights				
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	All storeys are provided with at least 2.8m floor to ceiling heights.	Yes		
<table border="1" style="width: 100%;"> <tr> <td colspan="2">Minimum ceiling height</td> </tr> <tr> <td style="width: 20%;">Habitable rooms</td> <td>2.7m</td> </tr> </table>			Minimum ceiling height	
Minimum ceiling height				
Habitable rooms	2.7m			

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required		Proposed	Complies
Non-habitable	2.4m		
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope		
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use		
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms			
Ceiling heights contribute to the flexibility of building use over the life of the building			
4D Apartment Size and Layout			
Apartments are required to have the following minimum internal areas:		Complies <ul style="list-style-type: none"> • The 1 bedroom unit is $\geq 50\text{m}^2$ • All 2 bedroom units are $\geq 70\text{m}^2$ • The 3 bedroom unit is $\geq 90\text{m}^2$ 	Yes
Apartment Type	Minimum Internal Area		
Studio	35m^2		
1 bedroom	50m^2		
2 bedroom	70m^2		
3 bedroom	90m^2		
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each			
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		Habitable rooms are provided with windows of sufficient glass areas.	Yes
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Habitable rooms are generally limited to 2.5 x the ceiling height.	Yes
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Kitchens of all units are less than 8m from a window.	Yes
Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)		Bedrooms are of sufficient size.	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3m.	Yes															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	Sufficient widths are provided to living rooms/dining rooms.	Yes															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows: <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	All apartments provide the minimum required balcony areas and depths. See tabulation of POS areas in section 4 of the report.	Yes
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3 bedroom	12m ²	2.4															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Units G01, G02 & G03 are all located on the ground level with a POS of 75, 91 & 35m ² , respectively. All three POS have a minimum depth of 3m.	Yes															
4F Common Circulation and Spaces																	
The maximum number of apartments off a circulation core on a single level is eight	Single lift core provided. Maximum 3 units are proposed off one lift.	Yes															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable	N/A															
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	The lift lobby area has windows in an external wall.	Yes															
4G Storage																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> </tbody> </table>	Dwelling Type	Storage Size Volume	Studio	4m ³	Adequate storage has been provided for all units as indicated on the individual unit floor plans and basement plans. Each unit is provided with at least 50% of the required storage within the unit with	Yes											
Dwelling Type	Storage Size Volume																
Studio	4m ³																

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required		Proposed	Complies
1 bedroom	6m ³	the remainder in the basement level.	
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		The development is in accordance with the objectives.	Yes
Noise impacts are mitigated within apartments through layout and acoustic treatments			
4K Apartment Mix			
A range of apartment types and sizes is provided to cater for different household types now and into the future		1 x 1 bedroom unit =7% 11 x 2 bedroom units = 86% 1 x 3 bedroom unit = 7%	Yes
The apartment mix is distributed to suitable locations within the building			
		The proposed mix is considered acceptable. It is noted that the DEP are supportive of the proposed mix.	
4L Ground Floor Apartments			
Street frontage activity is maximised where ground floor apartments are located		Unit G01 has the option to directly access the Mckay Avenue frontage. All other units are accessed through the Harvey Pathway entrance. All ground floor units have habitable room windows and private open space facing the street/walkway frontage.	Yes
Design of ground floor apartments delivers amenity and safety for residents			
4M Facades			
Building facades provide visual interest along the street while respecting the character of the local area		The design of the building façade provides appropriate transition from the bottom four storeys to the top storey which steps back on all sides.	Yes
Building functions are expressed by the facade			
4N Roof Design			
Roof treatments are integrated into the building design and positively respond to the street		The rooftop level is partly used as a COS. The other part is a residential unit with solar panels on its rooftop.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised			
Roof design incorporates sustainability features			
4O Landscape Design			
Landscape design is viable and sustainable		A landscape plan is provided which has identified the deep soil zone unencumbered by the basement parking as well as planter boxes on	Yes
Landscape design contributes to the streetscape and amenity			

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies
	top of concrete slabs for the provision of viable and sustainable planting areas.	
4P Planting on Structures		
Appropriate soil profiles are provided	As above.	Yes
Plant growth is optimised with appropriate selection and maintenance	The proposed development will provide a substantial amount of planting in the form of planter boxes to the COS located at the roof level, which is in addition to the landscaped front, side and rear setback areas at the ground floor level.	
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 provides Unit G01, G03 and L101 as the adaptable units in accordance with the Australian Standard AS 4299-1995 <i>Adaptable Housing</i> .	Yes
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	The DA is for the development of a new building and not the adaptive reuse of an existing building.	N/A
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	The DA does not proposed a mixed use development.	N/A
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Awnings are provided to entries for wet weather protection.	Yes
Signage responds to the context and desired streetscape character	Building address signage will be integrated into the building design.	
4U Energy Efficiency		

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Required	Proposed	Complies
Development incorporates passive environmental design.	The proposal is accompanied by a BASIX Certificate.	Yes
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	The proposal is accompanied by a BASIX Certificate.	Yes
Urban stormwater is treated on site before being discharged to receiving waters	The proposal has been reviewed by Council's Land Development Engineer who raised no issues.	Yes
Flood management systems are integrated into site design	Not applicable	N/A
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and will be maintained by the strata management.	Yes
Domestic waste is minimized by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	The development is in accordance with these objectives	Yes
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

ATTACHMENT 2 – DCP COMPLIANCE TABLES

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	Two small trees are proposed to be removed and will be replaced with 17 new trees having a mature spread of between 2.5 to 8m.	Yes
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	A Landscape Plan is submitted which outlines the planting strategy for both McKay Avenue and Harvey pathway The Landscape Plan proposes a variety of planting along the street frontages, and throughout the communal open space.	Yes
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The development site is not identified as containing any native flora and fauna.	N/A
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	The development site is not identified as being bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	This aspect has been reviewed by Council's Land Development Engineers, who have raised no objections and conditions of consent have been provided.	Yes
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The development site is not within close proximity to a water course.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.	Yes, by condition
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The development site is not affected by flooding.	N/A

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As discussed earlier within this report, the site is considered suitable for the development.	Yes
Section 11. Salinity Risk	Provisions relating to development on saline land.	The development site is identified as containing a moderate salinity potential. Should the DA be supported, conditions are recommended to be imposed to manage salinity at the construction stage.	Yes, by condition
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing the potential for acid sulphate soils to occur.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14 – Demolition of Existing Development	Provisions relating to demolition works	Should the application be supported, conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards	Yes by condition
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed or required.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is highly disturbed. As such, it is unlikely that it would contain Aboriginal Archaeology.	N/A
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site is not identified as a heritage item or within the immediate vicinity of a heritage item.	N/A
Section 18. Notification of Applications	Repealed. Application notified in accordance with Liverpool Community Participation Plan 2019	The application was notified to properties within 75m of the site. Six submissions were received.	Yes
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	N/A
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per one bedroom;	The following parking is required: - 1 x 1 bedroom units require 1 space	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 11 x 2 bedroom units require 16.5 spaces - 1 x 3 bedroom units requires 2 space - 1 visitor parking every 4 units 3 visitor spaces <p>A total of 22.75 = 23 spaces are required.</p> <p>A total of 23 carparking spaces are proposed in the basement level, including 3 visitor parking of spaces is provided on-site. The proposal also provides 5 on-site bicycle parking with three being in the basement and two on the ground floor common area.</p>	
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	The DA does not propose the subdivision of land.	N/A
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Conditions of consent will be imposed to ensure compliance with the BASIX commitments.	Yes, by condition
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste storage facilities are provided and will be maintained by the caretaker. Councils Waste Management officer has reviewed the waste management plan and conditions of consent were provided.	Yes, by condition
Section 27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units or affordable rental housing.	The proposal is not more than 20 and a SIC is not warranted or required in this instance.	N/A

LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Frontage and Site Area			
	Minimum lot width of 24m	The site provides for a frontage of approximately 27.12m to McKay Avenue.	Yes
Site Planning			
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Minimal earthworks are proposed except for the basement level.	Yes
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	The building has been designed to maximise northern exposure of the dwellings and COS.	Yes
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	The vehicular access and parking arrangements are safe.	Yes
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The development is in accordance with the objectives of the zone and provides for an appropriate built form in its context.	Yes
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	A Stormwater Drainage Plan has been submitted and reviewed by Council engineer who has no objection to the proposal.	Yes
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	As demonstrated within this report, the development complies with most of the SEPP 65 requirement except where the non-compliance has been thoroughly discussed and supported.	Yes
Setbacks			
Front Setback	Front setback of 5.5m is required	The proposal provides a 5m or a breach of 9.09%. Similarly, the balconies also breach the	Yes, by merit

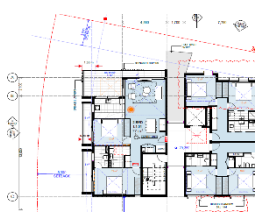
**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	prescribed 1m allowable intrusion into the setback area. <u>See discussion below</u>	
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3	The north-west boundary is considered to be the side boundary of the site which in this instance complies from Ground Floor to Level 3. However, with regard to the south-east site boundary, the applicable setback is in accordance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008. Please refer to ADG 2F Building separation.	Yes
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	On Level 4, the setback at the north-west boundary is 6m which is below the required 8m. However, with regard to the north-west site boundary, the applicable setback is in accordance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008. Please refer to ADG 2F Building separation.	Yes
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	Please refer to ADG 2F Building separation.	Yes
<p>Discussion on setbacks: As discussed previously in the ADG on Section 2F - Building Separation, the relevant discussion in terms of building separation is the boundary to north-east (rear) and south-east and north-west (sides) where potential RFB's may be constructed in the future. However, the front boundary relate to this section of the LDCP being front setback.</p> <p><u>Front Boundary:</u> The site has an arched frontage boundary and the proposal provides a front setback which varies from 5-5.5m. Likewise, the balconies on the upper levels also extend over the 1m allowed intrusion into the setback area. As shown on the image below, these breaches do not extend along the entire length of the building. A small triangular protrusion of the building towards Harvey Pathway and with regard to the balconies, largely on levels 1, 2, 3 & 4 and to lesser extent at the Ground Level.</p> <p>The front boundary has an arched configuration and an irregular shaped building configuration is the result. The building façade design provides a desirable articulation to the streetscape.</p>			

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
			
<p>It should be noted that the proposal complies with FSR and maximum building height development standards and is not considered to be an over development of the site with regards to the LLEP 2008. The objective of building setbacks to provide reasonable space for landscaping, open spaces and solar access, visual and acoustic privacy has not been compromised.</p> <p>Therefore, given the constrained nature of the site and overall compliance with the development standards, the minor variation to the front setback control is considered to be acceptable in this instance.</p>			
Landscaped Area and Private Open Space			
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Based on a site area of 869m ² , a minimum landscaped area of 217.25m ² is required. The proposed architectural plans indicate that approximately 274m ² of landscaping area will be provided, which equates to 31.5% of the site area.	Yes
	A minimum of 50% of the front setback area shall be landscaped area	The submitted Landscape plans indicate that at least 50 % of the front setback area to McKay Avenue will be landscaped.	Yes
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Landscape Plans indicate that landscaped areas will be generally consolidated within the front, side setbacks and rear setback areas.	Yes
	Promote landscape health by supporting for a rich variety of vegetation type and size	A planting schedule has been submitted which shows a variety of landscaping is proposed.	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	The communal open space will be provided in the north-east portion of the site at ground level that is adjacent to the private open space and habitable bedroom windows of Unit G03. However, to minimise privacy impacts to future occupants these areas are buffered using dense landscaping from the communal open space at ground floor level. Additionally, the proposal has been amended to change the habitable room of Unit G03 to a highlight window to minimise any potential amenity impacts.	Yes
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	The both the ground and roof top level COS will have optimum solar access. The POS of Unit 3 at the ground level adjoins the COS but is provided with peripheral planting as a buffer.	Yes
	Locate open space to increase the potential for residential amenity.	As above.	Yes
Private Open Space	Private open space shall be provided as follows: - 10m ² for a dwelling size less than 65m ² - 12m ² for a dwelling size over 65m ²	Private open space requirements are provided in accordance with the requirements of the ADG.	Yes
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Private courtyards are provided for all units on the ground floor. Balconies have also been provided for units above the ground floor.	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	The POS acts as an extension of the internal living rooms.	Yes
	Private open space should be clearly defined for private use.	The POS is clearly defined.	Yes
Building Design, Style and Streetscape			
Building Appearance and Streetscape	Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	The architectural quality of the proposal was considered by the DEP and after minor design amendments found to be satisfactory.	Yes
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	The proposed roof design contributes positively to the design of the building.	Yes
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	A physical and direct connection for pedestrians entry via Harvey Pathway to the site is provided.	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.	Yes
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	The proposed development is designed in a manner that maximises solar access to future occupants of the apartments.	Yes
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	The building has been designed to take advantage of the northern aspect.	Yes
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	The ground floor units have been designed in a manner that contributes to the desired streetscape and create active safe streets.	Yes
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow	The entrance to the building is clearly defined on both the McKay Avenue and Harvey	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	<p>surveillance from the street and adjoining buildings.</p> <p>b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.</p> <p>c) To ensure buildings are safe and secure for residents and visitors.</p> <p>d) To contribute to the safety of the public domain.</p>	<p>pathway frontages, where causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.</p>	
Natural Ventilation	<p>Objectives of the controls are:</p> <p>a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.</p> <p>b) To provide natural ventilation in non-habitable rooms, where possible.</p> <p>c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</p>	<p>100% of apartments have direct access to natural ventilation.</p>	Yes
Building Layout	<p>Objectives of the controls are:</p> <p>a) To provide variety in appearance.</p> <p>b) To provide increasing privacy between dwellings within the building.</p> <p>c) To assist with flow through ventilation.</p> <p>d) To improve solar access.</p>	<p>Acceptable in its current form.</p>	Yes
Storage Areas	<p>A secure storage space is to be provided for each dwelling with a minimum volume of 8m³ (minimum dimension 1m²). This must be set aside exclusively for storage as part of the basement or garage.</p>	<p>Adequate storage spaces are provided within units and in the basement level as reflected on the submitted plans.</p>	Yes
	<p>Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.</p>	<p>Storage areas within the building are adequately lit.</p>	Yes
Landscaping and Fencing			

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Landscaping	<p>Objectives of the controls are:</p> <p>a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.</p> <p>b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.</p> <p>c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p>	<p>The development includes landscaping of the site which includes planting of 17 new trees having a mature height of between 2.5 to 8m within the deep soil zones and planter boxes located in the common open space at the ground level.</p> <p>Planting incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety. Landscaping is also provided within the front setback on of the site including fencing, paving and street trees.</p>	Yes
Planting on Structures	<p>a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards.</p> <p>b) To encourage the establishment and healthy growth of trees in urban areas.</p>	The proposed development will provide a substantial amount of planting in the form of planter boxes to the COS located at the roof level, which is in addition to the landscaped front, side and rear setback areas at the ground floor level.	Yes
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	The proposed development does not include any front boundary fencing along McKay avenue. The proposal provides stepped landscaping planting within the first 2m from the boundary and then provides a 1.8m fence (half masonry and half transparent metal slits) to screen the private open space of Unit G01.	Yes
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.		Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	The front fence must be 30% transparent.		yes
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.		Yes
	Boundary fences shall be lapped and capped timber or metal sheeting.	Fencing to be conditioned as required.	Yes
Car Parking and Access			
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Visitor parking has been provided.	Yes
	Visitor car parking shall be located between any roller shutter door and the front boundary.		
	Pedestrian and driveways shall be separated.	Pedestrian access and driveways are separated.	Yes
	Driveways shall be designed to accommodate removalist vehicles.	Driveway has been designed to accommodate a range of vehicle types.	Yes
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Side vehicular entrance is not appropriate in this instance.	Yes
	Give preference to underground parking	Underground parking is provided.	Yes
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Pedestrian entries are clearly defined and accessible.	Yes

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
Amenity and Environmental Impact			
Over-shadowing	<p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	<p>Shadow diagrams submitted for the development during 21 June shows that overshadowing to the rear yard of the adjoining property to the south-east (No. 16 Mckay Avenue) does not start until midday. Therefore, there are no significant overshadowing impacts are foreseen as a result of the proposed development. The development at 16 Mckay Avenue will continue to receive a minimum of 3 hours of sunlight during mid-winter.</p>	Yes
Privacy	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space. 	<p>The building has been designed to generally comply with the building separation distances of the ADG and setbacks in the LDCP. Where the breaches occur, these were thoroughly discussed in this report and found to be acceptable.</p> <p>While it is recognised that initially there will be potential for existing residents to feel they are being overlooked and for new RFB residents to feel they are visually exposed, the expectations of various residents are expected to change as the locality transitions from low to high density. In the meantime, subject to Condition 3, it is considered that the design of the proposed development has given appropriate consideration to preserving residential privacy.</p>	Yes, by merit
Acoustic Impact	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings. 	<p>The submitted Acoustic Report did not identify any issues relating to noise.</p>	Yes
Site Services			

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Development Control	Provision	Comment	Complies
	<p>Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.</p>	<p>The development is likely to require installation of a substation. Accordingly, the applicant was requested to provide details whether a substation is required for the development. In response the applicant provided a correspondence, prepared by a Level 3 designer indicating that <i>the latest Level 3 Design does not require the installation of an electrical substation for this connection, by utilising the existing infrastructure present in the local low voltage network.</i> However, the correspondence also indicates that the design is currently awaiting design certification from Endeavour Energy.</p> <p>Therefore, to confirm the requirement of a substation, comments from Endeavour Energy was requested. On 15/06/2022, a response from Endeavour Energy was received stating that <i>“The Development Application is supported by Endeavour Energy Connection Offer – Standard Connection Service (Endeavour Energy Ref: UML10179) dated 5 October 2021 and a proposed Method of Supply / design prepared by the applicant’s Level 3 Accredited Service Provider (ASP) AAPE dated 8 April 2022.”</i></p>	<p>Yes</p>

ATTACHMENT 3 – RECOMMENDED CONDITIONS OF CONSENT

CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural Plans

Plan Name	Plan Number	Date	Rev	Prepared By
Site Location & Analysis	DA1001	09/03/2021	A	Urban Link
Site Plan	DA1002	21/09/2021	B	Urban Link
Basement 01	DA2001	21/09/2021	B	Urban Link
Ground Level	DA2002	21/09/2021	B	Urban Link
Level 01	DA2003	21/09/2021	B	Urban Link
Level 02	DA2004	21/09/2021	B	Urban Link
Level 03	DA2005	21/09/2021	B	Urban Link
Level 04	DA2006	21/09/2021	B	Urban Link
Roof Plan	DA2007	21/09/2021	B	Urban Link
GFA Diagrams	DA2901	21/09/2021	B	Urban Link
Deep Soil and Landscape Plan	DA2903	21/09/2021	B	Urban Link
North & South Elevations	DA3001	21/09/2021	B	Urban Link
East & West & Streetscape	DA3002	21/09/2021	B	Urban Link
Sections	DA4001	21/09/2021	B	Urban Link
Demolition Plan	DA7001	09/03/2021	A	Urban Link
Finished Schedule	DA6001	09/03/2021	A	Urban Link

(b) Landscape Plans

Cover Sheet	L/00	28/10//21	A	ATC
Ground Floor – Planting Plan	L/01	28/10//21	A	ATC
Level 4 – Planting Plan	L/02	28/10//21	A	ATC
Landscape Details Sheet	L/03	28/10//21	A	ATC
Landscape Specifications	L/04	28/10//21	A	ATC

(c) Stormwater Concept and Sediment and Erosion Control Plans

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

Report Name	Date	Job/ Drawing No.	Rev	Prepared By
Cover Sheet	29/09/2021	20MB8318/Sheer 1 of 5	B	United Consulting Engineers
Roof Drainage Plan	29/09/2021	20MB8318/Sheer 2 of 5	B	United Consulting Engineers
Ground Floor Drainage Plan	29/09/2021	20MB8318/Sheer 3 of 5	B	United Consulting Engineers
Basement Drainage Plan	29/09/2021	20MB8318/Sheer 4 of 5	B	United Consulting Engineers
Sediment and Erosion Control	29/09/2021	20MB8318/Sheer 4 of 5	B	United Consulting Engineers

(d) Reports

Report Name	Date	Reference	Prepared By
Parking and Traffic Impact Assessment Report	May 2020	Traffic & Parking Assessment – 14 Mckay Avenue, Moorebank	Hemanote Consultants Pty Ltd
Acoustic Report	13 May 2020	1020064 R01C 14 McKay Avenue Moorebank ENV.docx	Acoustic Works
Waste Management Plan	-	-	Urban Link

- (e) BASIX certificate number 1098336M_02, dated 11 December 2020 prepared by Noura Al Hazzouri.

Except where modified by the undermentioned conditions.

Amendments to Architectural Plans

2. Amended Architectural plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment.
 - (a) Provide amended Site Plan/Landscape Plan with details of the proposed development on any public domain works (i.e. replacement of footpath paving, pedestrian lighting and vegetation along Harvey Pathway).
3. The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority must detail the following amendments:

- (a) To mitigate visual privacy impacts to No 16 Mckay Abenue, the communal open space located at the roof must be fitted with privacy screening to a minimum height of 1.8m measured from the finished floor level along the full length of the south-eastern edge.

Comply with EP&A Act

4. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2021*, must be fully complied with at all times.

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

Prescribed Condition

5. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 69 of the *Environmental Planning & Assessment Regulation 2021*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
(b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

7. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:
- (a) Damage Inspection Fee;

- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
- (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

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

Section 7.11 Payment (Liverpool Contributions Plan 2009)

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

The total contribution is **\$125,996.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. Payment must be accompanied by the form.

The Contributions Plan may be inspected online at:

<https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>

Construction Certificates

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

Building Work

- 10. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Site Development Work

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

Accessibility

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

Cladding

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

Products banned

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

Notification

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

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

Design Verification Statement

16. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall

be submitted to the PCA and should refer to the stamped plans. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

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

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

Crime Prevention Through Environmental Design

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

- (g) Back to base alarm systems shall be installed;
- (h) Basement parking areas shall be painted a light colour;
- (i) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (j) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
- (k) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
- (l) Access to the parking levels of the building shall be controlled via a security controlled device.

S138 Roads Act – Minor Works in the public road

18. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:

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

- (c) Road occupancy or road closures.

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

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

Retaining Walls on Boundary

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

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.

Recommendations of Acoustic Report

20. The recommendations provided in the approved acoustic report titled *Acoustic Report* report reference *1020064 R01C 14 McKay Avenue Moorebank ENV.docx* prepared by Acoustic Works, dated 13 May 2020 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

S138 Roads Act – roadworks requiring approval of civil drawings

21. Prior to the issue of a Construction Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of the following within the site frontage:

- (e) The works within **Harvey Pathway** as requested in Condition 2 above.

Waste Materials

22. Details of the name and address of the facilities that the different types of waste materials coming from the demolition/excavation and construction stages of the project will be taken to, must be supplied in writing both to Council and to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Dilapidation Report Private Property (Excavations)

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

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

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

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

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

On-Site Detention

24. On-site Stormwater Detention (OSD) shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared prepared by United Consulting Engineers, reference number 20MB8318, revision B, dated 29/09/2021.

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 OSD system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

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

S68 Local Government Act – Stormwater drainage works

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

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

Stormwater Discharge – Basement Car Parks

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

No loading on easements

27. 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.

Access, Car Parking and Manoeuvring – General

28. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Provision of Services

29. 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.

30. Development Plans must be processed and approved by Sydney Water. When the detailed design is submitted during the Building Plan Approval process, an architectural plan with the existing sewer location will need to be included. A marked-up cross section should be provided to ensure that there is clearance between the new development and the existing wastewater main.
31. 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.
32. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

Dilapidation Report

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

Special Engineering Condition

35. Provide twin 200 x 100 x 6 RHS to existing lintel on Mckay Avenue.

Waste Management

36. Prior to the issue of a construction certificate, the waste management plan (WMP) is to be amended to reflect what portion of the excavated materials will be retained on site for fill material, and what portion will be taken off-site. Also, any reference to Council bins being used to dispose of demolition or construction waste, e.g. green waste, is to be removed. The end destination facilities for materials are to be as currently stated in Table 4 'End Destination for Waste', in the WMP.
37. Prior to the issue of the construction certificate, all structures to be demolished must be inspected by an individual with sufficient experience and formal qualifications to be able to identify asbestos construction materials (ACMs). This individual is to provide a written report to the PCA of all structures examined, and any materials that are identified as being, or likely to be, ACMs. This report is to be used by the PCA and the builder to determine the appropriate course of action with regard to the management of asbestos materials; a copy of this report is to be provided as part of the Construction Certificate documentation.

Any asbestos or other hazardous materials identified must be noted as being removed, wrapped/contained, transported and disposed of in accordance with the legislation, regulations and safe work practices in force at the time from WorkCover NSW and the NSW EPA.

Traffic Requirements

38. An internal traffic signal system, including convex mirrors, is to be provided to control and manage safe vehicular access between the driveway and the ramp to the basement car park.
39. Prior to issue of a construction certificate detailed design plans for the access driveway and car park including gradient, vertical clearances, swept path analysis, headroom clearances, line markings and sign posting in accordance with the DCP and AS2890 are to be submitted to Traffic and Transport Section for review.
40. Each pair of tandem parking spaces is to be allocated to the same unit owner.
41. An Operational Traffic Management Plan (OTMP) is to be submitted to Traffic and Transport Section for review.

42. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Liverpool City Council's Transport Management Section for endorsement. The CTMP is to be submitted via an application form available on Council's website. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer. Construction shall not commence until the construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.
43. On street parking along the street frontage on both sides of McKay Avenue is to be restricted to 'No Parking' following approval of a submitted parking scheme.
44. The applicant is to review the adequacy of the existing street lighting in front of the property and, if required, provide street lighting upgrade to Category 'P4' to Council's specifications.
45. 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.

C. PRIOR TO WORKS COMMENCING

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

Commencement of Building works

46. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction certificate

47. Prior to the commencement of any building works, the following requirements must be complied with:
 - (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the

Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,

- (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
- (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Residential Building Work

- 48. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
- 49. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

- 50. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - (c) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - (d) The notice shall be given seven (7) days prior to the commencement of work.
- 51. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

- (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Sediment and Erosion Control Measures

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

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

Waste Classification

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

Traffic Control Plan

54. 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.

Return of Waste Bins

55. Prior to any works commencing, including demolition or site clearing, any residential waste bins that have been issued to 14 McKay Avenue Moorebank must be returned to

Liverpool City Council. Ring 1300 26 2170 to notify Council when those waste bins are ready for collection and so that their removal can be noted.

Disposal of refrigerants

56. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the dwelling or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if indeed these systems are fitted to the dwelling, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

Notification of Service Providers

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

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

Demolition Works

58. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Demolition Inspections

59. The following inspections are required to be undertaken by Council in relation to approved demolition works:

- (c) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

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

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

Waste Management

- 60. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.

- 61. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

D. DURING CONSTRUCTION

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

Building Inspections

- 62. 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.

- 63. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

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

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

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

Sign Notice Board

65. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- a. name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
 - b. name, address and telephone number of the principal certifier; and
 - c. a statement stating that 'unauthorised entry to the work site is prohibited'.

Excavation

66. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Hoarding

67. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

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

Craning

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

Toilet Facilities

69. 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.

Retaining wall

70. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Refuse Disposal

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

72. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
73. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

Security Fence

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

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

Hours of Construction Work

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

Major Filling/Earthworks

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

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

Construction Noise

77. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.
78. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried

out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

General Site Works

79. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
80. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
81. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
82. 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.
83. 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.
84. 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.
85. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
86. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
87. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Waste Management Plan

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

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

Contamination

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

Imported Fill Material

90. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Record Keeping of Imported Fill

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

(c) The results of any chemical testing of fill material.

Unidentified Contamination

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

Traffic Management

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

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

95. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
96. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.
97. 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 residents/visitors parking areas are to be clearly signposted limiting car parking for residents/visitors 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.

Ventilation

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

External

99. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
100. The mailboxes are to be consistent with the design and colours and materials for the development.
101. 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.
102. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
103. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

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

Display of Street Numbers

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

Security and Safety

106. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.

107. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
108. The underground car park is required to be locked with access to be provided to residents only.
109. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 125mm.

Vegetation and Landscaping

110. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
111. 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.
112. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
113. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of] an Occupation Certificate by the Principal Certifier (PC):

Building/Compliance

114. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.
115. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

Cladding

116. 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.

Design Verification Statement

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

- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

BASIX

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

Landscaping

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

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Works as Executed

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

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

Recommendations of Acoustic Report

122. Upon completion of works and prior to the issue of an Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled *Acoustic Report reference 1020064 R01C 14 McKay Avenue Moorebank ENV.docx* prepared by Acoustic Works, dated 13 May 2020. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Structural Engineer Certificate

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

Stormwater Compliance

124. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (a) On-site detention system/s,
- (b) Basement carpark pump-out system:
 - i. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - ii. Have met the design intent with regard to any construction variations to the approved design, and
 - iii. Any remedial works required to be undertaken have been satisfactorily completed

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

Restriction as to User and Positive Covenant

125. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property:

- (a) On-site detention system,
- (b) Basement Carpark pump-out system

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

Rectification of Damage

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

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

Completion of works Survey and Report

127. At completion of works a survey and report must be undertaken and submitted to the Certifying Authority and affected adjoining property owner/s, commenting on the risk of latent damage (if any) to the existing building caused by the excavation and construction activities.

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

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

If access for undertaking the survey is denied by an adjoining owner, the applicant must:

- a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property.
- b) Demonstrate in writing to the satisfaction of the Certifying Authority 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.

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.

Service Providers

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

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

Waste

131. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
132. All permanent signage required for residents needed to be able to locate and correctly use waste facilities, including undertaking waste separation, must be fixed in place prior to the issue of an Occupation Certificate. This includes the bulky household waste storage room.
133. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate.
134. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with copies of all waste transport and disposal dockets, demonstrating that waste materials associated with the project, have been disposed of at the waste facilities nominated in the approved waste management plan.

135. Prior to issue of an Occupation Certificate, the strata by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste upon all residents, and ensures that any additional costs incurred by the strata as a result of a failure to do so, can be recovered from the parties responsible.

Dilapidation Report

136. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
137. Prior to issue of an Occupation Certificate, the works within Harvey Pathway, as required by Conditions 2 & 21 of this consent must be completed.

F. CONDITIONS RELATING TO USE

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

Car Parking / Loading

138. A total of 23 off street car parking inclusive of 3 visitor and 2 disabled spaces must be provided.
139. All parking areas shown on the approved plans must be used solely for this purpose.
140. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
141. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

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

Noise and Environmental Emissions

143. 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.

144. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
145. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Waste Management

146. The powered bin mover, to be supplied new by the developer, which must be used to move bins to street level for emptying, must be kept operable and maintained in accordance with manufacturer's instructions. If this equipment breaks down, it must either be promptly repaired, or replaced as necessary by the owner's corporation/strata body.

Agents of the strata who will operate the powered bin mover must be trained and insured to do so.

147. Once the Occupation Certificate is issued, but at least one week prior to any residents moving in, Council is to be contacted on 1300 36 2170 to arrange delivery of the domestic waste bins. The mix of types and sizes of bins, and the materials that they accept, will be subject to change in the future as recycling services evolve, and FOGO waste services are adopted.
148. Initially, two 240 litre green bins will be provided to the property. These are provided on the condition that they are used for green waste from the gardens and balconies only, comprising leaves, twigs, grass cuttings, flowers and small branches. Contamination of these green bins with other materials, will lead to these bins being withdrawn by Council, and replaced with two 240 litre general waste bins, which will be charged to the strata at the full general waste rate.
149. Agents of the strata must present the waste and recycling bins for emptying to the kerbside, no earlier than the afternoon before collection. All bin lids must be fully closed. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection, and placed back into the waste storage room.
150. Waste bin storage areas must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, and must not obstruct the exits of the buildings.
151. Signage with a graphic illustrative content of at least 50%, is to be prominently displayed in the waste storage area, indicating:

- a) That waste is to be placed wholly within the bins provided;
 - b) That only loose, unbagged recyclable items accepted by Council, are to be placed within the recycling bins, and what those items are, and;
 - c) That the area must be kept tidy.
152. The management of the building, including the strata manager and any cleaner or maintenance persons working for them, shall ensure that residents are provided with feedback, guidance, and correction if necessary, with regard to their waste practices, including correct waste separation and disposal. The building management shall be responsible for ensuring residents use the bulky household waste room provided, and for making clean-up bookings with Council for the removal of the contents of the bulky waste store room, as needed.
153. All bulky household wastes must be kept within their residence of origin. Residents are responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside for collection the afternoon before the booked date of the collection. The amounts and types of materials that are acceptable for collection, will be as per the conditions of Council at the time.

Washing on Balconies

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

G. ADVISORY

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

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

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

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

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

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

- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain

Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

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

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

Monday 27th June 2022

SECTION 7.11 PAYMENT FORM

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

Liverpool Contribution Plan 2018 Established Areas

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

These figures have been calculated to the current quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO: DA-255/2021

PROPOSAL: Demolition of existing structures and the construction of 5-storey residential flat building consisting of 13 units and basement parking.

<u>Facilities</u>	<u>Amount</u> <u>(\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Eastern	\$10,867	GL.10000001870.10098
District Sporting Fields - works		
Eastern	\$36,548	GL.10000001869.10212
District Passive Open Space - works		
Eastern	\$22,843	GL.10000001869.10092
Local Passive Open Space - works		
Moorebank	\$31,980	GL.10000001869.10100
Transport - Bikeways - works		
Eastern	\$4,358	GL.10000001865.10208
Transport - Traffic management - works		
Eastern	\$12,419	GL.10000001865.10214
Drainage - works		
Eastern	\$5,119	GL.10000001866.10210
Administration	\$1,862	GL.10000001872.10104
<u>TOTAL</u>	<u>\$125,996</u>	

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

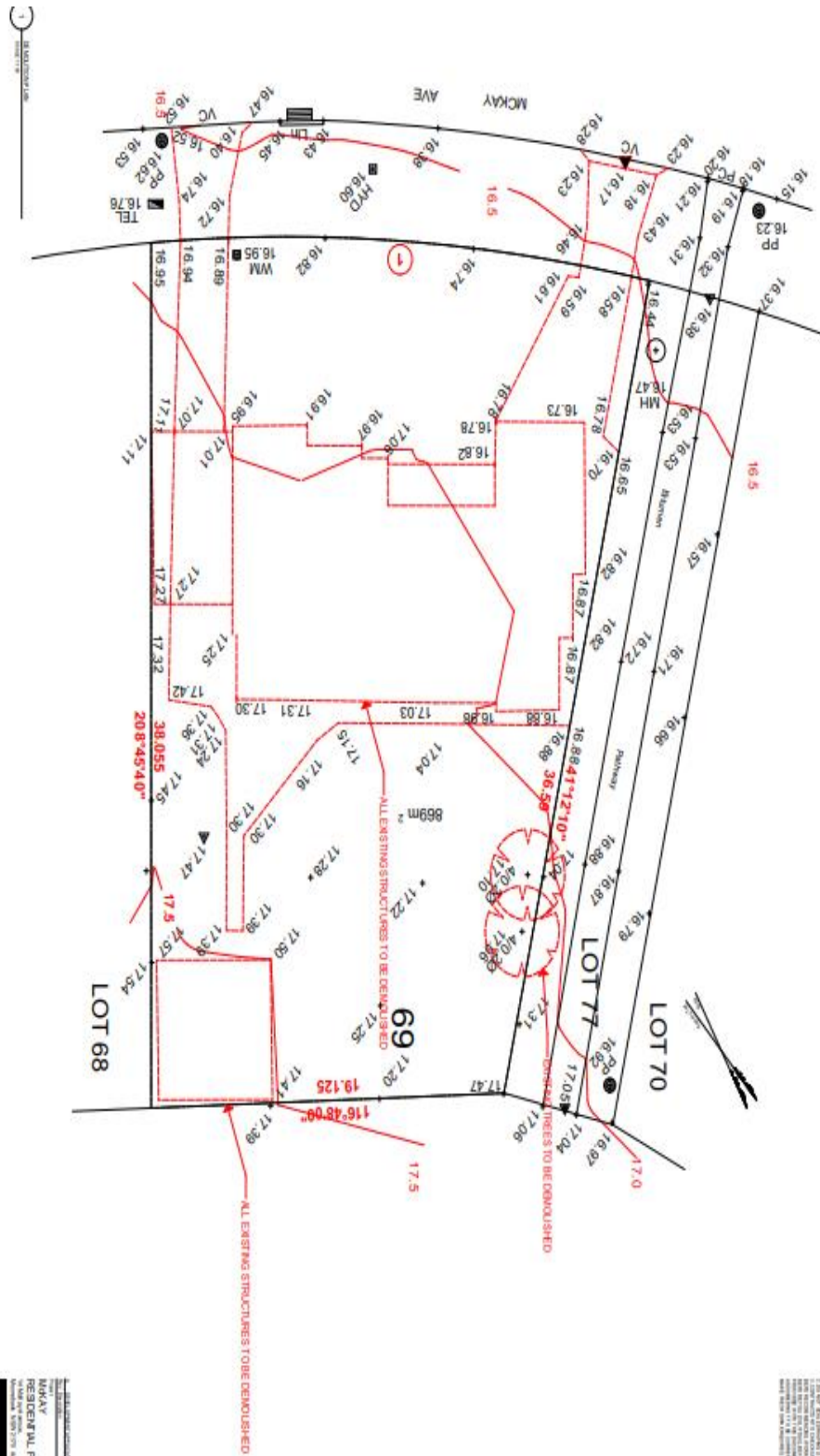
RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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

ATTACHMENT 4: PLANS OF THE PROPOSAL

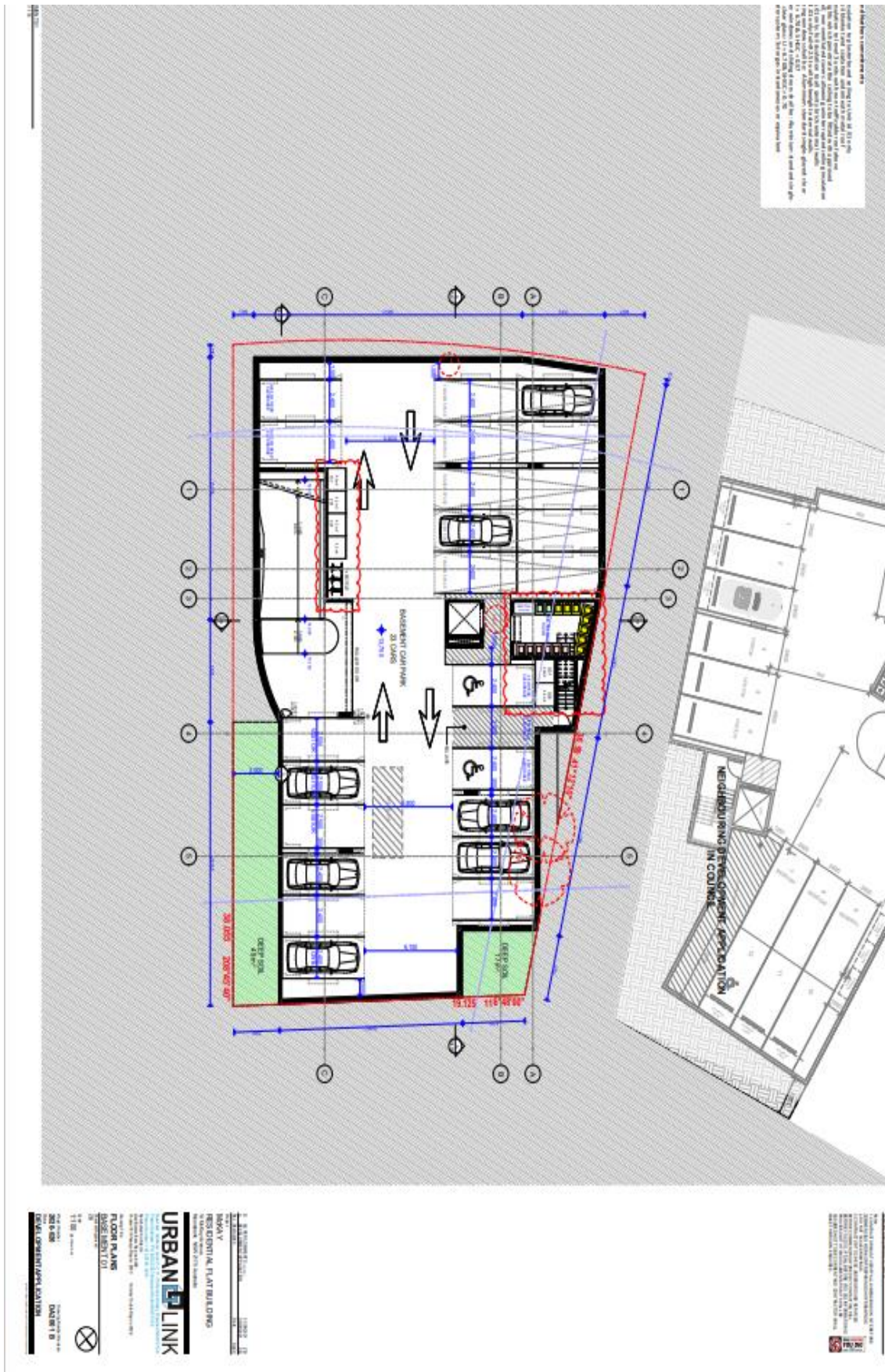


URBAN LINK
 DEMOLITION
 DEMOLITION PLAN
 1:100
 DATE: 11/06/22
 DRAWN BY: DANIEL A.
 CHECKED BY: DANIEL A.
 URBAN LINK
 1100
 DANIEL A.
 DANIEL A.

URBAN LINK
 DEMOLITION
 DEMOLITION PLAN
 1:100
 DANIEL A.
 DANIEL A.

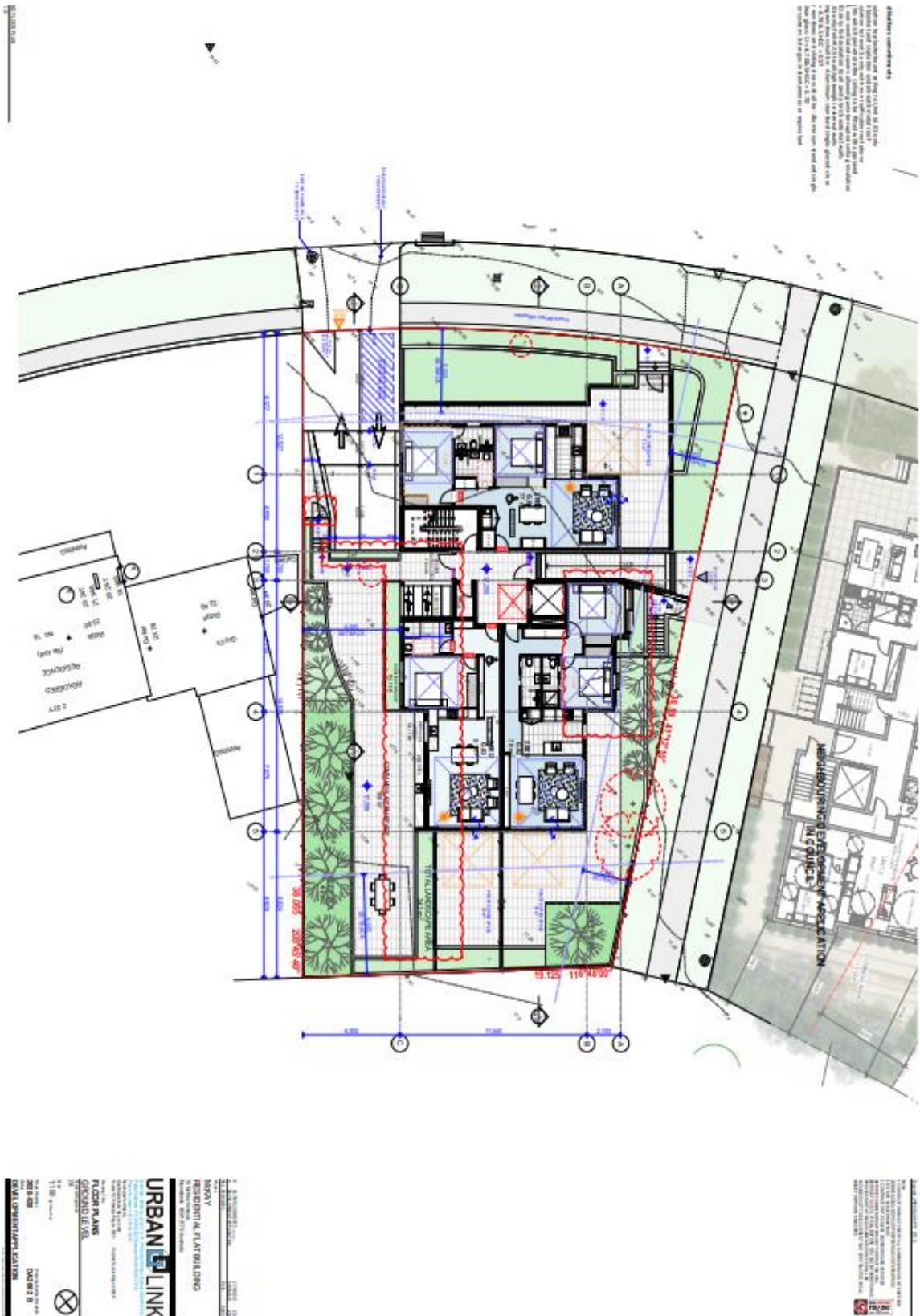
LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



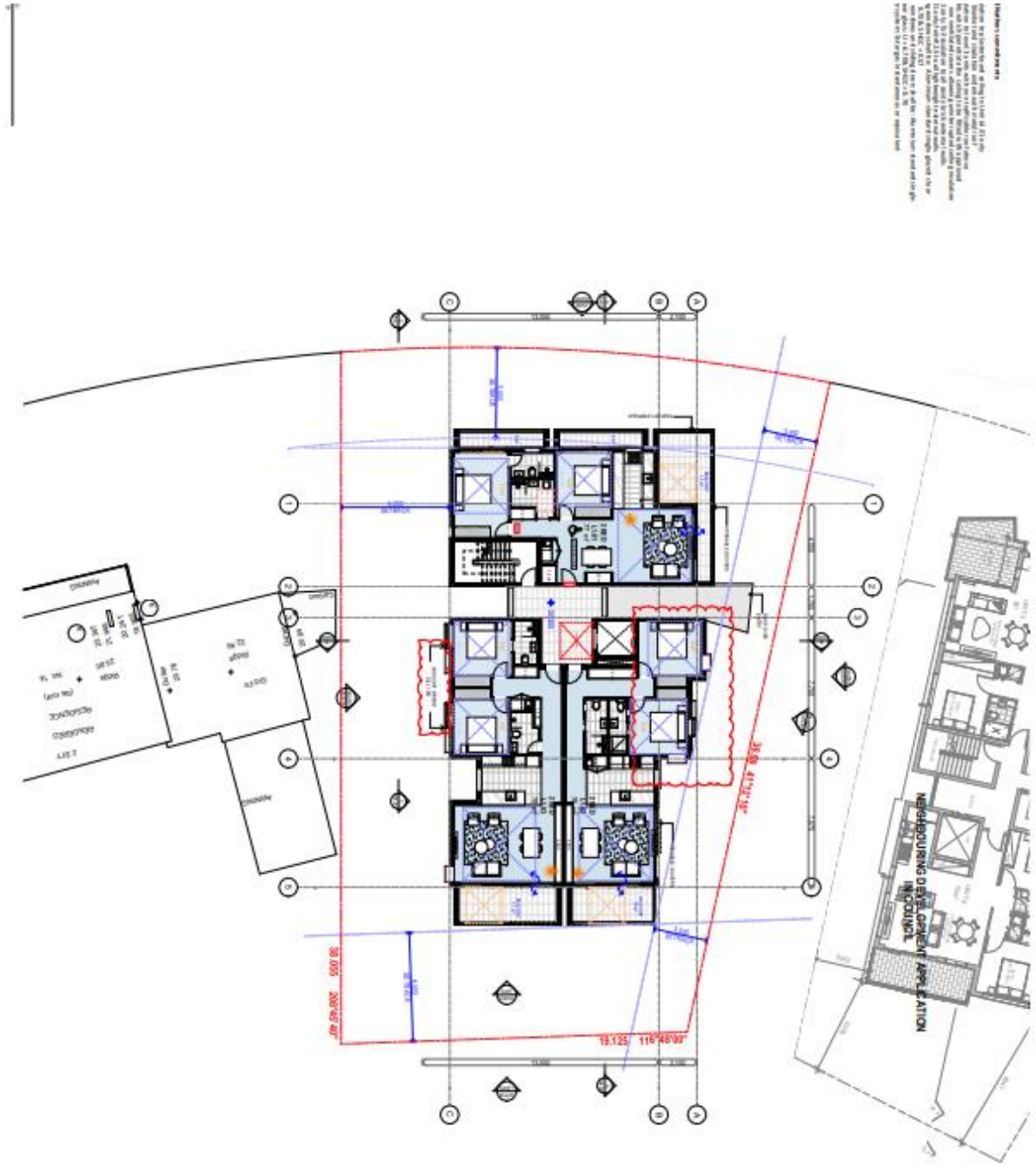
LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



THIS DOCUMENT IS THE PROPERTY OF LIVERPOOL CITY COUNCIL. IT IS LOANED TO YOU BY THE LOCAL PLANNING PANEL. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED. THE LOCAL PLANNING PANEL ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE TO THIS DOCUMENT OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DOCUMENT.

URBAN LINK
URBAN LINK ARCHITECTS
100, WATERLOO STREET, LIVERPOOL, L3 5QD
TEL: 0151 236 1234
WWW.URBANLINKARCHITECTS.CO.UK

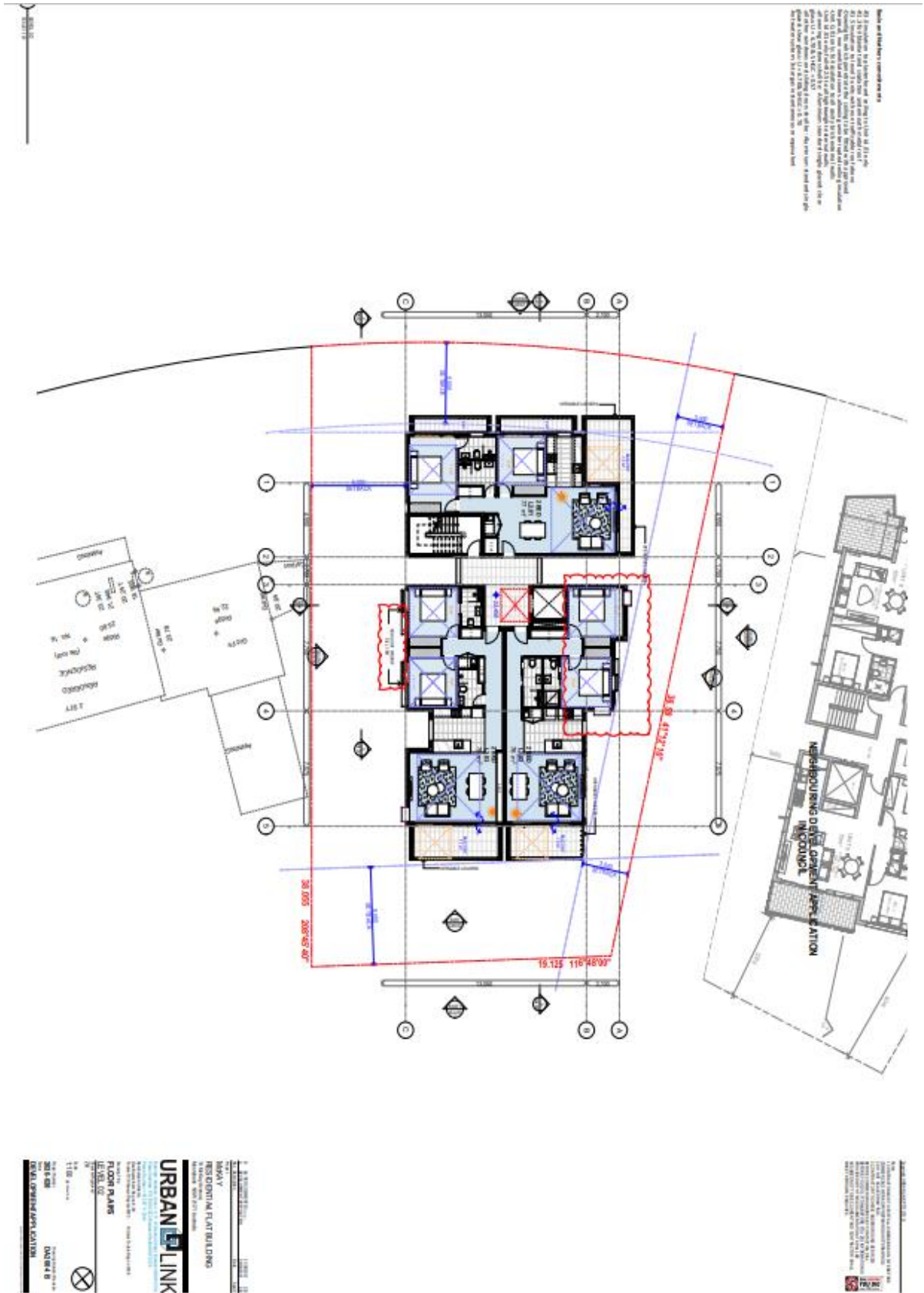
FLOOR PLAN
LEVEL 01
1:100
DATE: 2022.06.01
DRAWN BY: DANIEL B
CHECKED BY: JANE S

URBAN LINK ARCHITECTS
100, WATERLOO STREET, LIVERPOOL, L3 5QD
TEL: 0151 236 1234
WWW.URBANLINKARCHITECTS.CO.UK

URBAN LINK ARCHITECTS
100, WATERLOO STREET, LIVERPOOL, L3 5QD
TEL: 0151 236 1234
WWW.URBANLINKARCHITECTS.CO.UK

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



1. The information contained in this report is for the use of the Council only and is not to be used for any other purpose. It is the responsibility of the user to ensure that the information is used in accordance with the intended purpose. The Council does not accept any liability for any loss or damage arising from the use of this information.

1. 3. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

URBAN LINK
URBAN LINK is a registered trademark of the Liverpool City Council.
LIVERPOOL CITY COUNCIL
LIVERPOOL
L3 5 4YU
0151 222 2222
www.liverpool.gov.uk

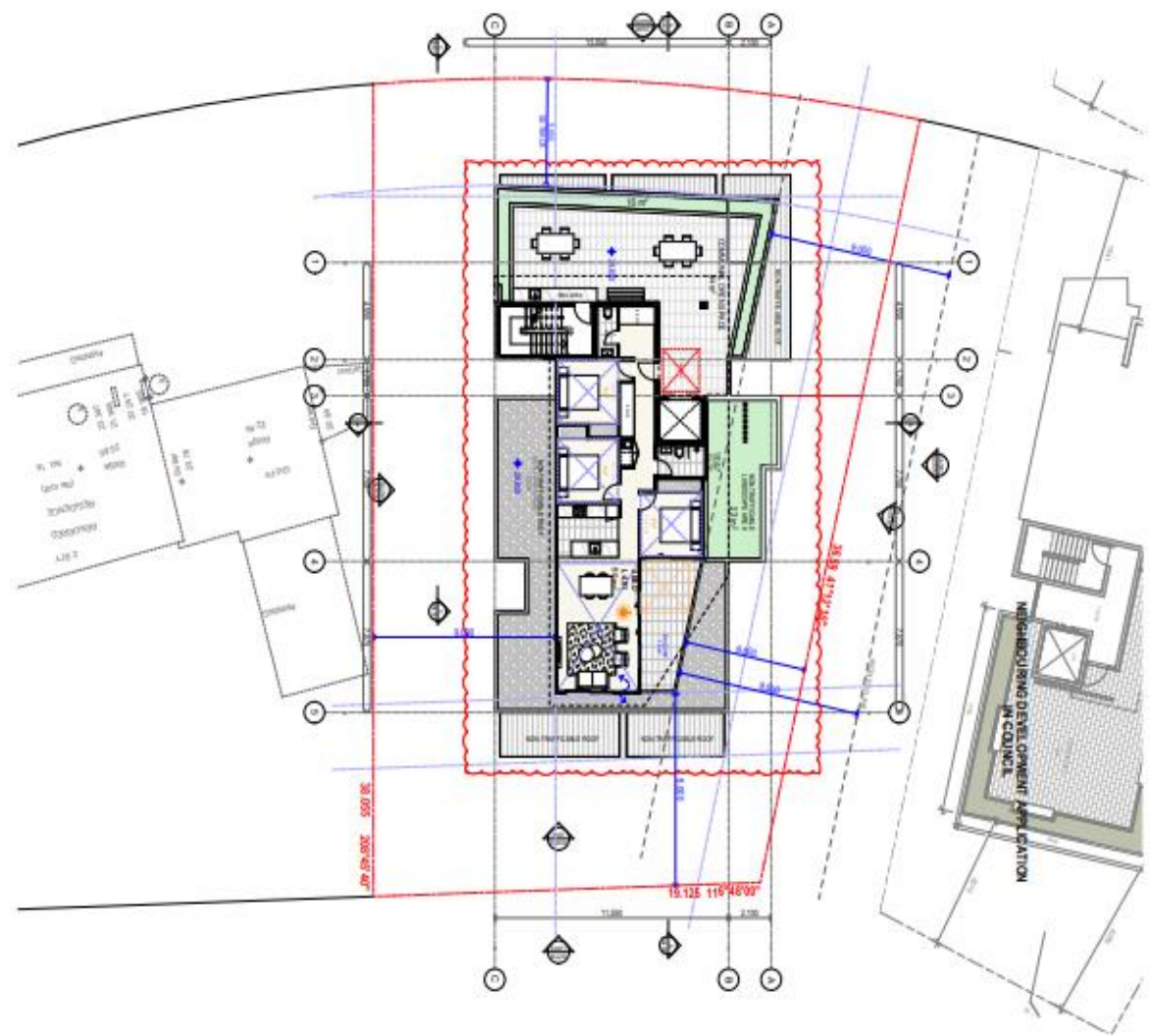
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

URBAN LINK
URBAN LINK is a registered trademark of the Liverpool City Council.
LIVERPOOL CITY COUNCIL
LIVERPOOL
L3 5 4YU
0151 222 2222
www.liverpool.gov.uk

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022

Notes and other information relevant to the application:
 1. The application is for a variation of the use of the land to Class 1 (Retail) and Class 2 (Office) use.
 2. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 3. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 4. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 5. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 6. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 7. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 8. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 9. The proposed development is a 4-storey residential building with a ground floor commercial unit.
 10. The proposed development is a 4-storey residential building with a ground floor commercial unit.



URBAN LINK
 ARCHITECTS
 100, WATERLOO STREET, LIVERPOOL, L3 3DQ
 TEL: 0151 222 2222
 WWW.URBANLINKARCHITECTS.CO.UK

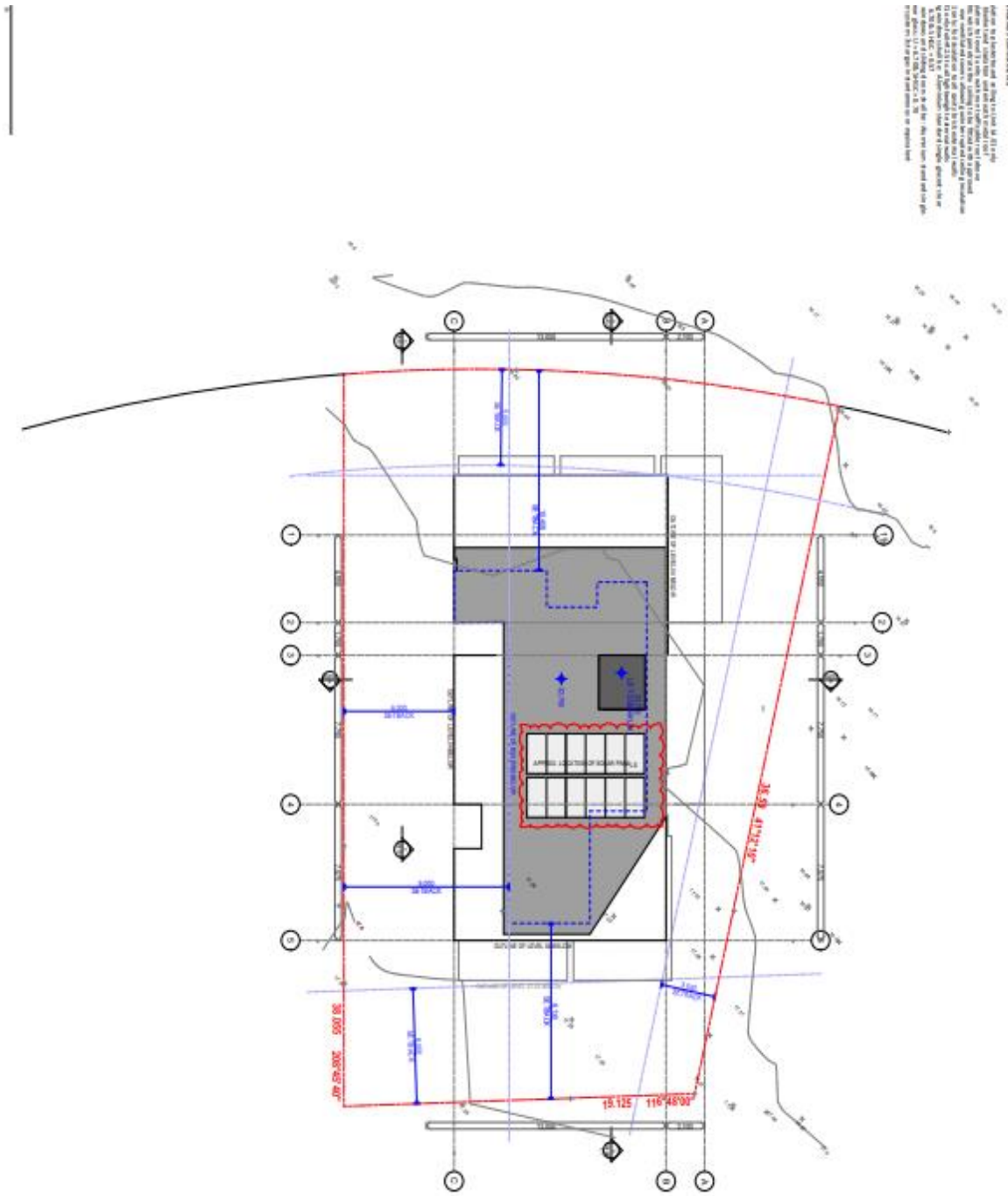
MOVA
 RESIDENTIAL FLAT BUILDINGS
 100, WATERLOO STREET, LIVERPOOL, L3 3DQ
 TEL: 0151 222 2222
 WWW.MOVA.CO.UK

FLOOR PLANS
 LEVEL 04
 DATE: 10/06/22
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

THE PLANNING APPLICATION IS THE PROPERTY OF URBAN LINK ARCHITECTS AND MOVA. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF URBAN LINK ARCHITECTS AND MOVA.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



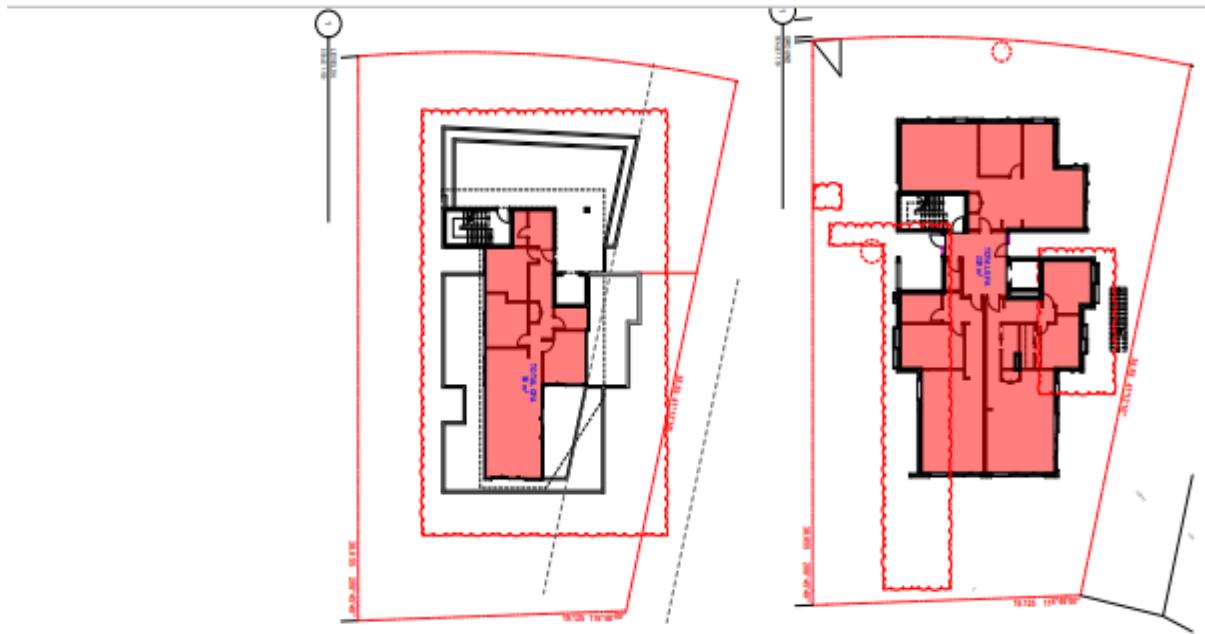
1:10
DATE: 27/06/2022
DRAWN BY: [Name]
CHECKED BY: [Name]
PROJECT: [Name]
SHEET: [Name]

URBAN LINK
FLOOR PLAN
DATE: 27/06/2022
DRAWN BY: [Name]
CHECKED BY: [Name]

URBAN LINK
FLOOR PLAN
DATE: 27/06/2022
DRAWN BY: [Name]
CHECKED BY: [Name]

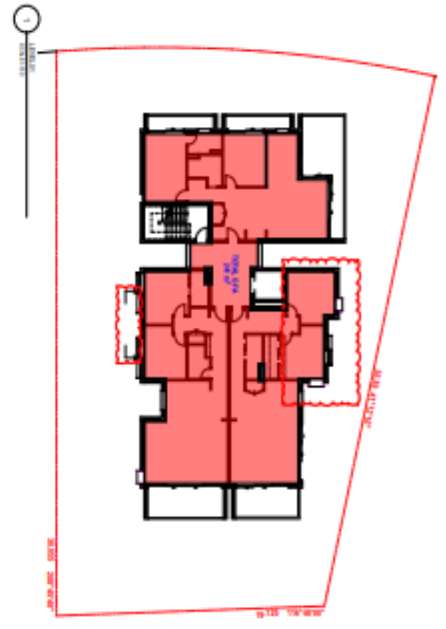
LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



| TYPE | AREA (sqm) | ALLOTTED | PROPOSED | STATUS |
|------------------|------------------|----------|-----------|--------|
| Site Area | 899 sqm | 1.20:1 | 1.20:1 | GREEN |
| Net Floor Area | 1,042 sqm | 1.20:1 | 1,042 sqm | GREEN |
| Gross Floor Area | 1,242 sqm | 1.20:1 | 1,242 sqm | GREEN |
| TOTAL | 1,242 sqm | | | |

TOTAL GFA

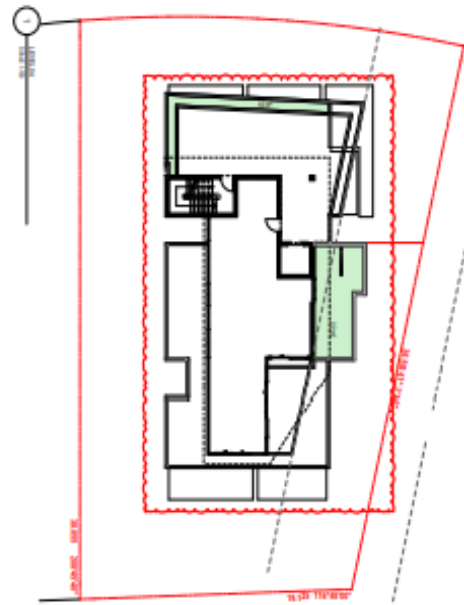
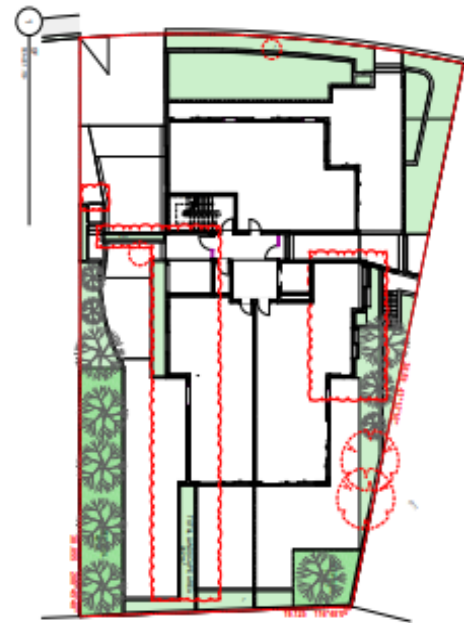
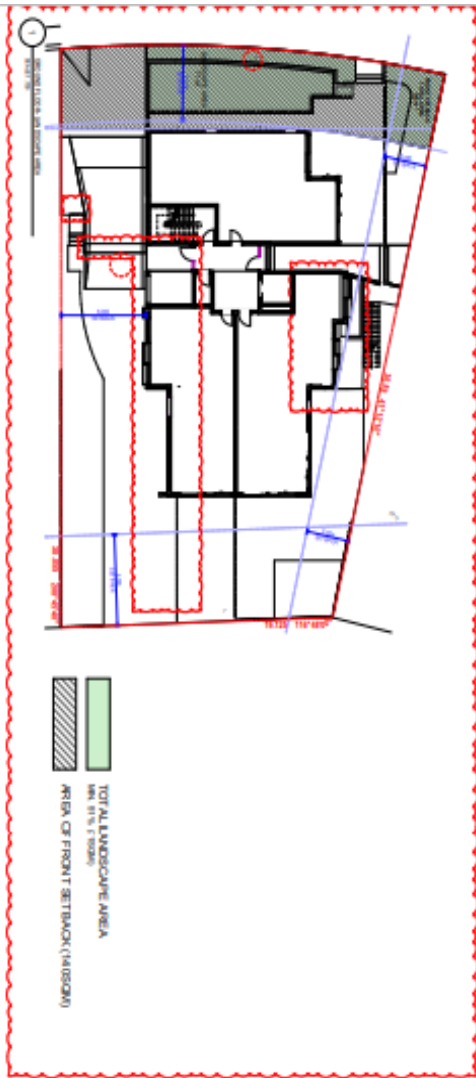


URBAN LINK
 11th Floor, 4, Victoria Street, Liverpool, L3 1AD
 Tel: 0151 236 2200
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

URBAN LINK - COMPLIANCE
 GFA OVERSHOOTS
 11th Floor, 4, Victoria Street, Liverpool, L3 1AD
 Tel: 0151 236 2200
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

4, Victoria Street, Liverpool, L3 1AD
 Tel: 0151 236 2200
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

4, Victoria Street, Liverpool, L3 1AD
 Tel: 0151 236 2200
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk



TOTAL LANDSCAPE AREA
 TOTAL DEEP SOIL AREA

1. 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

URBAN LINK
 CONSULTANTS
 11th Floor, 100, Victoria Street, Liverpool, L1 1JD
 Tel: 0151 236 2200
 Fax: 0151 236 2201
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

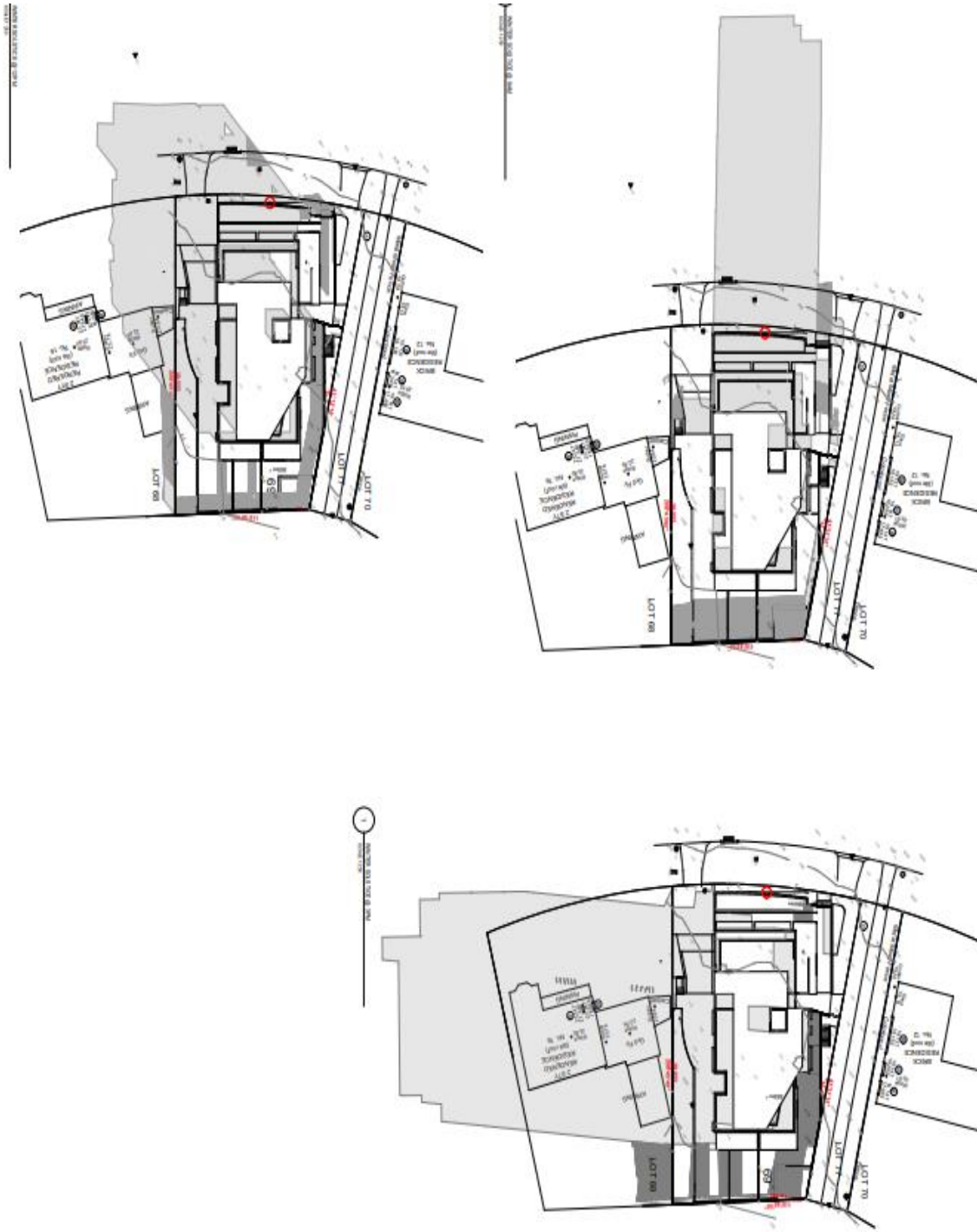
11th Floor, 100, Victoria Street, Liverpool, L1 1JD
 Tel: 0151 236 2200
 Fax: 0151 236 2201
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

11th Floor, 100, Victoria Street, Liverpool, L1 1JD
 Tel: 0151 236 2200
 Fax: 0151 236 2201
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

11th Floor, 100, Victoria Street, Liverpool, L1 1JD
 Tel: 0151 236 2200
 Fax: 0151 236 2201
 Email: info@urbanlink.co.uk
 Website: www.urbanlink.co.uk

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

Monday 27th June 2022



1 PEACH BRICKS MONTEBRAY BLUE OR SIMILAR



2 COLORBOND STEEL MANCHESTER RED METAL CLADDING OR SIMILAR



3 RENDER DULUX WIND WHITE (S1W15) OR SIMILAR



4 GLASS BALUSTRADE TFD



5 VERTICAL PRIVACY SCREENS TFD

URBAN LINK
RESIDENTIAL FLAT BUILDING
FINISHES SCHEDULE

URBAN LINK
RESIDENTIAL FLAT BUILDING
FINISHES SCHEDULE

DATE: 27/06/2022
DRAWN BY: DICKERT, A.
CHECKED BY: [Signature]
DESIGNER: [Signature]

ATTACHMENT 5 – DEP MINUTES



Minutes

**MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday 12th August 2021**

DEP PANEL MEMBERS PRESENT:

| | | |
|----------------|--------------|---------------|
| Matthew Taylor | Chairperson | Taylorbrammer |
| Ian Armstrong | Panel Member | Design Inc |
| Lee Hillam | Panel Member | Dunnhillam |

APPLICANT REPRESENTATIVES:

| | |
|-----------------|-----------------|
| Fulya Karabacak | Urban Link |
| Michael Farag | Owner |
| Ziad Boumelhem | Urban Link |
| Mark Butros | Pragma Planning |
| Nicholas Ancona | Owner |

OBSERVERS:

| | | |
|---------------|----------------------------|------------------------|
| Ariz Ashraf | Senior Urban Designer | Liverpool City Council |
| Patrick Curmi | Senior Development Planner | Liverpool City Council |

ITEM DETAILS:

Application Reference Number: DA-255/2021

Property Address: 14 McKay Avenue Moorebank

Council's Planning Officer: Patrick Curmi

Applicant: URBAN LINK PTY LTD

Proposal: Demolition of existing structures and the Construction of Residential Flat Building consisting of thirteen units of five levels over basement parking

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet. The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

NIL

3.0 PRESENTATION

The applicant presented their proposal for DA-255/2021, 14 McKay Avenue Moorebank.

4.0 DEP PANEL RECOMMENDATIONS

The nine design principles were considered by the panel in discussion of the Development Application. These are 1] **Context**, 2] **Built Form + Scale**, 3] **Density**, 4] **Sustainability**, 5] **Landscape**, 6] **Amenity**, 7] **Safety**, 8] **Housing Diversity + Social Interaction**, 9] **Aesthetics**.

The Design Excellence Panel makes the following recommendations in relation to the project:

4.1. Context

- Panel acknowledges that the proposed design responds to the surrounding context appropriately and the development outcome is heading in the right direction. Panel encourages the applicant to strive for design excellence through the detailed design stages of the development.
- Panel notes that the proposed pedestrian entry along the through site link is a positive outcome for the site. Panel recommends the applicant to consider appropriate treatments (i.e., additional landscaping, canopy trees, laneway lighting and layered planting) along the laneway/street frontages to address the same.

4.2. Built Form + Scale

- Panel notes that the building elevation proposes fixed privacy screens. Panel recommends the applicant to consider more operable screens to ameliorate the privacy issues with the neighbouring building and allow the residents to control the solar access to their units.
- Panel notes that some of the bedrooms within the proposed design might be smaller in size as per the minimum requirements. Panel requires the applicant to fully comply with the requirements of SEPP 65 Apartment Design Guide and provide bedroom sizes beyond the minimum requirements to achieve design excellence.
- Panel notes that the common toilet for Unit L4.01 has no external windows which is not acceptable. Panel recommends the applicant to incorporate a high sill glazing for the common toilet within unit L4.01.
- Panel notes that landing area in front of the lift door opening on roof level can be increased. Panel recommends the applicant to reconsider the arrangement of non-trafficable roof area in front of the lift opening to achieve a better design outcome.

4.3. Density

- Panel supports the overall density being proposed on site.

4.4. Sustainability

- Panel requires the applicant to incorporate sustainability measures (i.e., Photovoltaic Panels, rainwater harvesting systems, OSD measures, etc.) as part of the design and consider the climate of western Sydney while selecting the building materials for the site.

4.5. Landscape

- The Panel notes that the subject site has substantial potential for meaningful greening opportunities and recommends the applicant to provide additional canopy trees within the development. Panel requires the applicant to provide a landscape scheme for the public domain areas with appropriately scaled canopy trees for the area and layered planting along the street/laneway frontages.
- Panel notes that the landscape planting indicated in the 3D renders do not align with the landscape plans. Panel recommends the applicant to ensure that all drawings align with and present as a coordinated set and recommends the applicant to consider additional landscaping on the non-trafficable areas to achieve additional green cover.
- The Panel remarks that the current landscape design proposes extensive hard stand areas around the building (i.e., the paved COS area on the southern side of the building) and notes that the planting scheme is a scale where the built form dominates the site. Panel requires the applicant to incorporate additional softscape elements within the outdoor areas and provide appropriately scale sized canopy trees to add the landscape volume that would complement the overall built form. Areas that could benefit from further landscape is the COS to the southern side where the planter box could be increased to 3 metres in width and improve the form and useability of the COS. This would allow for further tree planting in this area. Similarly, the private open spaces adjacent could also be increased in width so as to form an appropriate location for trees in planter boxes and make a more substantial contribution to the public domain and area surrounding as part of the urban greening strategies for Sydney and the LGA.
- Panel notes that the location of bicycle parking and the design of the Communal Open Space (COS) on ground level can be improved. Panel recommends the applicant to relocate the bicycle parking within the basement level and refine the overall design of the communal areas around the building. Panel requires the applicant to consider providing larger garden areas within the Private Open Spaces (POS) for the ground floor units.
- Panel raises concern regarding the design of the COS at the roof level which might end up having ownership issues. Panel recommends the applicant to reconsider the design of the COS at roof level (i.e., make the COS larger by increasing the width, provide a wider /more visible connection from the lift and incorporate additional amenities for the residents (e.g., accessible toilets).
- Panel recommends the applicant to include upgrades to the laneway as part of the development (i.e., replace existing footpath and provide pedestrian lighting along the laneway). This will provide a further positive contribution to the site and to the immediate area by providing landscape benefits and amenity (shade, colour, texture)

- Panel reiterates that the landscaping along the lot boundary can be improved and requires the applicant to provide buffer planting with visual connections across the laneway to ensure passive surveillance from the units at ground level and therefore satisfying CPTED guidelines.

4.6. Amenity

- Panel notes that the apartment unit G03 on ground level has limited amenity. Panel recommends the applicant to consider appropriate measures to resolve amenity issues.
- The Panel recommends the applicant to review / ensure the privacy for bedrooms opening towards the communal areas and requires the applicant to provide adequate measures to resolve any minor inconsistencies.
- Panel requires the applicant to consider appropriate measures to ameliorate the impacts of noise emanating from the communal areas to the bedrooms on the ground level.

4.7. Safety

- Panel requires the applicant to consider CPTED guidelines (noted above) as part of the design and incorporate adequate measures to ensure passive surveillance and general safety for the residents.

4.8. Housing Diversity + Social Interaction

- Panel supports the unit mix being proposed on site.

4.9. Aesthetics

- Panel questions the treatments being proposed around the windows. Panel requires the applicant to consider appropriate materials to provide the required sun shading for the windows.
- Panel supports the brick façade of the building and notes that the rendered paint being used as part of the materiality of the building would not be a long-lasting outcome. Panel recommends the applicant to consider appropriate materials that would stand the test of time and age well with the building.

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The project is supported by the Panel. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.