

LOCAL PLANNING PANEL AGENDA

29 July 2024

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 29 July 2024

**To be held via
MS TEAMS**
Commencing at **2:00 PM**

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 450 803 858 47

Passcode: 32jmbD

Dial in by phone

[+61 2 9161 1229,,708687738#](tel:+61291611229708687738) Australia, Sydney

[Find a local number](#)

Phone conference ID: 708 687 738#

Submissions by the applicant and concerned parties will be considered at the meeting. 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 meeting 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 Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, Thursday the 25th July 2024.

For further information relating to the Local Planning Panel please refer to Council's web page:

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://www.liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

ITEM No.	SUBJECT	PAGE No.
1	<p>DEVELOPMENT APPLICATION DA-64/2007/F</p> <p>MODIFICATION TO DEVELOPMENT CONSENT DA-64/2007 UNDER SECTION 4.55(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO REVISE THE NORTHERN ALIGNMENT OF ROAD 4, REPOSITION THE ROUNDABOUT WITHIN THE INTERSECTION WITH SOUTHERN CROSS DRIVE (ROAD 7).</p> <p>LOT 2 DP 1207518, LOT 3 DP 1207518, LOT 4 DP 1207518, LOT 5 DP 1207518, LOT 6 DP 1207518, LOT 12 DP 1108343, LOT 1 DP 1078564, LOT 102 DP 1128111</p> <p>MIDDLETON GRANGE TOWN CENTRE LOTS 2-6 FLYNN AVENUE, MIDDLETON GRANGE; 60 HALL CIRCUIT, MIDDLETON GRANGE; LOT 1 SEVENTEENTH AVE EAST, MIDDLETON GRANGE LOT 102 SIXTEENTH AVE EAST, MIDDLETON GRANGE</p>	4 - 114
ITEM No.	SUBJECT	PAGE No.
2	<p>DEVELOPMENT APPLICATION DA-470/2022/A</p> <p>MODIFICATION TO DEVELOPMENT CONSENT DA-470/2022/A UNDER SECTION 4.56 OF THE <i>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</i>, TO AMEND THE SUBDIVISION LAYOUT AND REMOVE 1 RESIDENTIAL LOT RESULTING IN 20 RESIDENTIAL LOTS AND 1 RESIDUE LOT AND TO REMOVE TO CONSTRUCT 12 DWELLINGS THAT WERE APPROVED ORIGINALLY.</p> <p>STAGE 1 TORRENS TITLE SUBDIVISION TO CREATE 17 RESIDENTIAL LOTS AND TWO RESIDUE LOTS, BEING PROPOSED LOT 16 FOR A TEMPORARY OSD BASIN AND TEMPORARY TURNING HEAD TO BE FURTHER SUBDIVIDED INTO 3 RESIDENTIAL LOTS IN STAGE 2, AND ONE RESIDUE SUPERLOT (PROPOSED LOT 19) THAT WILL BE SUBJECT OF A FUTURE DEVELOPMENT CONSENT, SITE REMEDIATION, DAM DE-WATERING AND DEMOLITION, CONSTRUCTION OF ROADS, TREE REMOVAL AND ASSOCIATED CIVIL WORKS.</p> <p>STAGE 2 DECOMMISSIONING AND REHABILITATION OF TEMPORARY OSD AND TEMPORARY TURNING HEAD AND TORRENS TITLE SUBDIVISION OF PROPOSED LOT 16 TO CREATE 3 RESIDENTIAL LOTS.</p> <p>LOT 22 DP 1286912</p> <p>140 SIXTH AVENUE, AUSTRAL</p>	115 - 307

Item Number:	1
Application Number:	DA-64/2007/F
Proposed Development:	<p>Modification to Development Consent DA-64/2007 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 to revise the northern alignment of Road 4, reposition the roundabout within the intersection with Southern Cross Drive (Road 7).</p> <p><u>Approved Application DA-64/2007</u> Subdivision of existing lots into eight (8) Torrens title lots, four (4) public reserve lots, three (3) residue lots and associated roads and drainage works.</p> <p><u>Approved Modification Application DA-64/2007/A</u> Subdivision of existing lots into seven (7) Torrens title lots, four (4) public reserve lots, two (2) residue lots and associated roads, intersection and pedestrian treatment and drainage works.</p> <p><u>Refused Modification Application DA-64/2007/B</u> Modification to Development Consent DA-64/2007 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposed: realignment of internal roads, additional intersection and widening, redesign of Rene Avenue, creation of Bravo Avenue, reconfiguration of open space and pedestrian linkages and change trunk drainage from channel to box culverts.</p> <p><u>Approved Modification Application DA-64/2007/C</u> Modification to Development Consent DA-64/2007 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposes: realignment of internal roads, additional intersection and widening, redesign of Rene Ave, creation of Bravo Avenue, reconfiguration of open space and pedestrian linkages and change trunk drainage from channel to box culverts.</p> <p><u>Approved Modification Application DA-64/2007/D</u> Modification to Development Consent DA-64/2007 under Section 4.55 of the Environmental Planning and Assessment Act 1979. The changes are as follows:</p> <ul style="list-style-type: none"> • Delete Road 10. • Amend existing stormwater drains to run along Flynn Avenue instead of through the middle of the subject site and neighbouring property. <p><u>Approved Modification Application DA-64/2007/E</u> Modification to Development Consent DA-64/2007 under Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979. The modification seeks a change to consent Condition 7.1, which is to be</p>

	renumbered and relocated in the consent from Part "C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" to be a requirement under Part "F. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE"
Property Address	Middleton Grange Town Centre Lots 2-6 Flynn Avenue, Middleton Grange; 60 Hall Circuit, Middleton Grange; Lot 1 Seventeenth Ave East, Middleton Grange Lot 102 Sixteenth Ave East, Middleton Grange
Legal Description:	Lot 2 DP 1207518, Lot 3 DP 1207518, Lot 4 DP 1207518, Lot 5 DP 1207518, Lot 6 DP 1207518, Lot 12 DP 1108343, Lot 1 DP 1078564, Lot 102 DP 1128111
Applicant:	Pacific Planning Pty Limited
Land Owner:	Manta Group Ltd Al-Somai Developments Pty Ltd Liverpool City Council
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Darren Laybutt – GAT & Associates

1. EXECUTIVE SUMMARY

The subject Modification Application is to modify Development Consent DA-64/2007 under Section 4.55(1A) of the Environmental Planning & Assessment Act 1979.

The original Development Application, DA-64/2007, was approved by Liverpool City Council on 5 October 2007 for the "*subdivision of existing lots into eight (8) Torrens title lots, four (4) public reserve lots, three (3) residue lots and associated roads and drainage works.*" The application has been modified four times with the latest approval on 5 December 2022.

The subject modification seeks a realignment of Road 4 and repositioning of the roundabout within the intersection of Road 4 and Southern Cross Drive (Road 7) on land associated with the future Middleton Grange Town Centre, legally known as Lots 2-6 in DP 1207518, Lot 1 in DP 1078564, Lot 12 in DP 1108343 and Lot 102 in DP 1128111.

The modification application was lodged on 23 January 2024.

The proposed modification has arisen through detailed traffic modelling of the Middleton Grange Town Centre and the modifications are sought to ensure the long-term adequacy of the road intersection design – specifically, to 2048.

The Development Application was required to be notified in accordance with the Liverpool City Council Community Engagement Strategy 2022. The development application was advertised and notified between 7 February 2024 and 6 March 2024. No submissions were received.

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 7 December May 2022, as the development falls in the category of:

- Conflict of interest – the Council is the landowner.

The proposed modification involves the design of one intersection, including the location of the roundabout and the road alignment leading to it. The extent of modification and its impacts are considered within this assessment report and have been determined the application to be substantially the same as the original application and is of a minor environmental impact, thus satisfying the test under Section 4.55(1A) of the Environmental Planning & Assessment Act 1979.

Based on the assessment, the proposed modification is recommended for approval subject to amended and additional conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The subject site and locality

The subject site is known as the Middleton Grange Town Centre and comprises eight (8) Torrens title lots which are legally defined as:

- Lots 2, 3, 4 and 5 in DP 1207518
- Lot 1 in DP 1078564
- Lot 12 in DP 1108343
- Lot 102 in DP 1128111

The site has a total area of 69,040m² with a frontage of 200.5m to the north and 220m to the south. The site is identified in Figure 1 below.

The site has a mixture of land zonings as identified in the Land Zoning Map below. Specifically, the site is zoned R1 General Residential, E1 Local Centre, SP2 Drainage and RE1 Public Recreation.



Figure 1 – Aerial view of the locality (Source: Mecone Mosaic)

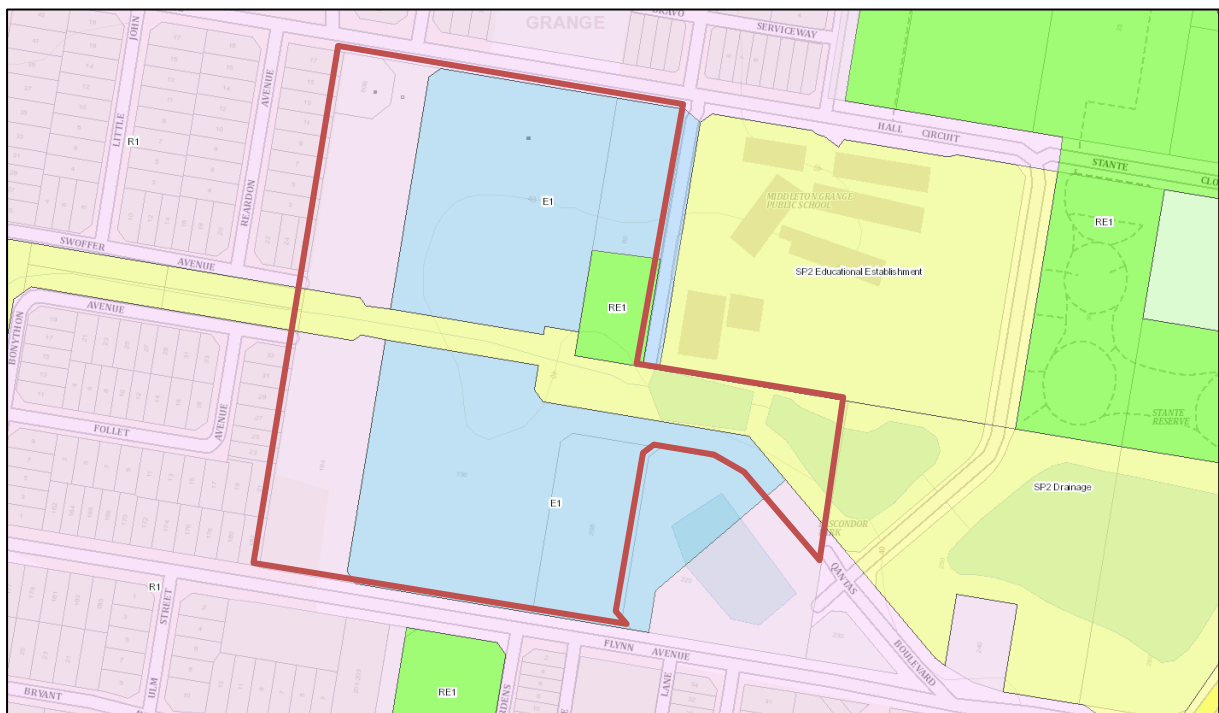


Figure 2 – Land Zoning Map (Source: NSW Planning Portal EPI Viewer)

The works associated with the approvals on the land have commenced. Refer to the photos below.



Figure 3 – Photo of the site from Flynn Avenue



Figure 4 – View of drainage work from



Figure 5 – View of the site from Southern Cross Avenue



Figure 6 – View of the intersection of Southern Cross Avenue and Briggs Avenue, the location of the future roundabout

The locality is well progressed in the redevelopment from rural residential to predominantly low density residential. As Figure 1 illustrates, the immediate surroundings have largely already been developed with the few remnants of rural residential properties remaining.

Adjoining the site to the east is Middleton Grange Public School.

Lots 2, 3, 4, 5 and 6 in DP 1207518, Lot 1 in DP 1078564 & Lot 12 in DP 1108343 are burdened by an S88B restriction imposed under DA-74/2015. The restriction requires:

“Development Applications shall not be considered or determined on the burdened lots until such time as Council (and other relevant authorities) have approved a Planning

Proposal for a rezoning and revised street network layout for the Middleton Grange Town Centre. The revised street network layout shall include a link road (north-south direction) connecting Flynn Avenue and Southern Cross Avenue.”

The proposal is for a Section 4.55 modification and not a development application. No conflict arises.

3. BACKGROUND/HISTORY

Applications have been submitted in relation to the subdivision and road network associated with the Middleton Grange Town Centre. The history is summarised below.

- DA-64/2007 – Subdivision of existing lots into eight (8) Torrens title lots, four (4) public reserve lots, three (3) residue lots and associated roads and drainage works. Approved on 5 October 2006.
- DA-64/2007/A – Subdivision of existing lots into seven (7) Torrens title lots, four (4) public reserve lots and two (2) residue lots and associated roads, intersection and pedestrian treatment and drainage works. Approved on 1 February 2008.
- DA-64/2007/B – Modification to Development Consent DA-64/2007 under section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposed: realignment of internal roads, additional intersection and widening, redesign of Rene Ave, creation of Bravo Avenue, reconfiguration of open space and pedestrian linkages and change trunk drainage from channel to box culverts. Withdrawn on 21 February 2020.
- DA-64/2007/C – Modification to Development Consent DA-64/2007 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to allow for the realignment of internal roads, additional intersections and widening, re-design of Rene Avenue, creation of Bravo Avenue, re-configuration of open space and pedestrian linkages, and change of trunk drainage from channel to culvert. Approved on 22 May 2020.
- DA-64/2007/D – Modification to Development Consent DA-64/2007 under Section 4.55 of the Environmental Planning and Assessment 1979. The changes are as follows: delete Road 10; Amend existing stormwater drains to run along Flynn Avenue instead of through the middle of the subject site and neighbouring property. Approved on 28 November 2022.
- DA-64/2007/E – Modification to Development Consent DA-64/2007 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The Modification seeks a change to consent Condition 7.1, which is to be renumbered and relocated in the consent from Part "C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" to be a requirement under Part "F. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE." Approved on 5 December 2022.

The initial approved subdivision and road network design and the most recent design are in Figures 7 and 8 below.

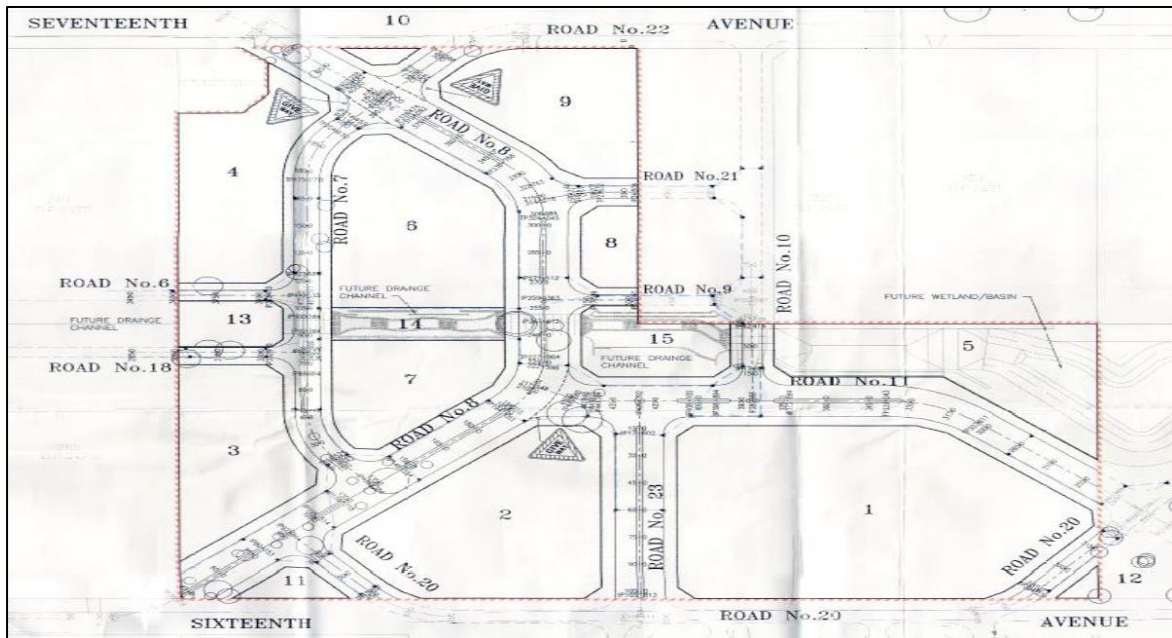


Figure 7 – DA-64/2007 – approved subdivision and roads design

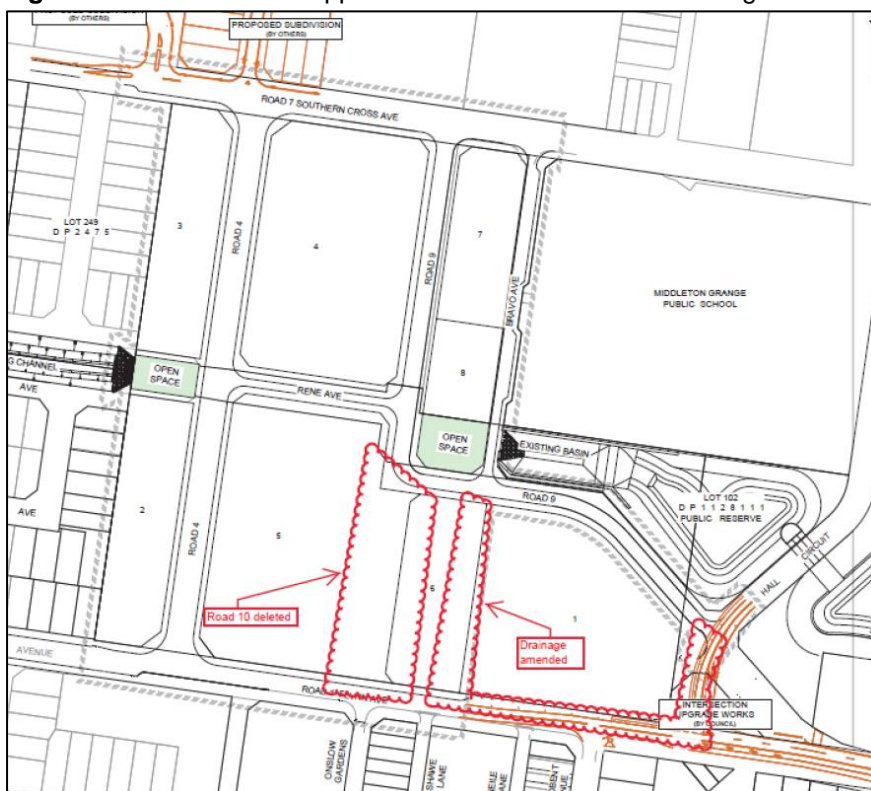


Figure 8 – DA-64/2007/E – approved subdivision and roads design

A separate application (DA-74/2015) was submitted for the subdivision of existing lots into eight Torrens title lots and was approved on 1 April 2015. The approved subdivision reflects the current layout and an extract of the approved plan is below.

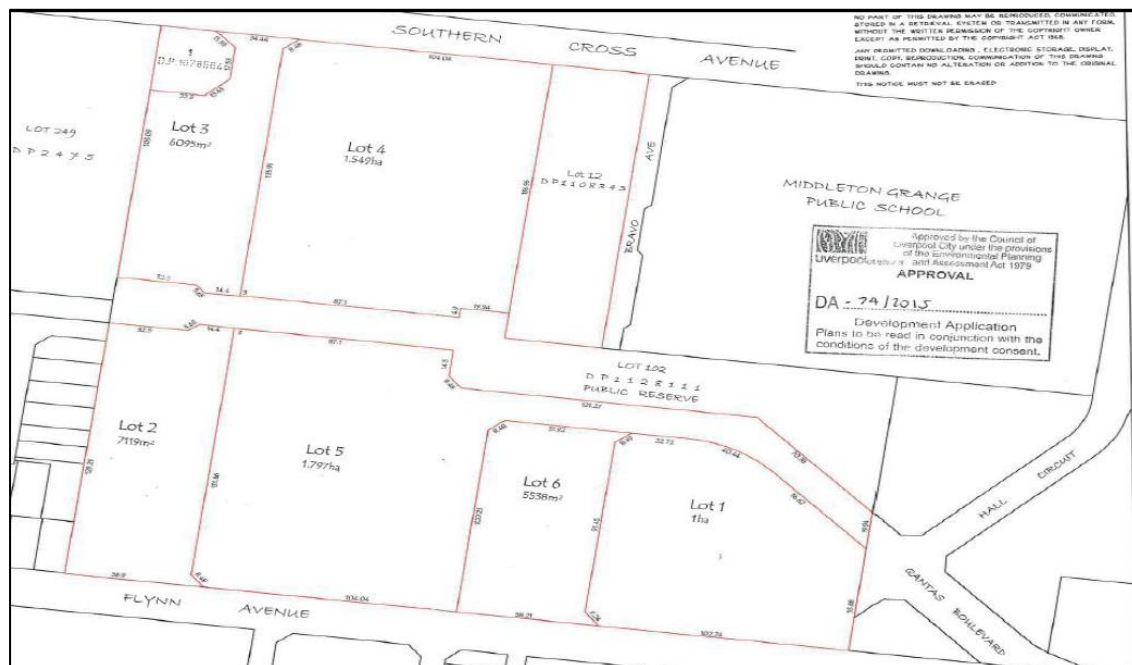


Figure 9 – DA-74/2015 – approved eight (8) lot Torrens title subdivision layout

A separate development application for Torrens title subdivision of 3 lots into 26 residential lots and the construction of associated roads including a rear laneway was lodged on 13 December 2023 (DA-637/2023). The application remains under assessment; however, this subdivision has factored in the proposed modification to realign the roads and roundabout as it affects the R1 General Residential zoned land.

The subject modification was lodged on 23 January 2024 and due to Council, the landowner of the roads associated with the application, the assessment has been conducted by an external consultant.

A preliminary assessment of the application required a request for additional information letter to be issued. The letter was issued on 28 March 2024 and requested:

- To provide an updated subdivision plan reflecting the revised road alignment; and,
- To clarify the extent of modification works given the submitted Traffic Analysis prepared by Bitzios Consulting also referred to the installation of traffic signals at Flynn Avenue / Main Street (Road 4) and recommended upgrading the northern pedestrian crossing of Flynn Avenue / Main Street to a shared pedestrian and cyclist crossing.

A response was received on 22 April 2024 clarifying that:

- The subdivision of Lots 2 and 3 is being progressed with Council separately through a Section 138 application under the Roads Act 1993 and has been advanced in a fashion that has factored in the road realignment.
- It is not sought to seek approval for the traffic signals or the pedestrian crossing upgrades as part of this modification.

The application was referred to internal departments and to Transport for NSW (TfNSW) and support has been given subject to conditions.

The application has been assessed based on the information submitted to date and is recommended for approval subject to conditions.

4. DETAILS OF THE PROPOSAL

The subject Section 4.55(1A) Modification is submitted to revise the northern alignment of Road 4 to suit the repositioning of the roundabout at the intersection of Road 4 and Southern Cross Drive (Road 7). The alignment of Southern Cross Drive is also adjusted to suit the amended roundabout location.

Reference should be made to Figures 8 and 10 for a comparison between the approved and proposed overall site plans, and Figures 11 and 12 for the approved and proposed roundabout and road alignment design.

The modification has arisen through a Traffic Control Signal Design assessment for the Middleton Grange Town Centre undertaken by Bitzios Consulting. The assessment determined modest adjustments to the roundabout would improve the intersection performance in the long term and minimise the need to adjust road alignments, kerb and gutter at that time traffic signals would be required (approximately required in 2048).

While it is noted the Traffic Control Signal Design assessment has led to other recommendations for the road network, these do not form part of this application.

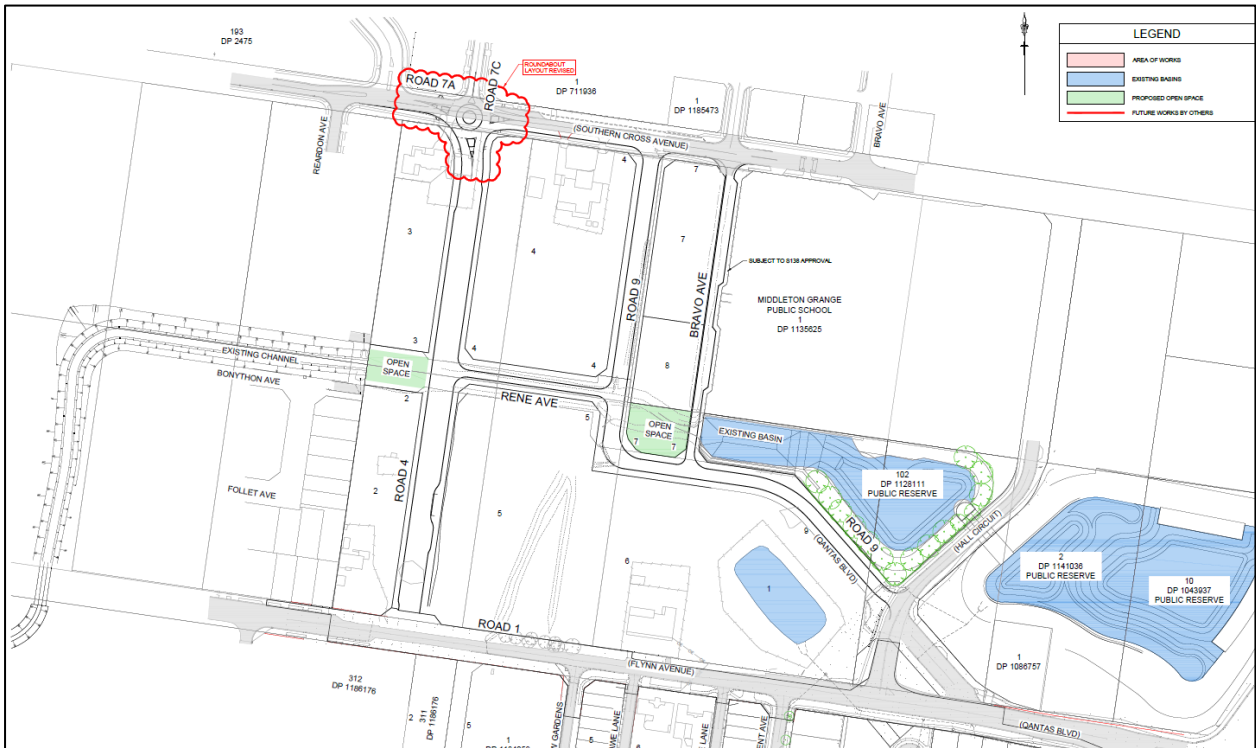


Figure 10 – Proposed modification site plan (Source: J. Wyndham Prince)

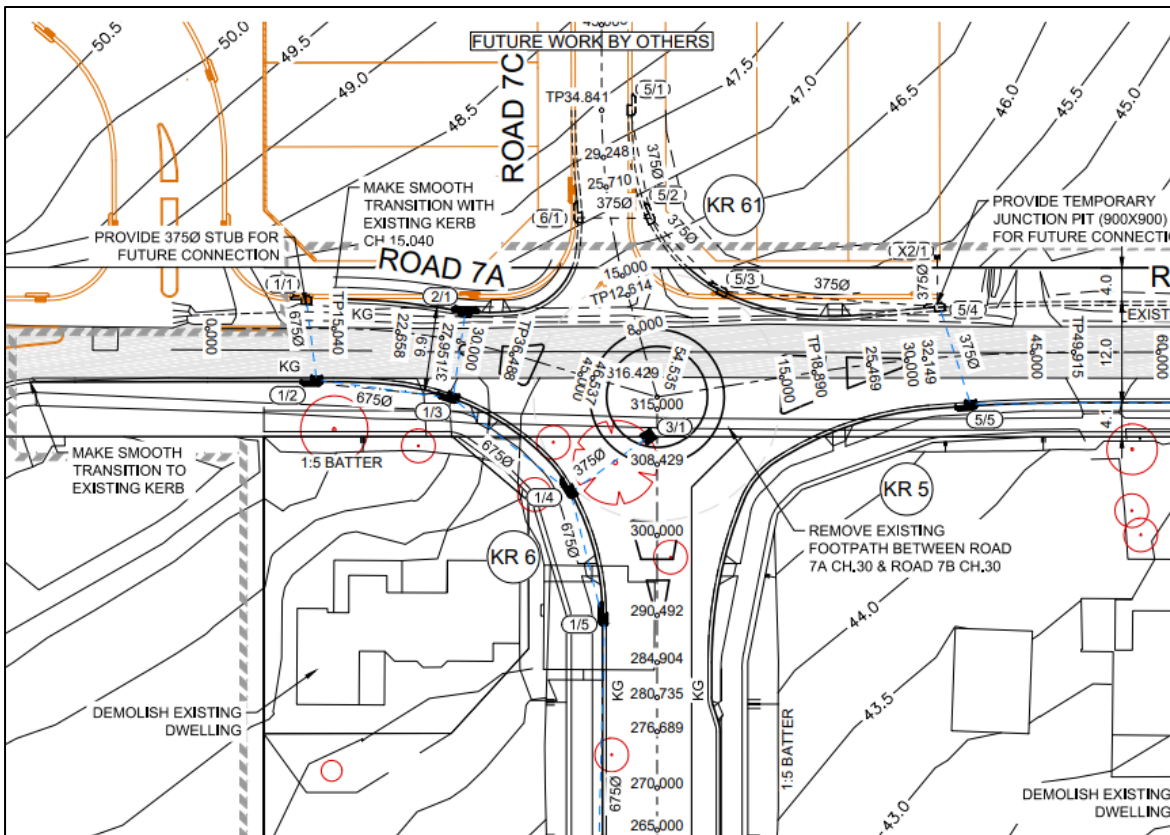


Figure 11 – DA-64/2007/D – most recent approved roundabout and road alignment design

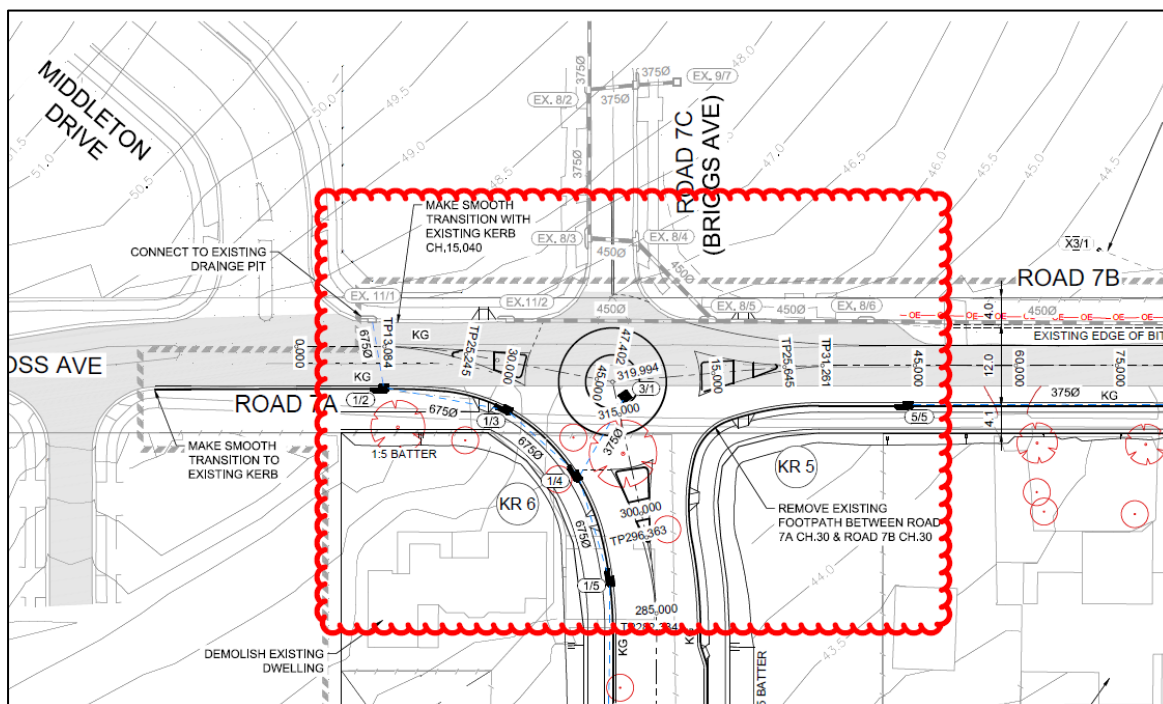


Figure 12 – Proposed modification to the roundabout and road alignment (Source: J. Wyndham Prince)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following planning instruments/policies applicable to the proposed development area as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008
 - Part 1: General Controls for All Development.
 - Part 2.5: Land Subdivision and Development in Middleton Grange

6. ASSESSMENT

6.1 Section 4.55 of the Environmental Planning & Assessment Act 1979

This application has been lodged pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act) 1979 and it is considered that the development as amended can be determined under Section (1A) of the EP&A Act 1979, which states as follows:

“(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: Pursuant to subclause (a) of the above extract, the proposal must first be of minimal environmental impact.

The assessment of the application in the following sections of this report has determined that the proposal would have minimal environmental impact. In essence, the modification solely relates to an adjustment of the intersection design at Southern Cross Avenue, Briggs Avenue and Road 4 (Main Street). It does not cause any meaningful impacts on the broader original application for Torrens title subdivision, road construction and drainage work. There are no built, environmental, social or economic impacts which arise from the modification which have not already been assessed. The application satisfies the ‘minimal environmental impact’ test.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: Pursuant to subclause (b) of Section 4.55(1A), the proposed modification must be substantially the same as the development to which the consent was originally granted. The application seeks a marginal shift to the roundabout within the intersection and its associated effect on the road alignment adjustments to suit. The scope of the modifications is modest and has no meaningful effect on the broader original application. The application remains for subdivision, road construction and drainage work, now simply taking into consideration the anticipated future traffic impacts up to the year 2048 in the final intersection design.

There is no further change to the number of lots or roads and the development is substantially the same.

(c) it has notified the application in accordance with—

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.”

Comment: Pursuant to subclause (c) and (d), the application was notified for a period of 28 days in accordance with Council’s Community Participation Plan 2019 and no submissions were received.

The application can be considered under Section 4.55(1A) of the EP&A Act 1979.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance of the development, the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: Relevant matters of Section 4.15(1) have been taken into consideration, as detailed below. It is also noted that the proposed modification is consistent with the original granting of development consent and the reasons provided for the grant of consent are satisfactory in respect to the modifications sought under this application. Additional conditions would be required for the amendments made, however, this does not alter the reasons made for the decision of the development application and the subsequent modifications.

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

In accordance with Section 4.55(3) of the EP&A Act 1979, this modification application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 including the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the reasons for approval provided under the original consent.

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

Pursuant to Section 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.

Section 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to	the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and	<p>The original consent issued under DA-64/2007 considered matters of contamination and was satisfactory at the time.</p> <p>Further, in DA-64/2007/C, an addendum to the Preliminary Site Investigation was submitted and supported, stating that the land was at low risk of contamination but would require further investigation and remediation. The original and addendum contamination documents (including a Stage 2 Detailed Site Investigation) were assessed and conditioned prior to a construction certificate.</p> <p>The subject modification does not require further consideration of contamination on the site.</p>
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.
(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.	Existing conditions of consent require the remediation of land per the recommendations in the approved contamination assessment.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of Chapter 4 of SEPP (Resilience and Hazards) 2021.

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

The subject land is located within the Georges River Catchment and as such, Chapter 6 Water Catchments applies to land within the Georges River Catchment and aims to maintain and improve water quality.

The proposed modification would make minimal amendments to the engineering and stormwater management aspects of the proposal. It is advised that, Council's Land Development Engineer has reviewed the modified proposal and raised no objections with no new conditions required. Accordingly, the proposed development as amended is considered to meet the objectives of the SEPP and is unlikely to negatively impact the environmental quality of the Georges River Catchment.

(c) Liverpool Local Environmental Plan 2008

(i) Zoning

An extract of the zoning map was provided in Figure 2 of this report and as indicated the subject site contains different zones. The proposal is subject to R1 General Residential and E1 Local Centre zoned land as prescribed by the Liverpool Local Environmental Plan (LLEP) 2008.

(ii) Permissibility

The modification involves a realignment to the approved road network and a consequent minor adjustment to the approved lots. Subdivision is permissible through Clause 2.6 of LLEP 2008, while a 'road' is defined in LLEP 2008 as:

“road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.”

The proposal satisfies this definition. Roads are listed as permissible with consent in the R1 General Residential and E1 Local Centre zones. The modification remains permissible.

(iii) Objectives of the Zone

The objectives of the R1 General Residential zone are:

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

The proposed modification is considered to still be consistent with the objectives of the zone. The parent application was the first step in the development of the Middleton Grange Town Centre, which also would involve the provision of additional residential development in the R1 General Residential zoned portion of the site. The modification further assists with achieving the objectives of the zone through the efficient delivery of road infrastructure.

The objectives of the E1 Local Centre zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.*
- *To maximise public transport patronage and encourage walking and cycling.*

Similarly, the proposed modification would remain consistent with the objectives of the E1 zone through the efficient delivery of road infrastructure furthering the development of the Middleton Grange Town Centre and future commercial and residential developments.

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*
- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

The proposed modification to Development Consent DA-64/2007 is considered to remain consistent with the objectives of the zone in that it would enable land to be used for public open space or recreational purposes. The extent of the modification does not impact on the RE1 zoned land.

The objectives of the SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To reserve land for the provision of infrastructure.*

The proposed modification to Development Consent DA-64/2007 is considered to remain consistent with the objectives of the zone in that the proposal provides for infrastructure and related uses. The extent of the modification does not impact on the SP2 zoned land.

(iv) Principal Development Standards

LLEP 2008 contains principal development standards which are relevant to the proposal.

As no built form is proposed in this application, there are development standards not referenced such as Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio.

Development Provision	Requirement	Proposed	Comment
Part 4 Principal Development Standards			
4.1 Minimum Subdivision Lot Size	R1 zone: 300m ² (Area 1) E1 zone: 1,000m ²	The realignment of the road network has a negligible effect on the approved Torrens title lots. The lot sizes are all over 1,000m ² .	Complies
Part 5 Miscellaneous Provisions			
5.1 Relevant Acquisition Authority	Community Facility (E1) (see map below)	The modification does not affect the portion of the land identified for future acquisition.	N/A
5.21 Flood Planning	Development consent must not be granted within the flood planning area unless the development will not adversely affect flood behaviour.	Council's Floodplain Engineer has raised no concerns with the modification as it does not impact on the land that is flood affected.	Complies
Part 7 Additional Local Provisions			
7.31 Earthworks	Consent is required for earthworks	Minimal changes occur to cut/fill levels to facilitate the revised roundabout position and road alignment. Council's Engineer has raised no concern.	Complies
7.42 Development of Middleton Grange Town Centre	This clause applies to the following land— (a) Lots 2–5 and 6, DP 1207518, (b) Lot 1, DP 1078564, (c) Lot 12, DP 1108343, (d) Lot 102, DP 1128111.	Although the subject site is the land specified in the clause, the clause itself relates to development yield including total dwellings, floor area, etc. Not relevant to this modification solely for the broad scale subdivision, roads and drainage.	N/A

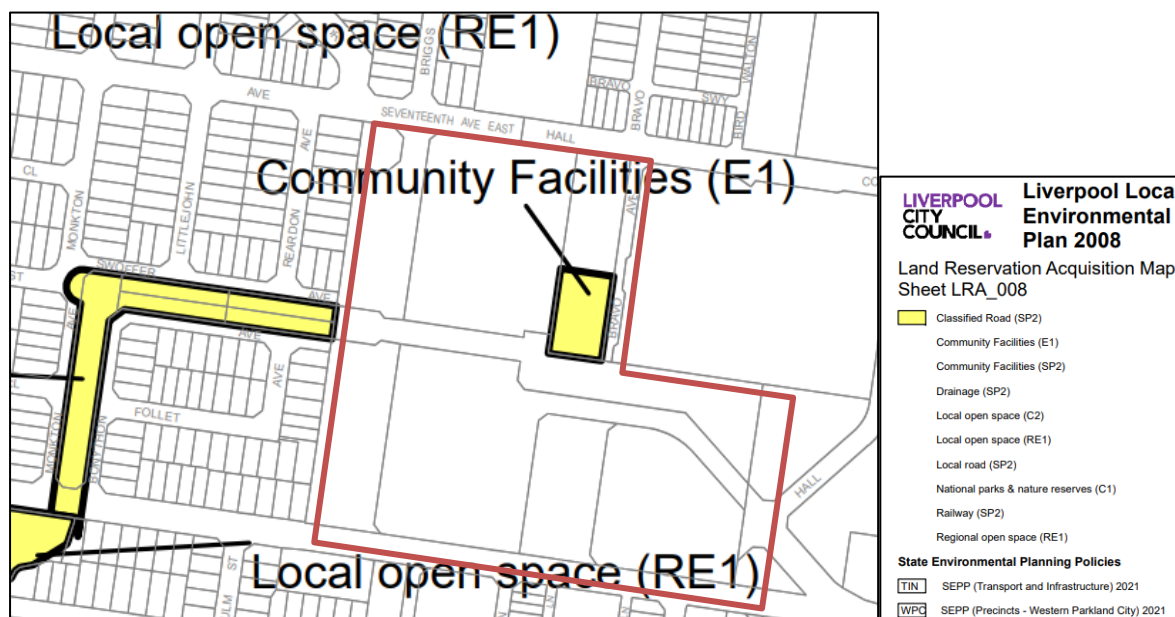


Figure 13 – Land Acquisition Map (NSW Legislation website)

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

There are no draft Environmental Planning Instruments (EPIs) that affect the assessment of this application.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the relevant controls of the LDCP 2008, particularly:

- Part 1: General Controls for all Development
- Part 2.5: Land Subdivision and Development in Middleton Grange

Only the relevant controls for the modification are discussed in the tables below and separate tables have been provided for the different parts of LDCP 2008.

The proposal is generally compliant with the LDCP 2008.

The first table refers to the controls within Part 1 of the LDCP 2008.

LDCP 2008 – Part 1: General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No additional impacts on trees.	Complies
Section 5 – Bushfire Risk	Consideration of bushfire.	The site is partly identified as bushfire prone land, but not within the area of the modified road and roundabout.	Not applicable.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	The modified engineering plans have been reviewed by Council's Land Development Engineer who have no objections.	Complies
Section 7 – Development Near a Watercourse	Consideration of impact on riparian corridors	The modification works are located more than 40m from a watercourse.	Not applicable
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment and erosion control details have been submitted with the modified engineering plans and would be conditioned to ensure appropriate management during works.	Complies by condition
Section 9 – Flooding Risk	Flood affection of property to be considered	A portion of the site near the SP2 Drainage land is flood affected and the area of the modification is not within the flood affected land. Council's Flooding Engineer reviewed the modification and no additional flooding matters were raised.	Complies

The below table refers to the controls within Part 2.5 of the LDCP 2008.

LDCP 2008 – Part 2.5: Land Subdivision and Development in Middleton Grange			
Control	Requirement	Proposed	Comment
Section 2.1 – Street Network	The subdivision of land, design and layout of streets shall be in accordance with Figures 2-3. All streets shall be designed and constructed in accordance with Figures 2, 3 and 4	The currently approved road network deviates from Figures 2-3 and has been previously deemed acceptable. The roundabout and associated road realignments are substantially the same as approved and do not raise any further considerations in relation to appropriate street networks. Council's Traffic Engineer supports the modified proposal.	Complies

6.5 Section 4.15(1)(a) (iia) – Planning Agreement or any Draft Planning Agreement

A Voluntary Planning Agreement (VPA) is in place regarding road upgrades and open space. The proposed modification does not conflict the matters contained within the agreement.

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

The proposed modification is consistent with the provisions of the Environmental Planning and Assessment Regulation 2021.

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

Natural & Built Environment

The proposed modification has no additional impact on the natural or built environments, being a realignment of a road and roundabout to deliver an optimised traffic flow outcome. The proposal is substantially the same and would remain subject to appropriate conditions of consent for construction works.

Social Impacts and Economic Impacts

No negative social or economic impacts would occur. The proposal seeks to reduce future roadworks for traffic signals and optimise the intersection design, a positive outcome to minimise disruption and costs in the future. The modification assists in the orderly development of the site.

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

The subject site remains suitable for the approved land use and the modification has been assessed to have no significant adverse impacts on neighbouring properties or the broader area.

6.9 Section 4.15(1)(d) - Any submissions made in relation to the Development.

(a) Internal Referrals

The following comments have been received from Council's internal departments:

DEPARTMENT	COMMENTS
Land Development Engineer	Supported.
Flooding	No change to flooding considerations.
Traffic and Transport	Supported subject to conditions.

(b) External Referrals

The following comments have been received from external authorities:

AGENCY	COMMENTS
Transport for NSW	Provided a condition of consent to ensure the traffic control signals are designed to meet TfNSW requirements. Refer to the below.

Transport for NSW (TfNSW)

The Traffic Control Signal Design assessment undertaken by Bitzios Consulting in referencing Traffic Control Signals triggered a referral to Transport for NSW (TfNSW) under Section 87(4) of the Roads Act 1993. A referral response was issued on 2 April 2024 which provided a condition of consent requiring any traffic control signals to be designed to meet TfNSW and Austroads Guide to Road Design.

The request for additional information sent to the applicant included a request for clarification on whether the signals were being sought for approval now. It was clarified that the applicant was not seeking consent for the signals, but that the traffic study considered the future intersection performance and design including when the signals would be required. Consequently, the application does not involve and does not require the concurrence of TfNSW.

Therefore, the modification no longer requires consideration under the Roads Act 1993.

(c) Community Consultation

The development application was required to be notified in accordance with Liverpool City Council Community Engagement Strategy 2022. The development application was advertised and notified between 7 February 2024 and 6 March 2024. No submissions were received.

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

The proposal as amended would remain not to be contrary to the public interest.

7. CONCLUSION

The application has been assessed having regard to the provisions of Sections 4.15, 4.55(1A) and (3) of the EP&A Act 1979 the EPIs, including applicable SEPPs, LLEP 2008, LDCP 2008, and relevant codes and policies of Council.

The proposal is considered to have sufficiently demonstrated that the proposed modification is substantially the same as originally approved and has minor environmental impacts. Furthermore, the proposal has sufficient merit available to enable a recommendation of approval.

8. RECOMMENDATION

That application DA-64/2007/F for a modification to Development Consent DA-64/2007 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 to revise the northern alignment of Road 4 and reposition the roundabout within the intersection with Southern Cross Drive (Road 7), be **approved** by the Liverpool Local Planning Panel as the

consent authority, pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, subject to modified conditions of consent and additional conditions.

9. RECOMMENDATION

That Modification Application No. DA-64/2007/F be **approved subject to amended conditions of consent and additional conditions.**

ATTACHMENTS

1. Draft Modification Notice of Determination
2. Civil Plans
3. Traffic Report
4. Statement of Environmental Effects

DRAFT MODIFICATION NOTICE OF DETERMINATION DA-64/2007/F**SECTION 4.55 MODIFICATION OF DEVELOPMENT CONSENT**

(In accordance with the provisions under Section 4.55 of the EP&A Act 1979)

Address: Lot 3 Seventeenth Ave East, Middleton Grange (Lot 3 DP 1207518); Lot 4 Seventeenth Ave East, Middleton Grange (Lot 4 DP 1207518); 60 Hall Circuit, Middleton Grange (Lot 12 DP 1108343); Lot 2 Flynn Avenue, Middleton Grange (Lot 2 DP 1207518); Lot 5 Sixteenth Ave East, Middleton Grange (Lot 5 DP 1207518); Lot 6 Sixteenth Ave East, Middleton Grange (Lot 6 DP 1207518); Lot 1 Seventeenth Ave East, Middleton Grange (Lot 1 DP 1078564); and Lot 102 Sixteenth Ave East, Middleton Grange (Lot 102 DP 1128111)

SECTION 4.55(1A) MODIFICATION TO DEVELOPMENT CONSENT DA-64/2007

I am writing to advise you that Council has determined your Section 4.55(1A) application, DA-64/2007/F to modify DA-64/2007, which was approved for:

Subdivision of existing lots into eight (8) Torrens title lots, four (4) public reserve lots, three (3) residue lots and associated roads and drainage works.

The modification seeks:

Modification to Development Consent DA-64/2007 under section 4.55(1A) of the Environmental Planning and Assessment Act 1979 to revise the northern alignment of Road 4, reposition the roundabout within the intersection with Southern Cross Drive (Road 7).

The modification is approved under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Accordingly, Development Consent No. DA-64/2007 has now been amended as follows (***edits in bold and italic***):

1. Condition 1.1 is to be amended to read as follows:**General Conditions**

1.1 Development must be carried out generally in accordance with the following plans and documents, except where modified by the undermentioned conditions:

a) Plans prepared by J Wyndham Prince, including the following:

Title	Plan No.	Revision	Dated
Overall Site Plan	9979-04-CC003	F	16/03/23
Typical Road Cross Sections Sheet 1	9979-04-CC008	D	18/02/22
Typical Road Cross Sections Sheet 2	9979-04-CC009	C	18/02/22
Cut and Fill Plan	9979-04-CC010	D	18/02/22
Engineering Plan Sheet 1	9979-04-CC011	F	05/10/23
Engineering Plan Sheet 2	9979-04-CC012	F	16/03/23



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871
Call Centre 1300 36 2170 Email lcc@liverpool.nsw.gov.au
Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

Engineering Plan Sheet 3	9979-04-CC013	D	28/09/21
Site Sections Sheet 1	9979-04-CC031	D	18/02/22
Site Sections Sheet 2	9979-04-CC032	D	18/02/22
Site Sections Sheet 3	9979-04-CC033	D	18/02/22
Site Sections Sheet 4	9979-04-CC034	D	18/02/22
Road Long Sections Sheet 1	9979-04-CC101	E	16/03/23
Road Long Sections Sheet 2	9979-04-CC102	E	16/03/23
Road Long Sections Sheet 3	9979-04-CC103	D	18/02/22
Road Long Sections Sheet 4	9979-04-CC104	E	16/03/23
Soil and Water Management Plan	9979-04-CC700	E	16/03/23
Soil and Water Management Notes and Details	9979-04-CC701	D	18/02/22

b) Flynn Avenue Middleton Grange Town Centre TCS Design – Traffic Analysis prepared by Bitzios Consulting, File P6160.001T, dated 05/10/2023.

2. Conditions 10.7 is amended to read as follows:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Intersection Treatments and Detailed Design Drawings

10.7 A revised traffic impact assessment report including network sidra intersection performance analysis, with intersection treatments including traffic signal controls along Flynn Avenue and/or South Crossing Avenue (Seventeenth Avenue East) or roundabout along South Crossing Avenue (Seventeenth Avenue East) for the ultimate development.

Detailed design of the required intersection treatments at the following intersections treatments are to be submitted to Council Traffic & Transport Section, and for endorsement of the associated detailed designs by the Liverpool Pedestrian, Active Transport and Traffic Committee, prior to the issue of the construction certificate.

- Road 3 / Flynn Ave / Onslow Gardens
- Southern Cross Avenue (Seventeenth Ave East) / Road 3
- Southern Cross Avenue (Seventeenth Ave East) / Road 4
- Flynn Avenue/Road 4 and Bryant Avenue intersections;
- Flynn Avenue/Road 10 intersection;
- Road 10/Road 9 intersection;
- Southern Cross Avenue/Road 4 intersection;
- Southern Cross Avenue/Road 9 intersection;
- Road 9/Hall Circuit intersection; and
- Road 9/Bravo Avenue intersection.

Approved road works including intersection treatments are to be completed to Council's satisfaction prior to the release of the subdivision certificate.



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871
Call Centre 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au
Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and linemarking in the existing and/or proposed public domain.

The plans should include, but not be limited to:

- **Local Area Traffic Management Plan (LATM) which outlines traffic facilities, signs and line marking, bicycle and pedestrian facilities and all intersection treatments within the town centre and detailed designs.**
- **The proposed roundabout at the intersection of Southern Cross Avenue and Main Street**
- **Interim priority intersection at Flynn Avenue and Main Street with**
 - **a right turn bay, approximately 120mts long on the eastern approach of Flynn Avenue;**
 - **restricted parking in the kerbside lane along the southern side of Flynn Avenue to provide a through movement lane; and**
 - **left-in / left-out arrangement at Flynn Avenue / Onslow Garden to prohibit vehicles turning right.**
- **For the ultimate intersection treatment, the applicant is to submit a design layout for traffic signals at the intersection of Flynn Avenue and Main Street to be installed prior to the occupation of the commercial and retail development in the town centre.**
- **The detailed designs as referred to above are to be submitted to Council for referral to the LTC for its support and Council's approval.**

Note: Approval is required from Transport for NSW for proposed traffic signals.

Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted to Council for approval using [Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form](#). The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.

3. Conditions 10.8 and 10.9 are to be inserted to read as follows:

Bus Stops

- 10.8 Possible Bus Stop locations are to be discussed with the local bus companies and are to be designed in accordance with bus company requirements including incorporating the requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.**



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170
 All correspondence to Locked Bag 7064 Liverpool BC NSW 1871
 Call Centre 1300 36 2170 Email lcc@liverpool.nsw.gov.au
 Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

Road Works

10.9 Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.

4. Conditions 23A and 23B are to be inserted to read as follows:

PRIOR TO ANY WORK COMMENCING ON THE SITE**Works Zone**

23A. A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.

A [Works Zone Application Form](#) is available on Council website and can be lodged online by attaching all required documents indicated on the application form.

Road Occupancy Permit

23B. Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form.

- [Road Occupancy Application Form](#)
- [Road Opening Application Form](#)

5. Condition 30.6 is to be inserted to read as follows:

DURING CONSTRUCTION/WORKS**Council On Street Assets**

30.6 Council's on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council's satisfaction.

6. Advice Condition (x) is to be inserted to read as follows:

(x) Transport for New South Wales has advised that any future Traffic Control Signal/s at the intersection of Flynn Avenue / Main Street (Road 4) shall be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170
 All correspondence to Locked Bag 7064 Liverpool BC NSW 1871
 Call Centre 1300 36 2170 Email lcc@liverpool.nsw.gov.au
 Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW requirements. The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a construction certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter a Works Authorisation Deed (WAD) for the abovementioned works.

All other conditions of Development Consent DA-64/2007 and Modification Applications DA-64/2007/A, DA-64/2007/C, DA-64/2007/D and DA-64/2007/E remain unchanged.

Note: This determination notice is strictly for changes sought under Modification Application DA-64/2007/F. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

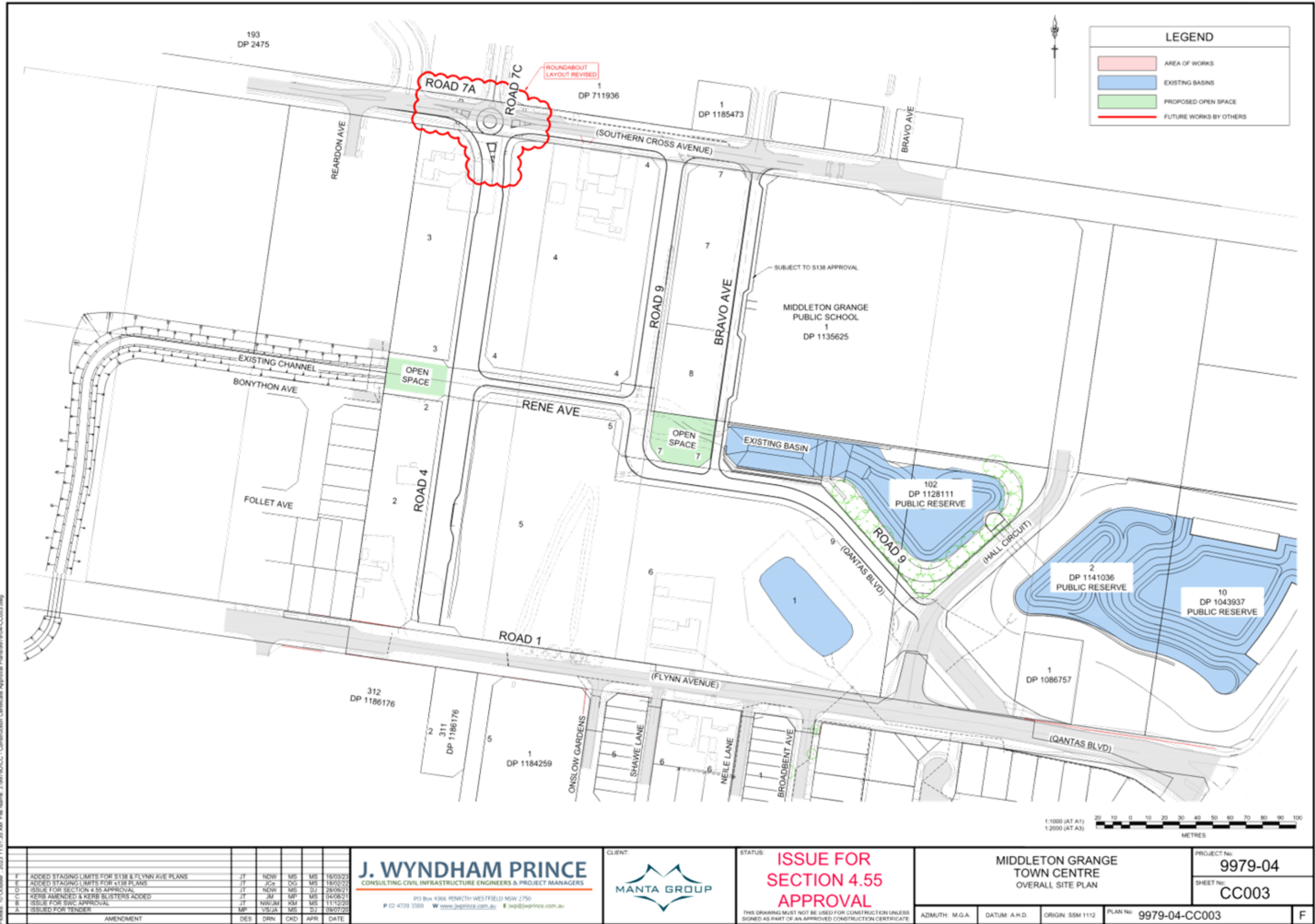
- (a) *Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).*

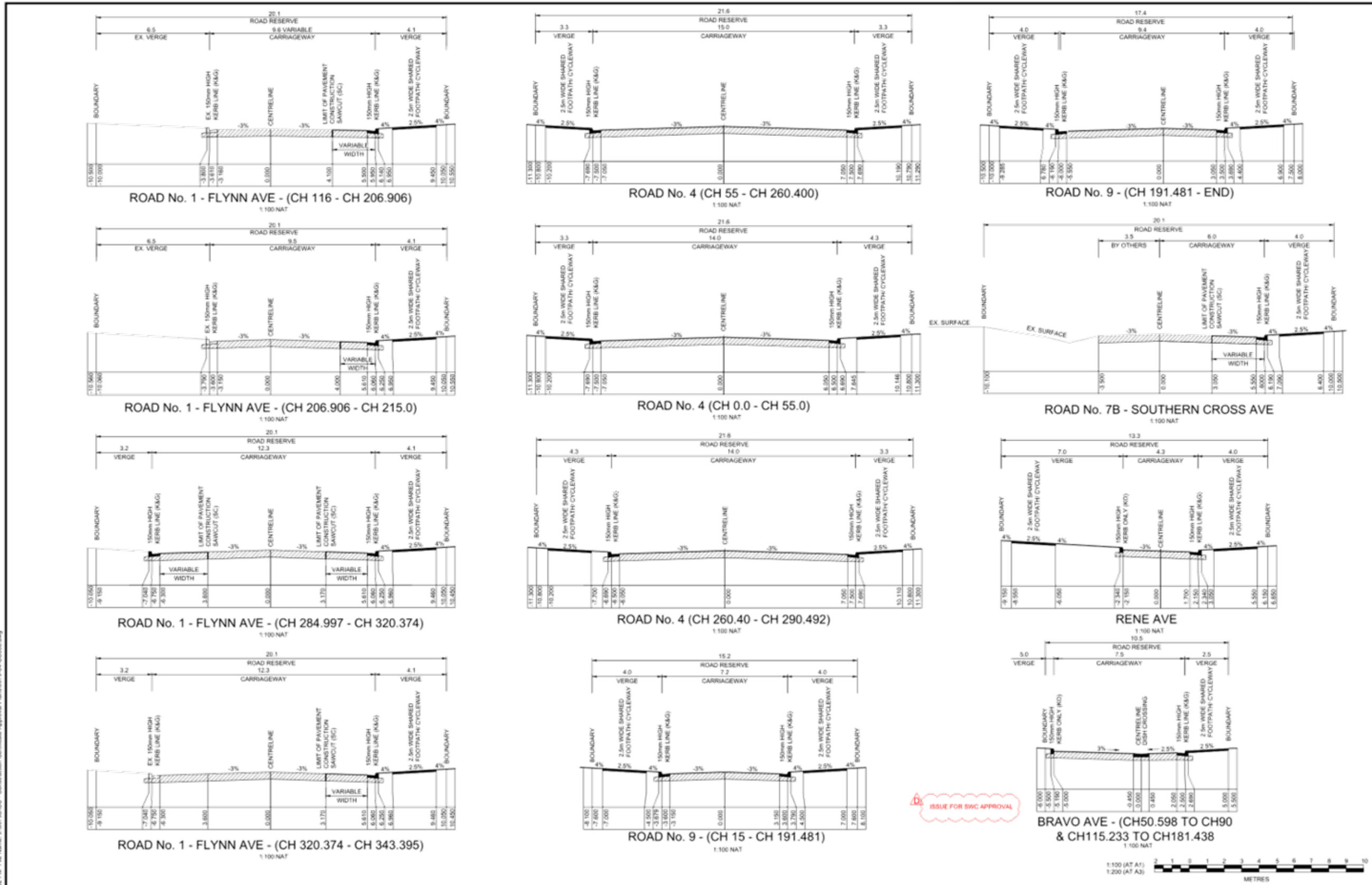
Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (b) *Sections 8.9 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months after:*
- a. *the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application or,*
 - b. *the date on which the applicant's application is taken to have been determined in accordance with regulations made under section 8.5 (3), 4.55 (6).*
- (c) *The Section 4.55 Modification Application does not extend the timeframe of the development consent initially granted by Council.*
- (d) *Modification of the development consent does not remove the need to obtain any other statutory consent necessary under the Act.*



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871
Call Centre 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au
Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471





ISSUE FOR SWC APPROVAL

Project: 6 October 2023 5:01:52 PM File Name: J:\9979-04-CC - Construction Certificate Approval Plans\9979-04-CC008.dwg

ID	ISSUE FOR SWC APPROVAL	JT	JCA	DC	MS	18/02/23
C	ISSUE FOR SECTION 4.55 APPROVAL	JT	NDW	MS	DJ	28/09/21
B	ISSUE FOR SWC APPROVAL	JT	NDW	MS	MS	11/12/20
A	ISSUED FOR TENDER	MF	12/12/24	MS	MS	13/07/20
AMENDMENT	DES	DRN	CHKD	APR	DATE	

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jpwprince.com.au E jwp@jpwprince.com.au

CLIENT: **MANTA GROUP**

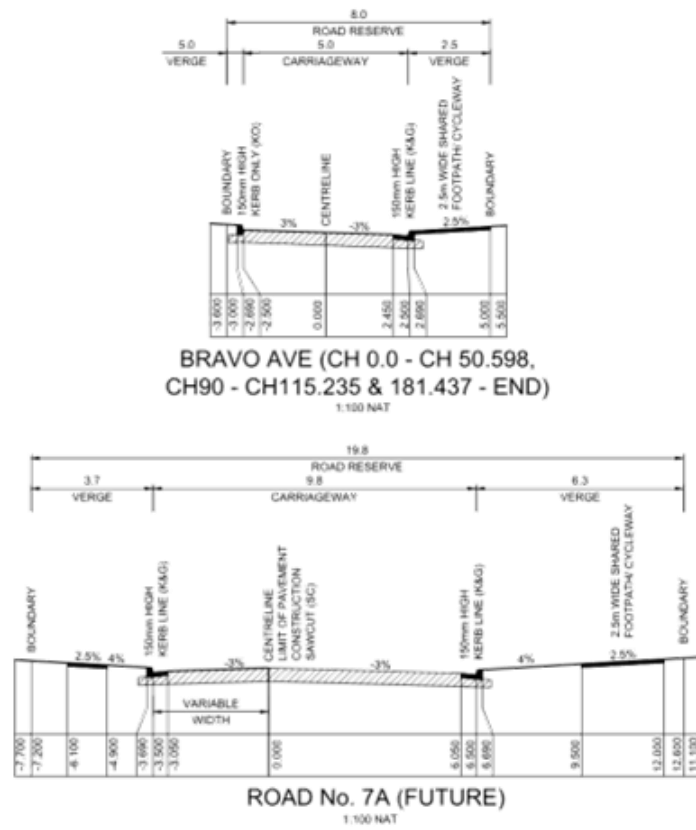
STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

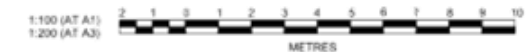
MIDDLETON GRANGE TOWN CENTRE
TYPICAL ROAD CROSS SECTIONS
SHEET 1

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC008

PROJECT No: **9979-04**
SHEET No: **CC008**



ISSUE FOR SWC APPROVAL



Printed: 6 October 2023 5:01:38 PM File Name: J:\9979\9979-04-CC009.dwg

REV	DESCRIPTION	DES	DRN	CHKD	APPR	DATE
C	ISSUE FOR SWC APPROVAL	JT	JCS	DG	MS	18/02/23
B	ISSUE FOR SECTION 4.55 APPROVAL	JT	NDW	MS	DJ	28/09/21
A	ISSUE FOR SWC APPROVAL	JT	NZU/BJL	KM	ME	11/12/20

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

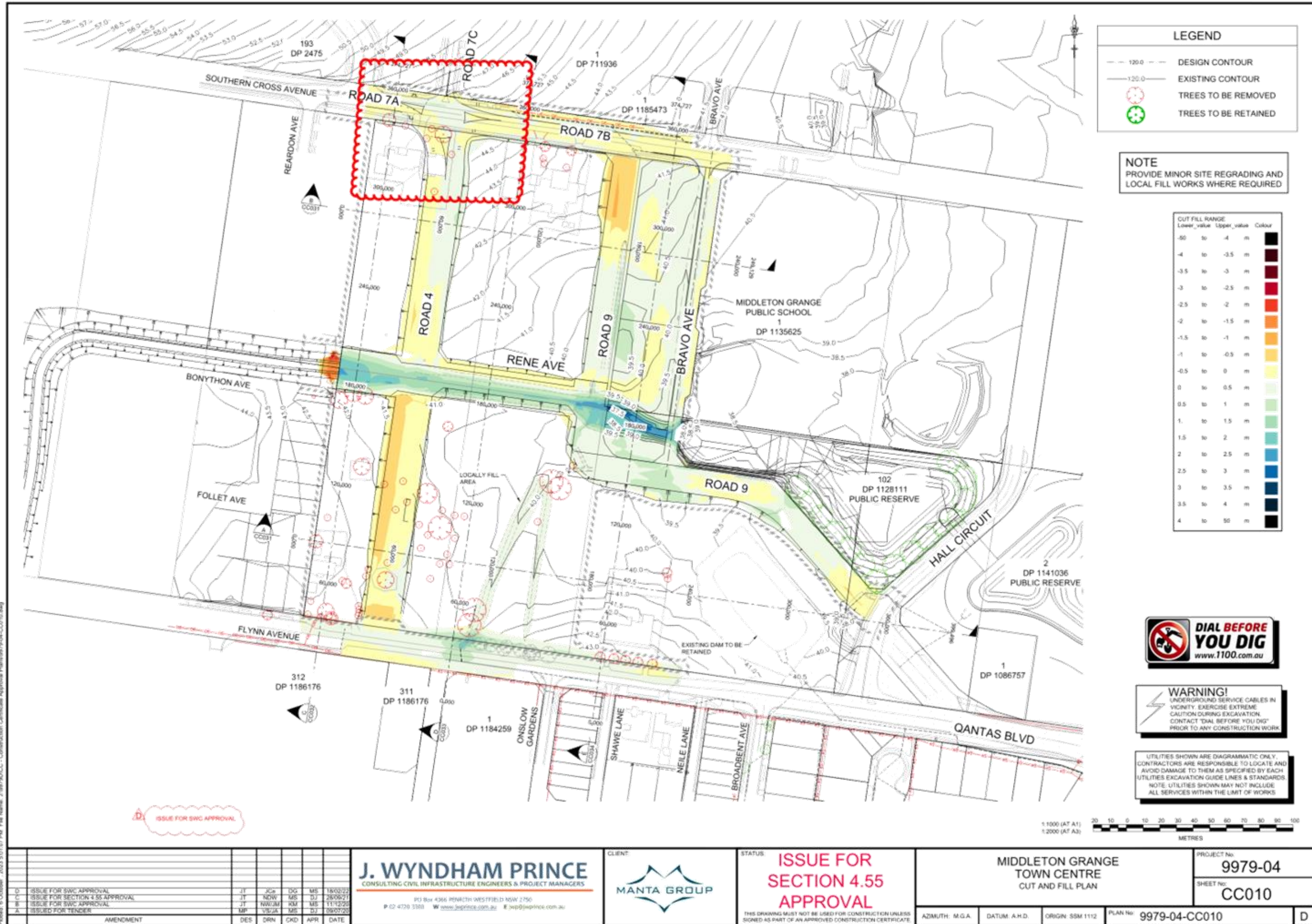
STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

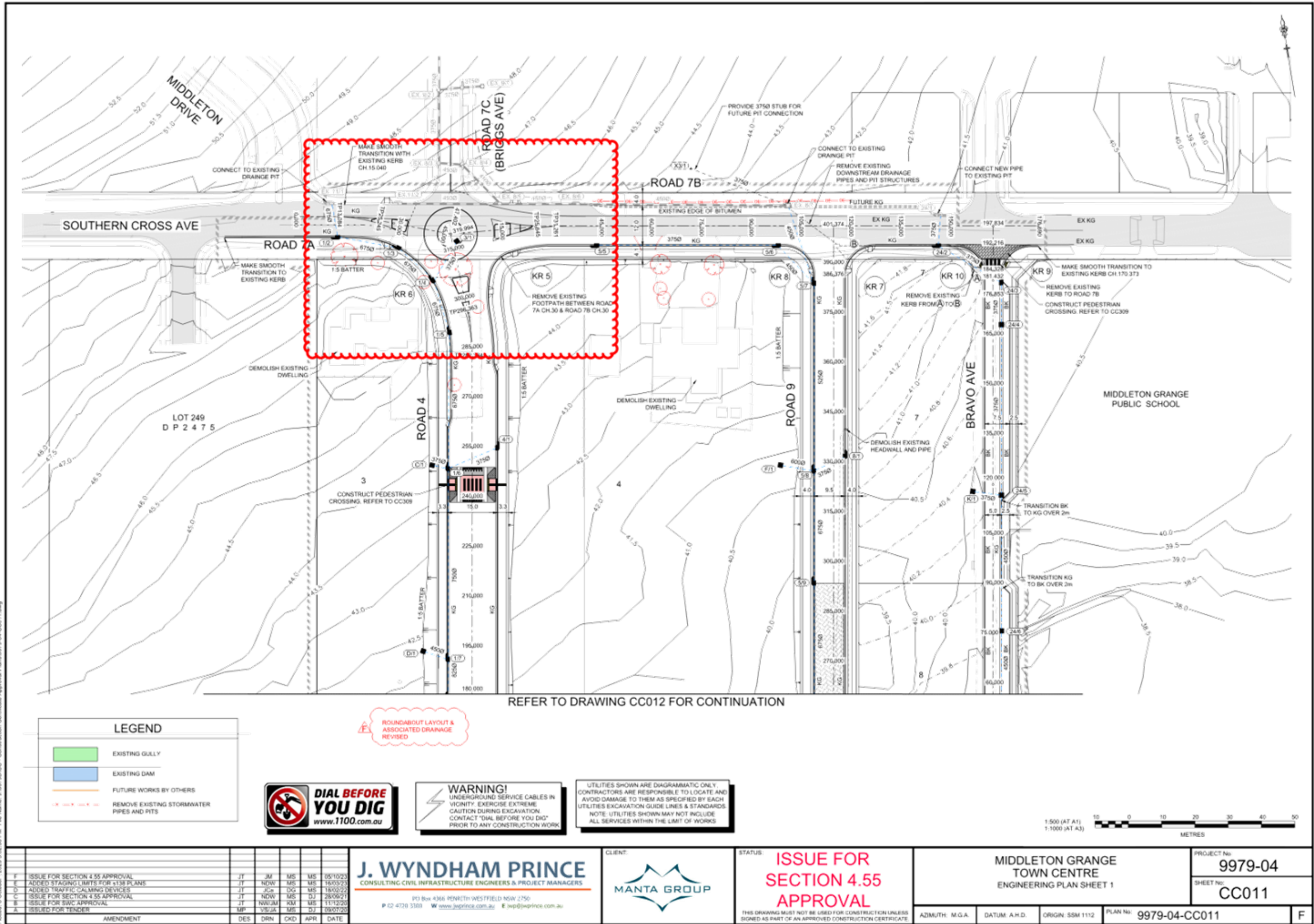
MIDDLETON GRANGE TOWN CENTRE
TYPICAL ROAD CROSS SECTIONS
SHEET 2

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC009

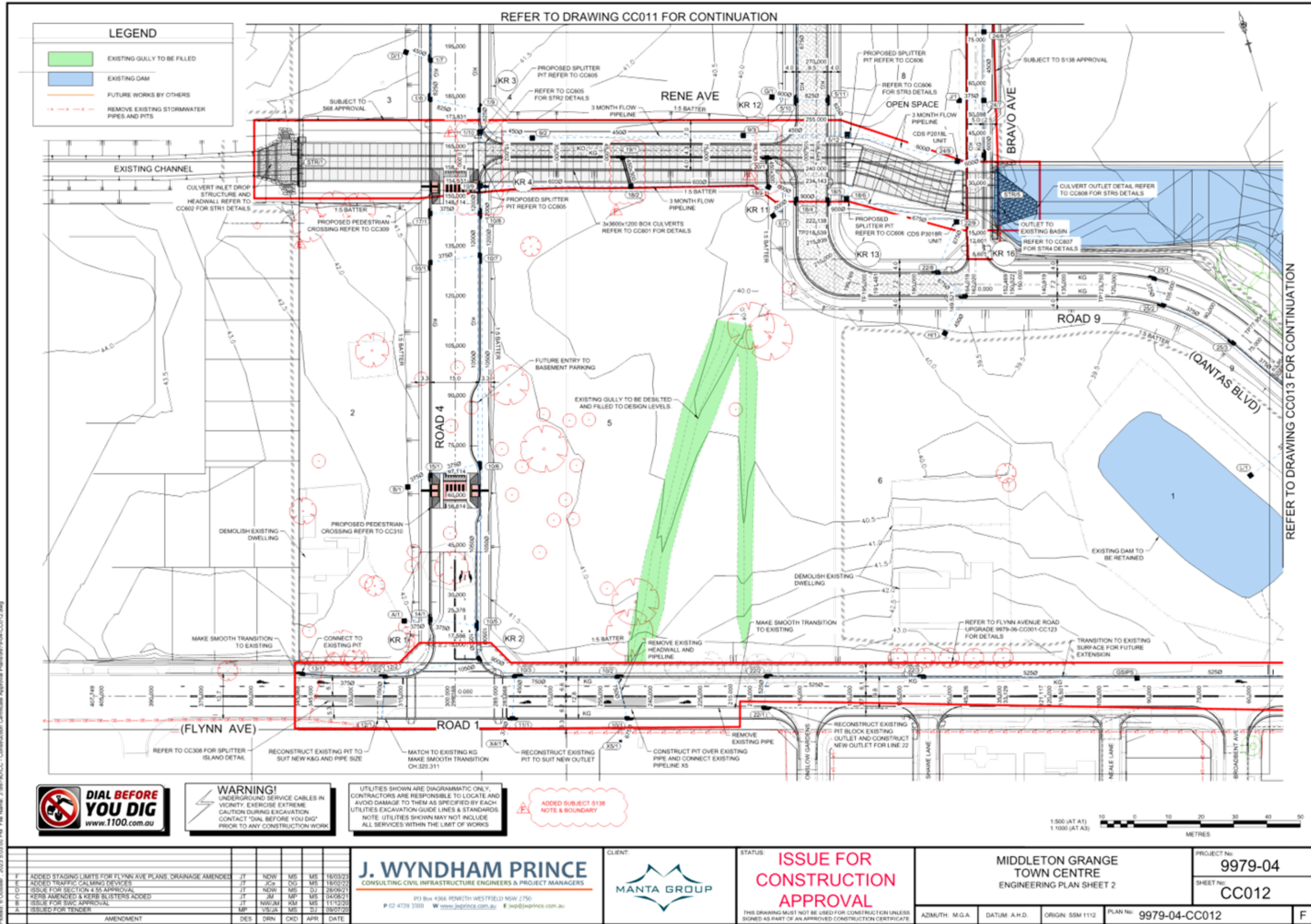
PROJECT No: **9979-04**
SHEET No: **CC009**



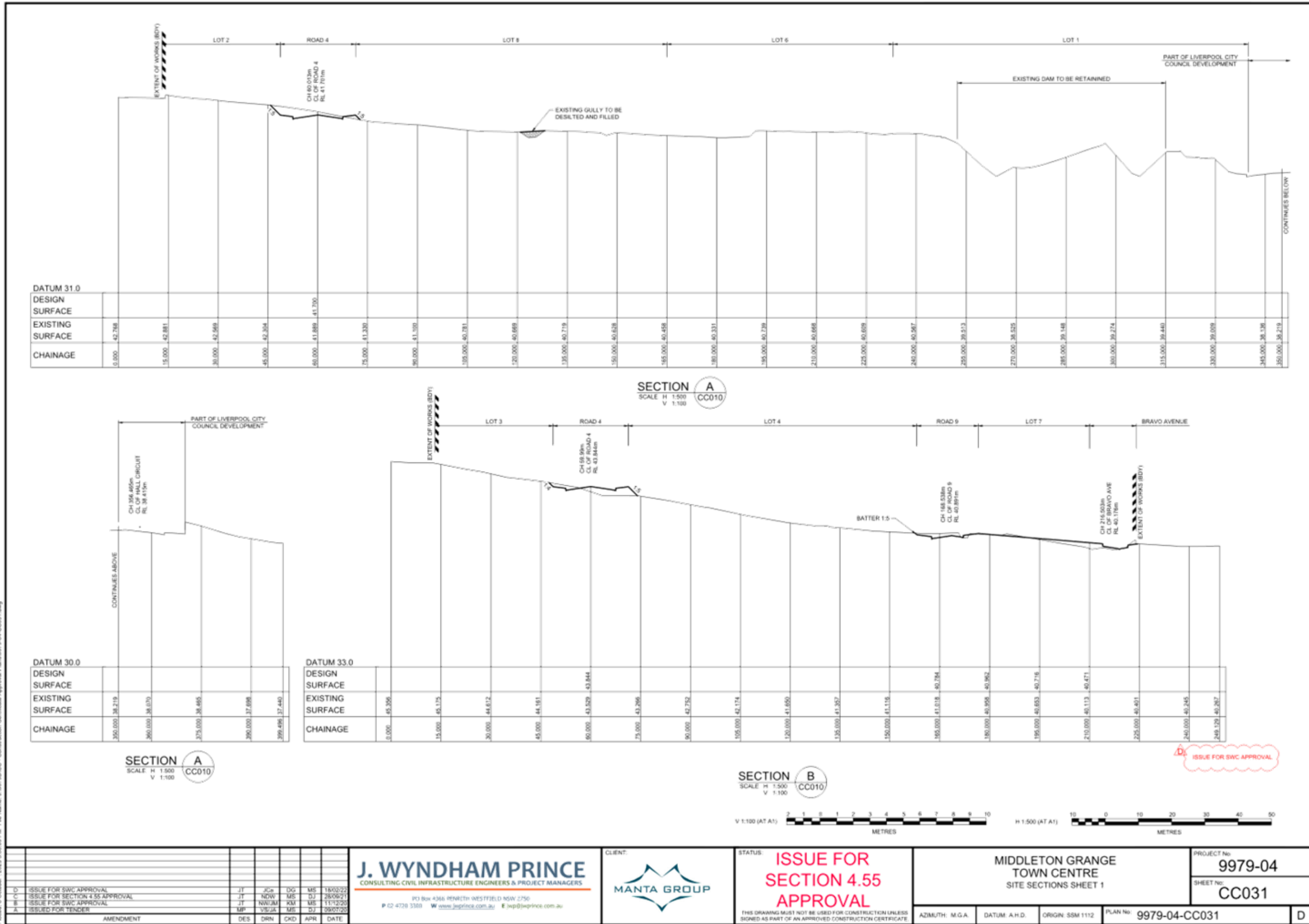
Printed: 5 October 2023 5:01:07 PM File Name: J:\9979\9979-04-CC010.dwg
 Construction Certificate Approval Plan: 9979-04-CC010.dwg



Plotted: 6 October 2023 5:02:35 PM File Name: J:\9979\9900\CC - Construction Certificate Approval Plans\9979-04-CC011.dwg



Project: 5 October 2023 5:03:02 PM File Name: J:\9979\9979-04-CC012.dwg
 Plotter: 5 October 2023 5:03:02 PM File Name: J:\9979\9979-04-CC012.dwg
 Construction Certificate Approval Plan\9979-04-CC012.dwg



ISSUE FOR SWC APPROVAL

Project 5 October 2023 5:00:09 PM File Name: J:\187970\CC - Construction Certificate Approval Plans\9979-04-CC031.dwg

ID	ISSUE FOR SWC APPROVAL	JT	JCA	DG	MS	18/02/23
C	ISSUE FOR SECTION 4.55 APPROVAL	JT	NDW	MS	DJ	28/09/21
B	ISSUE FOR SWC APPROVAL	JT	NW/JM	KM	MS	11/12/20
A	ISSUE FOR TENDER	MF	JTB/CA	ME	SJ	29/07/20
AMENDMENT	DES	DRN	CHK	APR	DATE	

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

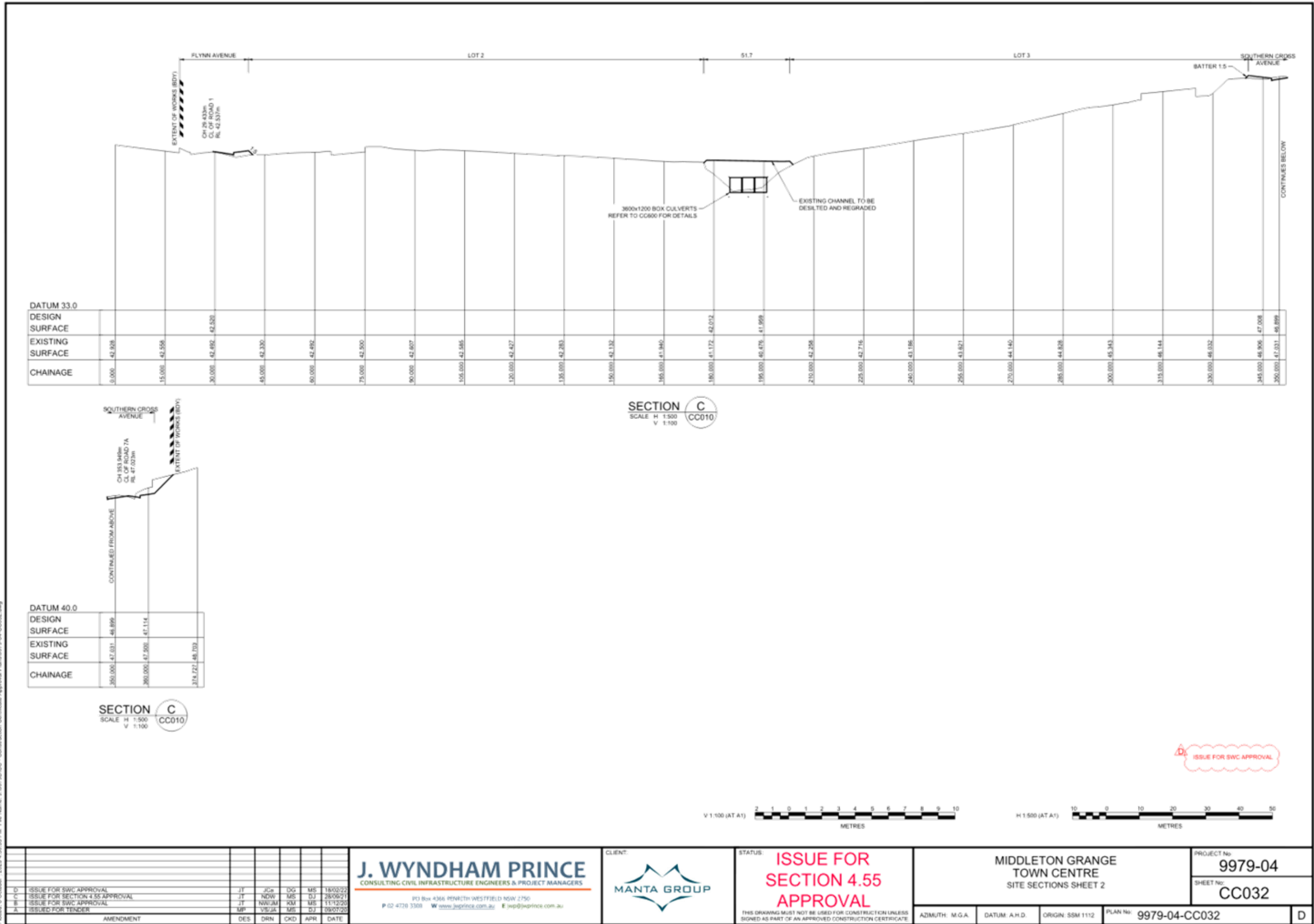
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
SITE SECTIONS SHEET 1

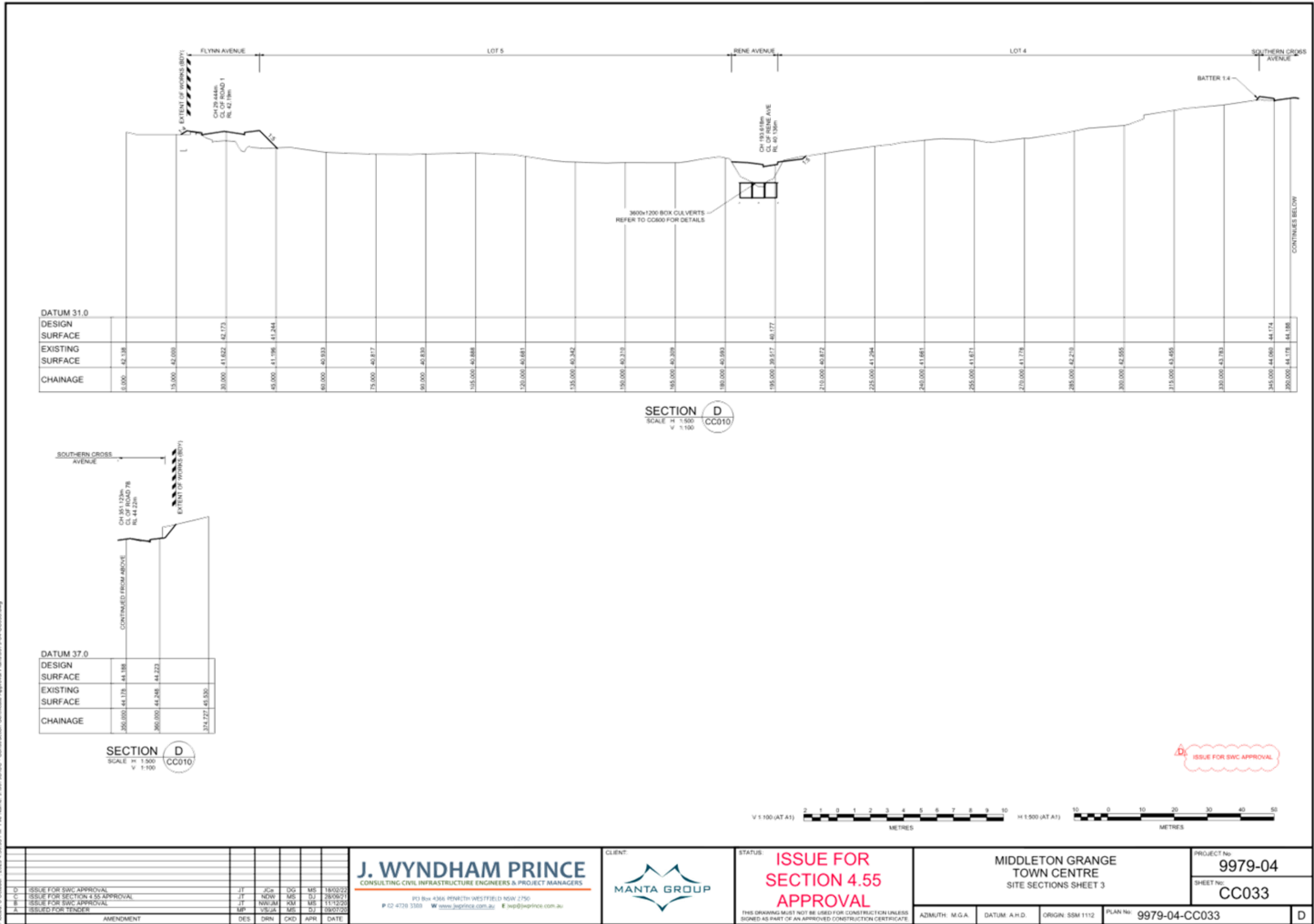
AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC031

PROJECT No: **9979-04**
SHEET No: **CC031**

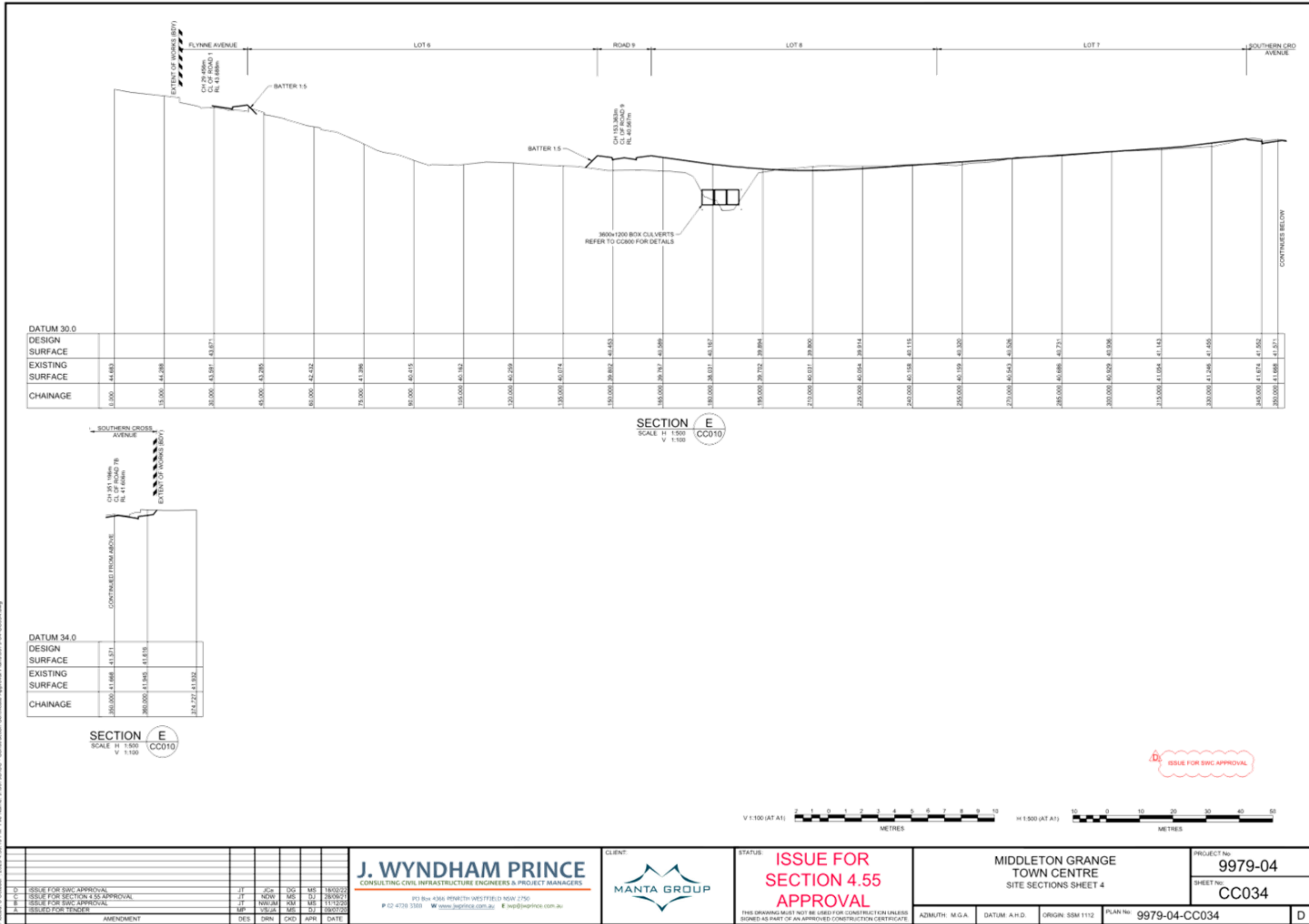
D

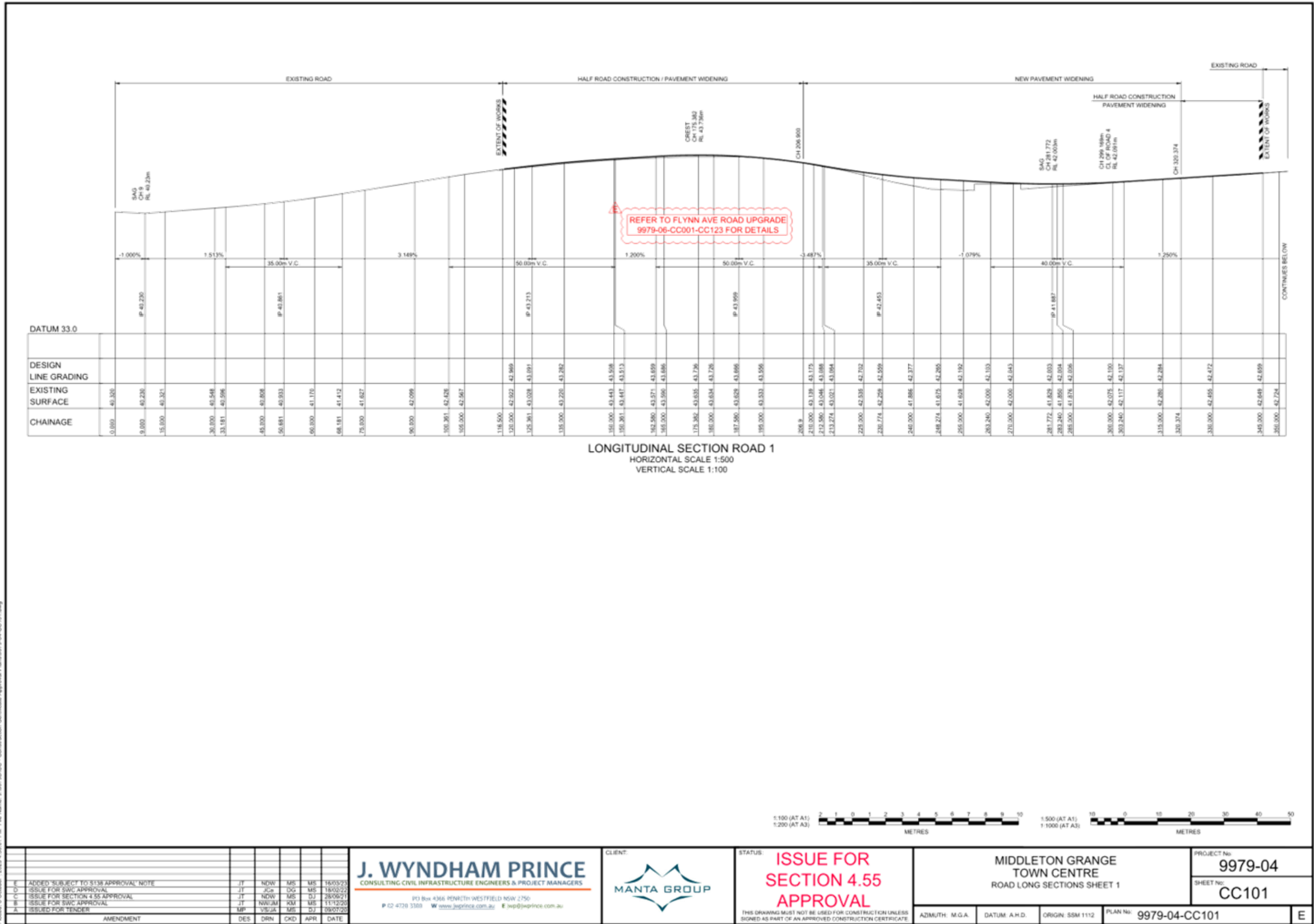


Project: 6 October 2023 4:59:53 PM File Name: J1887900CC - Construction Certificate Approval Plans\9979-04-CC032.dwg



Plotfile: 6 October 2023 4:59:35 PM File Name: J:\9979\GCC - Construction Certificate Approval Plans\9979-04-CC033.dwg





Plot: 6 October 2023 4:59:01 PM File Name: J:\9979\04-CC - Construction Certificate Approval Plans\9979-04-CC101.dwg



AMENDMENT	DES	DRN	CKD	APR	DATE
E					
D					
C					
B					
A					

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

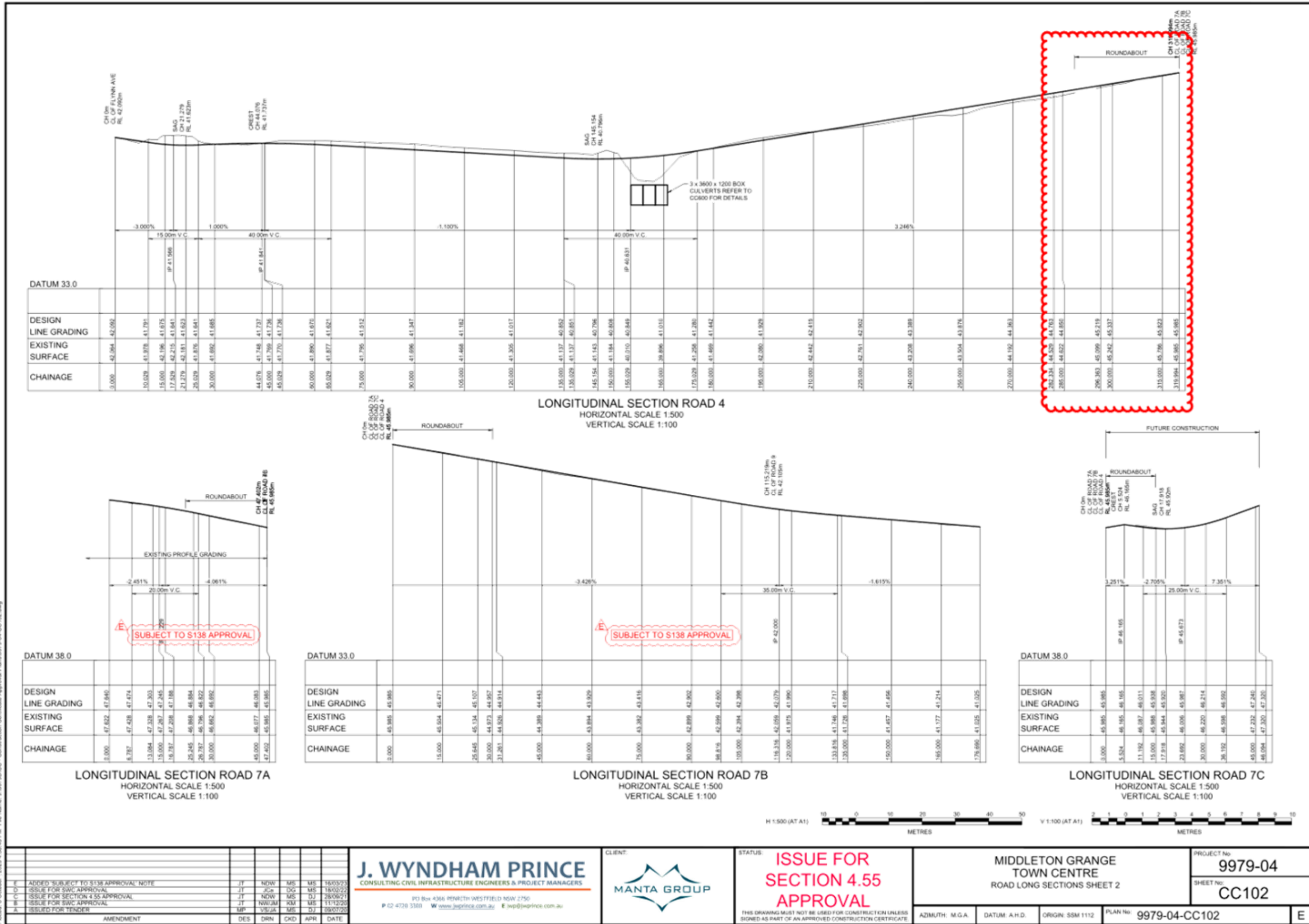
STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
ROAD LONG SECTIONS SHEET 1

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC101

PROJECT No: **9979-04**
SHEET No: **CC101**



Project: 6 October 2023 4:58:43 PM File Name: J:\9979-04-CC102.dwg
 Construction Certificate Approval Plans\9979-04-CC102.dwg

REV	DESCRIPTION	BY	CHKD	DATE		
E	ADDED 'SUBJECT TO S138 APPROVAL' NOTE	JT	NWJ	MS	16/03/23	
D	ISSUE FOR SWC APPROVAL	JT	JCA	DC	MS	18/02/23
C	ISSUE FOR SECTION 4.55 APPROVAL	JT	NWJ	MS	DJ	28/09/21
B	ISSUE FOR SWC APPROVAL	JT	NWJ	KM	MS	11/12/20
A	ISSUE FOR TENDER	MF	MS	MS	SJ	18/07/20
	AMENDMENT	DES	DRN	CHKD	APR	DATE

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH (WEST) NSW 2150
P 02 4720 3300 W www.jpwprince.com.au E jwp@jpwprince.com.au

CLIENT: **MANTA GROUP**

STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

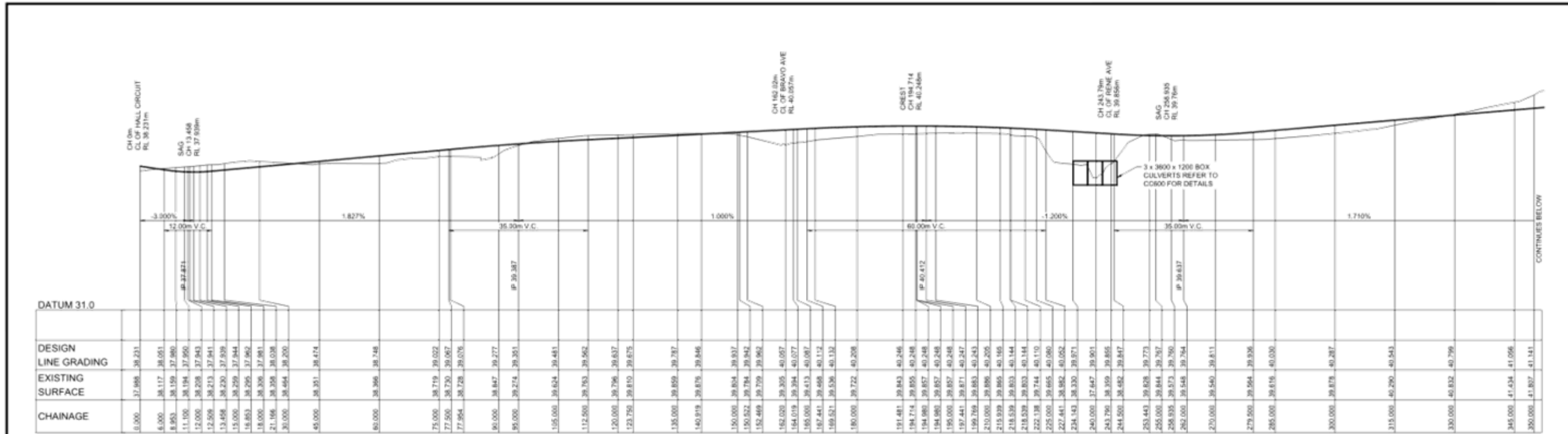
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
ROAD LONG SECTIONS SHEET 2

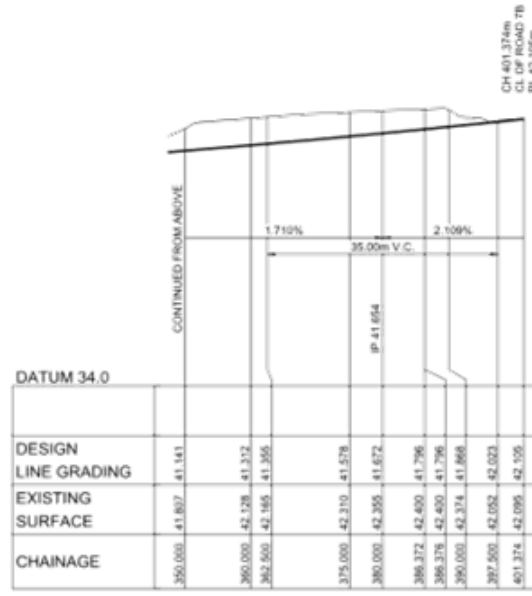
PROJECT No: **9979-04**
SHEET No: **CC102**

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: **9979-04-CC102**

E



LONGITUDINAL SECTION ROAD 9
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:100



LONGITUDINAL SECTION ROAD 9
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:100

REMOVED LONGITUDINAL SECTION LANE 10



Project: 6 October 2023 4:58:22 PM File Name: J:\9979\9979-04-CC103.dwg
 J:\9979\9979-04-CC103.dwg
 Construction Certificate Approval Plans\9979-04-CC103.dwg

NO.	AMENDMENT	DES	DRN	CHKD	APPR	DATE
D	ISSUE FOR SWC APPROVAL	JT	JCA	DG	MS	18/02/23
C	ISSUE FOR SECTION 4.55 APPROVAL	JT	NDW	MS	DJ	28/09/21
B	ISSUE FOR SWC APPROVAL	JT	NWJ	KM	MS	11/12/20
A	ISSUED FOR TENDER	MF	MS	MS	MS	19/07/20

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwpr@jwprince.com.au

CLIENT: **MANTA GROUP**

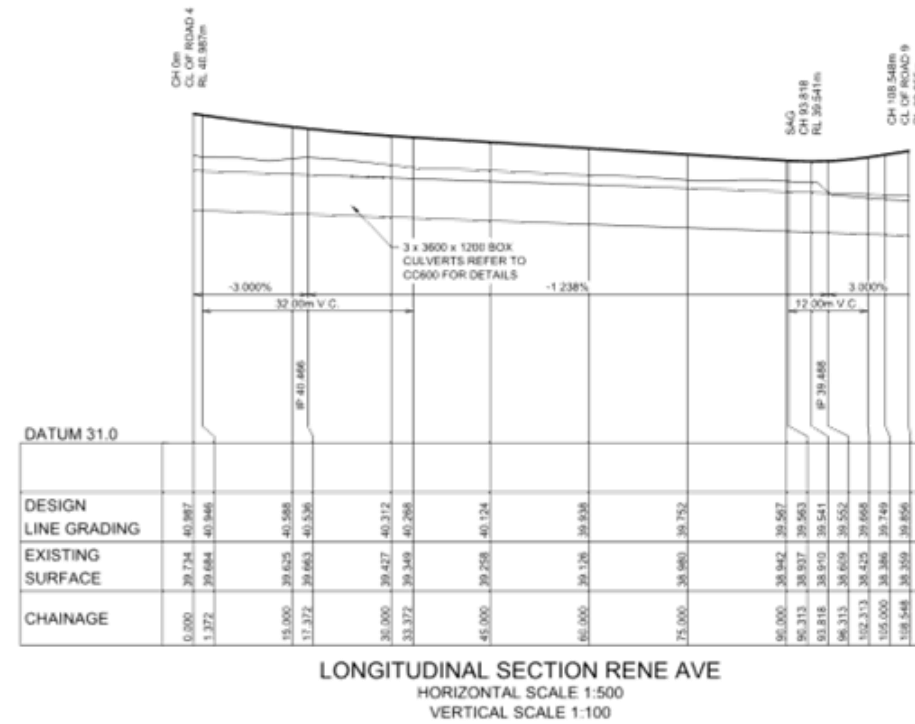
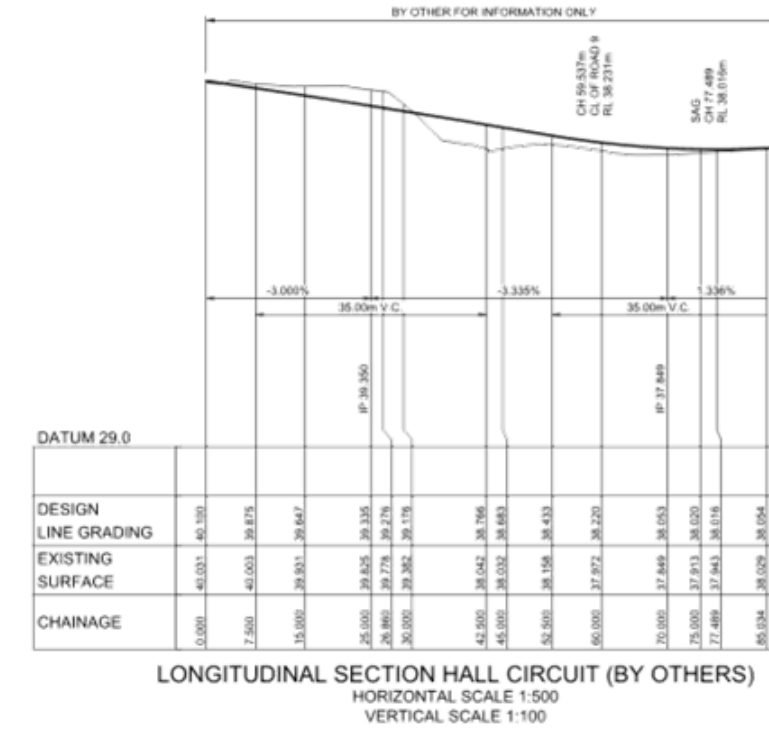
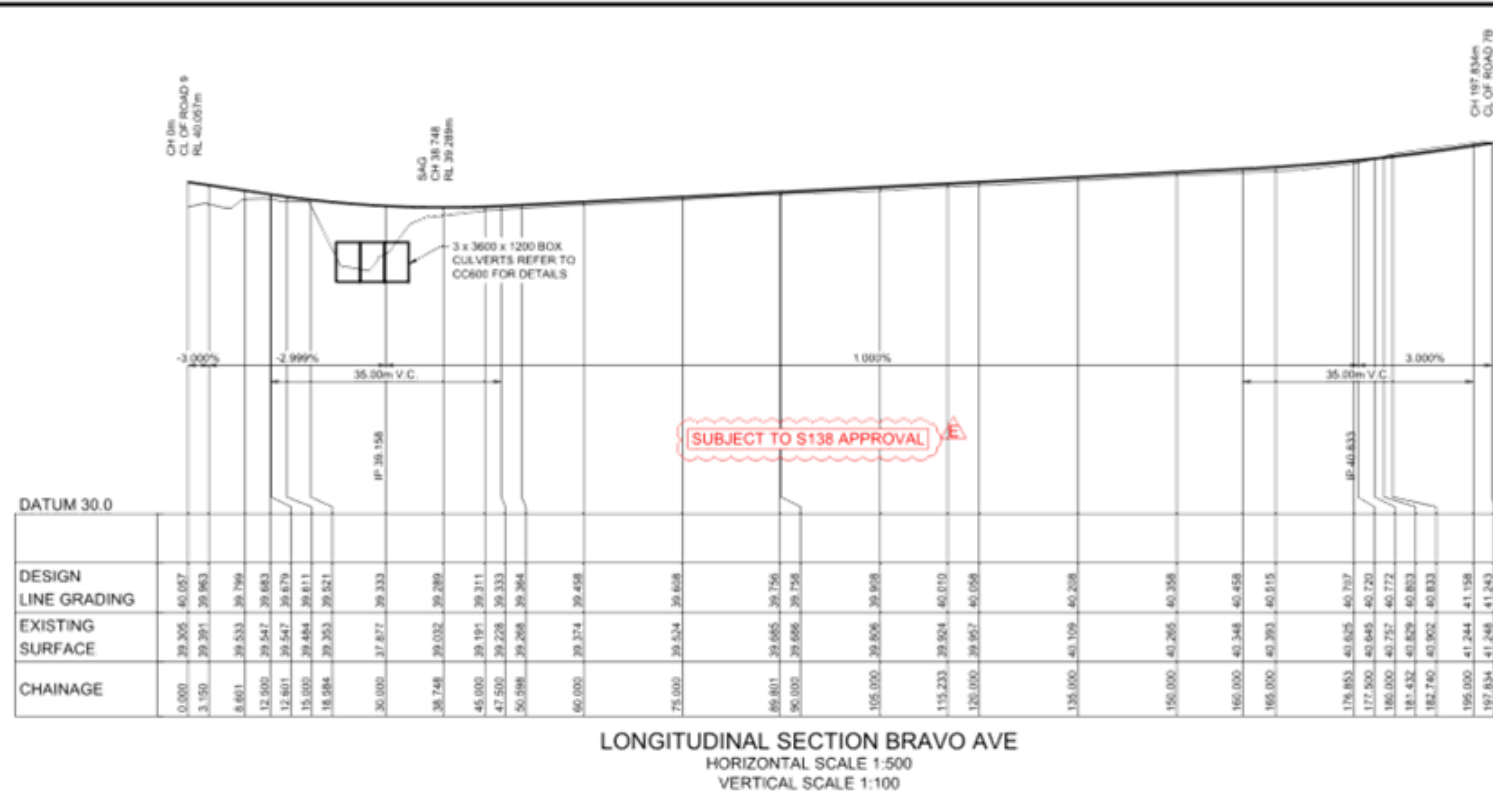
STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
ROAD LONG SECTIONS SHEET 3

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC103

PROJECT No: **9979-04**
SHEET No: **CC103**



Project: 6 October 2023 4:57:48 PM File Name: J:\9979\9979-04-CC104.dwg
 Construction Certificate Approval Plans\9979-04-CC104.dwg

AMENDMENT	DES	DRN	CHK	APR	DATE
A					16/03/23
B					18/02/23
C					28/09/21
D					11/12/20
E					28/07/20

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

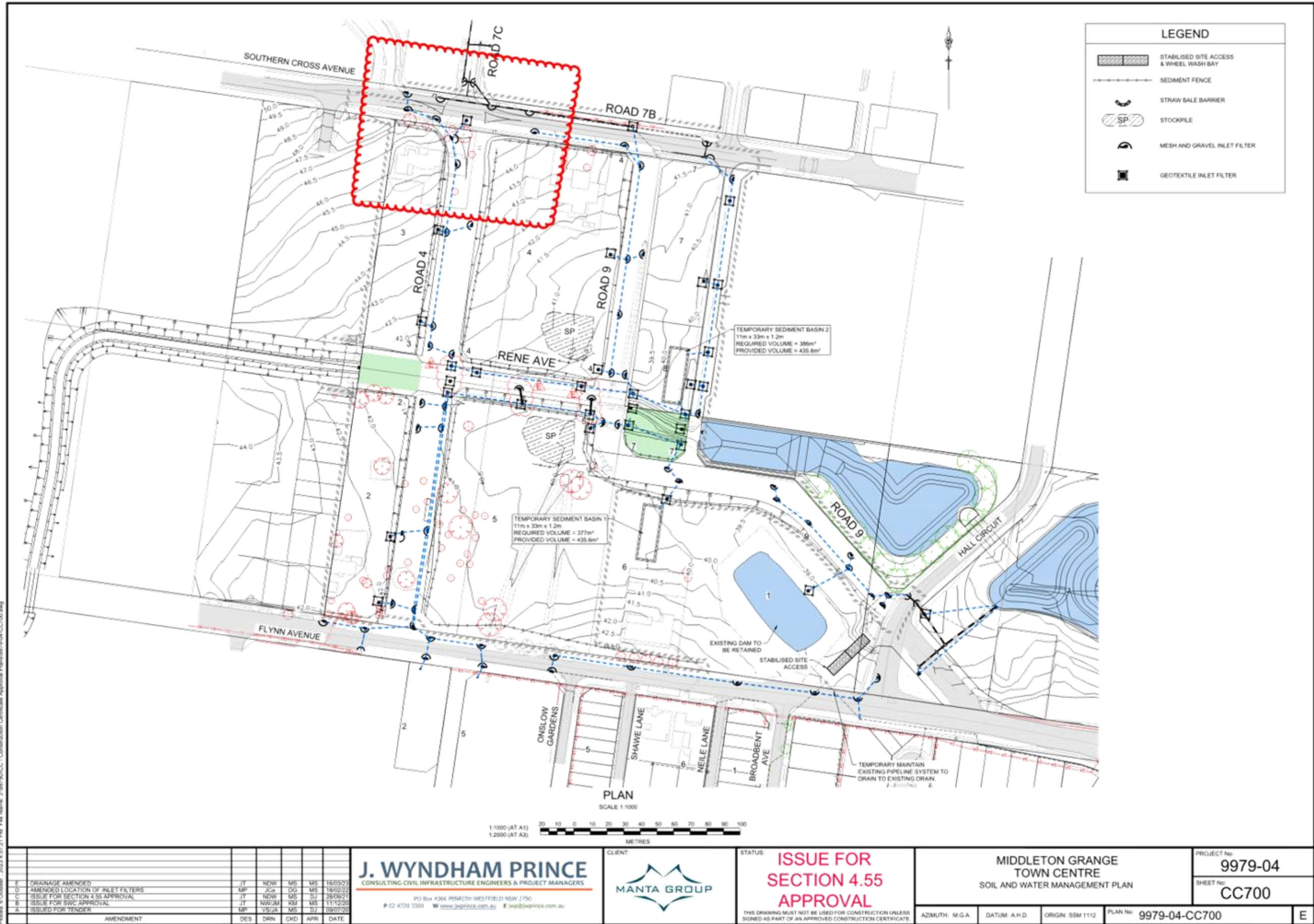
STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
ROAD LONG SECTIONS SHEET 4

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-04-CC104

PROJECT No: **9979-04**
SHEET No: **CC104**



Printed: 6 October 2023 4:57:21 PM File Name: J:\9979\04 - Construction Certificate Approval Plans\9979-04-CC700.dwg

GENERAL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE REQUIREMENTS OF THE "ENVIRONMENT PROTECTION AUTHORITY" AND "DEPT OF LAND AND WATER CONSERVATION" MEASURES OUTLINED IN THE SOIL & WATER MANAGEMENT PLAN MUST BE IMPLEMENTED PRIOR TO AND MAINTAINED DURING AND AFTER THE CONSTRUCTION WORKS.
2. TOPSOIL FROM ALL AREAS TO BE DISTURBED SHALL BE STOCKPILED AND LATER RESPREAD TO AID REVEGETATION IN THOSE AREAS.
3. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
4. ALL TAIL OUT DRAINS SHALL BE GRASSED AND TRAPEZOIDAL IN SECTION. STRAW BALES SHALL BE PLACED AS A SEDIMENT CONTROL DEVICE WHERE REQUIRED.
5. VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING DEVELOPMENT CONFINING ACCESS WHERE POSSIBLE TO PROPOSED OR EXISTING ROAD ALIGNMENTS. AREAS TO BE LEFT UNDISTURBED SHALL BE MARKED OFF.
6. DISTURBANCE OF VEGETATION SHALL BE LIMITED TO FILL AREAS, ROADWAYS AND DRAINAGE LINES. NO LOT GRADING SHALL BE CARRIED OUT IN UNDISTURBED AREAS WITHOUT CONSULTATION WITH COUNCIL'S ENGINEER.
7. ALL DISTURBED AREAS SHALL BE REVEGETATED WITHIN 14 WORKING DAYS FROM THE CONCLUSION OF LAND SHAPING.
8. MINIMISE DUST BY WATERING WHEN REQUIRED.

STOCKPILE NOTES:

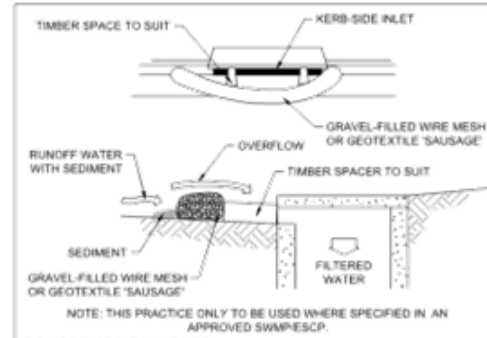
1. SPOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREAS WHERE WATER MAY CONCENTRATE.
2. IF STOCKPILES ARE TO BE IN PLACE FOR LONGER THAN 14 DAYS THEN THEY SHALL BE STABILIZED BY COVERING WITH A MULCH OR WITH TEMPORARY VEGETATION.
3. FOLLOWING CONSTRUCTION, TOPSOIL SHALL BE RESPREAD TO A MINIMUM DEPTH OF 100mm ON THE BARE SOIL SURFACES AND REVEGETATE.

SEDIMENTATION CONTROL DEVICES:

1. ALL STRAW BALES SHALL BE BOUND WITH WIRE. STRAW BALES SHALL BE PLACED END TO END IN A SINGLE ROW AND EMBEDDED INTO THE SOIL TO A DEPTH OF 100mm. EACH BALE SHALL BE SECURELY ANCHORED WITH TWO STEEL STAKES DRIVEN 450mm INTO THE GROUND AND LOCATED ON THE BAILE CENTRE LINE.
2. S7 FENCES SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPER OR SIMILAR) BETWEEN POSTS AT 2m (2m MAX) CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.

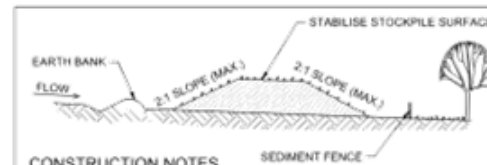
SPECIAL NOTES:

1. LOCATION AND EXTENT OF SOIL AND WATER MANAGEMENT DEVICES IS DIAGRAMMATIC ONLY AND THE ACTUAL REQUIREMENTS SHALL BE CONFIRMED ON-SITE.
2. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE GUIDELINES SET OUT IN "MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION" 4TH EDITION AND THE ACCOMPANYING ROAD AND DRAINAGE PLANS.
3. CONFORMITY WITH THIS PLAN SHALL IN NO WAY REDUCE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT AGAINST WATER DAMAGE DURING THE COURSE OF THE CONTRACT.
4. MANAGEMENT DEVICES SHALL BE MAINTAINED ON A REGULAR BASIS. WHERE CLEANING IS REQUIRED, THE SEDIMENT SHALL BE REMOVED TO A POINT NOMINATED BY THE ENGINEER.
5. PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS, AND AFTER THE ROAD CENTRELINES HAVE BEEN PEGGED AND/OR PERMANENTLY MARKED, THE SITE MUST BE INSPECTED BY COUNCIL'S REPRESENTATIVE AND THE APPLICANT'S REPRESENTATIVE TO IDENTIFY AND APPROPRIATELY MARK:
 - a) THE TREES TO BE RETAINED.
 - b) ALL TREES TO BE LEFT UNDISTURBED AND TO BE CORDONED OFF.
6. NO TREES SHALL BE REMOVED WITHOUT COUNCIL'S CLEARANCE.
7. MANAGEMENT DEVICES TO REMAIN UNTIL THE END OF THE MAINTENANCE PERIOD.



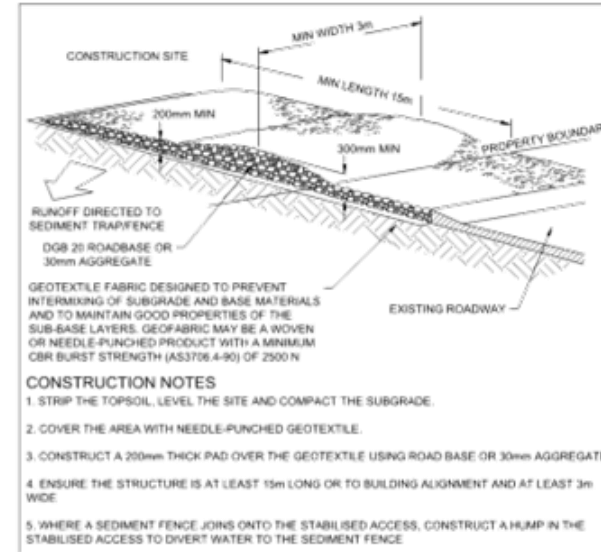
- CONSTRUCTION NOTES**
1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS.
 2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm-50mm GRAVEL.
 3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm HIGH x 400mm WIDE.
 4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST A 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
 5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BY-PASSING THE FILTER.
 6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.

MESH & GRAVEL INLET FILTER SD6-11
N.T.S.

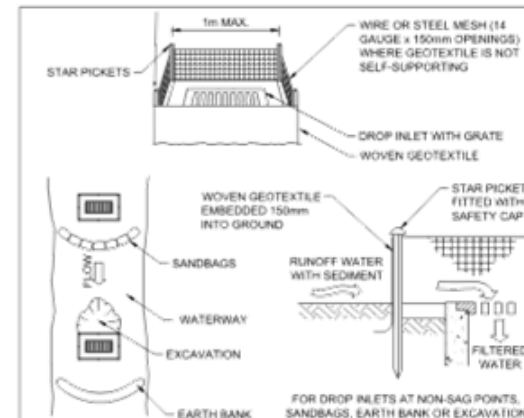


- CONSTRUCTION NOTES**
1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW AND HAZARD AREAS.
 2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
 3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
 4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILISE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
 5. CONSTRUCT EARTH BANKS (STANDARD DRAWING 5-5) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES (STANDARD DRAWING 6-8) 1 TO 2 METRES DOWNSLOPE.

STOCKPILES SD4-1
N.T.S.

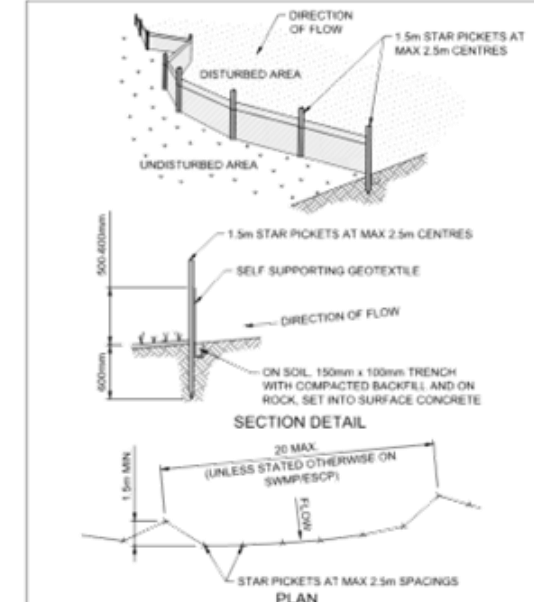


STABILISED SITE ACCESS SD6-14
N.T.S.



- CONSTRUCTION NOTES**
1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
 2. FOLLOW STANDARD DRAWING 6-7 AND STANDARD DRAWING 6-8 FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOTEXTILE. REDUCE THE PICKET SPACING TO 1m CENTRES.
 3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
 4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.

GEOTEXTILE INLET FILTER SD6-12
N.T.S.



CONSTRUCTION NOTES

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5 METRE LONG STAR PICKETS INTO GROUND AT 2.5 METRE INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

SEDIMENT FENCE SD6-8
N.T.S.

ISSUE FOR SWC APPROVAL

Project: 6 October 2023 5:02:09 PM File Name: J:\19879000 - Construction Certificate Approval Plans\19879000-04-CC701.dwg

ID	ISSUE FOR SWC APPROVAL	MP	JCB	DG	MS	18/02/23
C	ISSUE FOR SECTION 4.55 APPROVAL	JT	NWJ	MS	DJ	28/09/21
B	ISSUE FOR SWC APPROVAL	MP	JCB	MS	DJ	28/07/20
A	ISSUE FOR TENDER					
	AMENDMENT	DES	DRN	CKD	APR	DATE

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4366 PENRITH NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

STATUS: **ISSUE FOR SECTION 4.55 APPROVAL**

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE TOWN CENTRE
SOIL AND WATER MANAGEMENT NOTES AND DETAILS

PROJECT No: **9979-04**
SHEET No: **CC701**

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: **9979-04-CC701**

D

Issue History

File Name	Prepared	Reviewed	Issued	Date	Issued to
P6160.001T Flynn Ave Middleton Grange Town Centre TCS Design – Traffic Analysis	R. Jain A. Liu	A. Finlay	A. Liu	05/10/2023	Erica Marshall-Evans

Flynn Avenue Middleton Grange Town Centre TCS Design

Traffic Analysis

1. Introduction

1.1 Overview

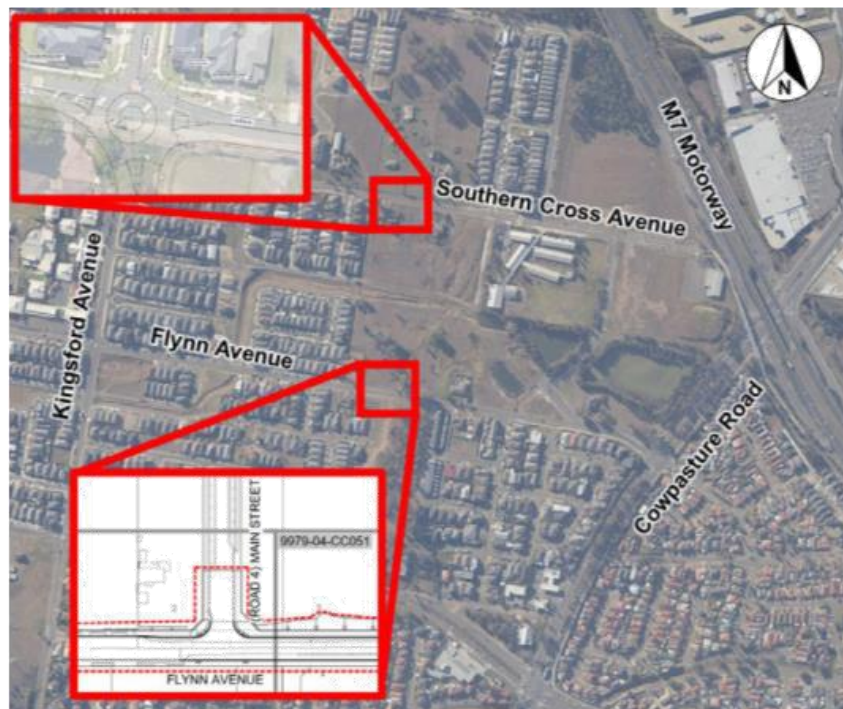
Bitzios Consulting was engaged to investigate the following intersection upgrades within Middleton Grange, NSW 2171:

- Traffic signals at Flynn Avenue / Main Street (Road 4)
- Roundabout intersection at Southern Cross Avenue / Briggs Avenue / Main Street

The above intersection upgrades are proposed as part of the future Middleton Grange Town Centre development located at 60-80 Southern Cross Avenue. The town centre is proposed to be composed of residential development, mixture of retail and commercial facilities, and an internal road layout. Main Street is proposed as the main north-south road connection between Southern Cross Avenue and Flynn Avenue.

This technical note summarises a traffic signal warrant assessment at Flynn Avenue / Main Street intersection, and intersection modelling of both proposed intersection upgrades.

The location of the intersection is illustrated in Figure 1.1.



Source: SIXMaps, 9979SK51-9979SK56 & 9979-06-CC001-123

Figure 1.1: Location of Subject Intersection

1.2 Previous Traffic Modelling Assessment

Bitzios Consulting had undertaken Aimsun traffic modelling to assess the traffic impacts for proposed Middleton Grange Town Centre for the future year 2026 (ref: P4356.003R 60-80 Southern Cross Avenue Middleton Grange 2026 Traffic Modelling Assessment) (2026 TMA). The modelling methodology and outcomes from 2026 TMA will be used to assist in the traffic analysis and SIDRA modelling for this technical document.

2. Traffic Volumes and Crash Analysis

2.1 Flynn Avenue / Main Street

2.1.1 2026 Traffic Volumes

2026 traffic volumes for Flynn Avenue / Main Street intersection were extracted from the modelled peak hour traffic volume outputs for the 2026 TMA report. A peak hour factor of 0.55 was obtained from 2026 TMA report and used to estimate the two-hour traffic period from the modelled peak hour traffic volumes. The following estimated two-hour traffic period are:

- AM Period: 07:00 AM – 09:00 AM
- PM Period: 16:00 PM – 18:00 PM

Additionally, traffic count surveys were undertaken by Curtis Traffic Surveys on Wednesday 23rd August 2023 to capture hourly vehicle and pedestrian volumes. Analysis of the surveys was undertaken to determine the hourly traffic profiles of the above two-hour traffic period. Outcomes of the analysis are summarised in Table 2.1. The hourly traffic period with the largest traffic proportion was nominated as the peak period.

Table 2.1: Hourly Profile – Total Vehicle Traffic Demand

Time period		Proportion	
AM	07:00 – 08:00	Shoulder Period	45%
	08:00 – 09:00	Peak Period	55%
PM	16:00 – 17:00	Peak Period	51%
	17:00 – 18:00	Shoulder Period	49%

Traffic flow diagrams of Flynn Avenue / Main Street intersection for the AM and PM peak periods are shown in Figure 2.1 and Figure 2.2.

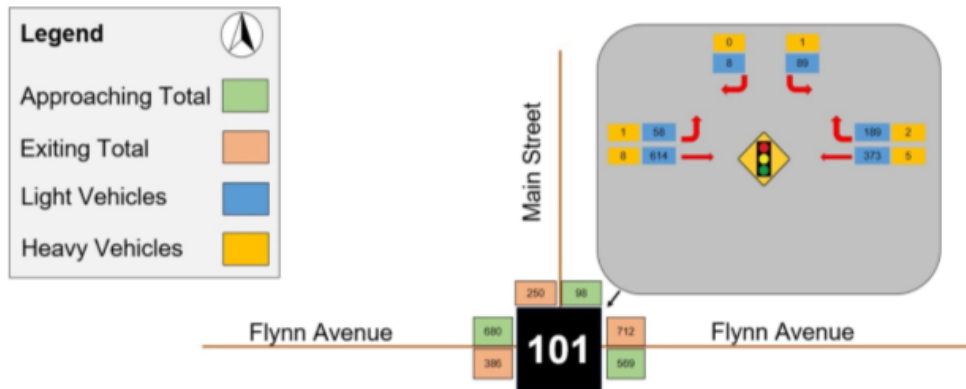


Figure 2.1: Flynn Avenue / Main Street Traffic Flow Diagram – AM Peak

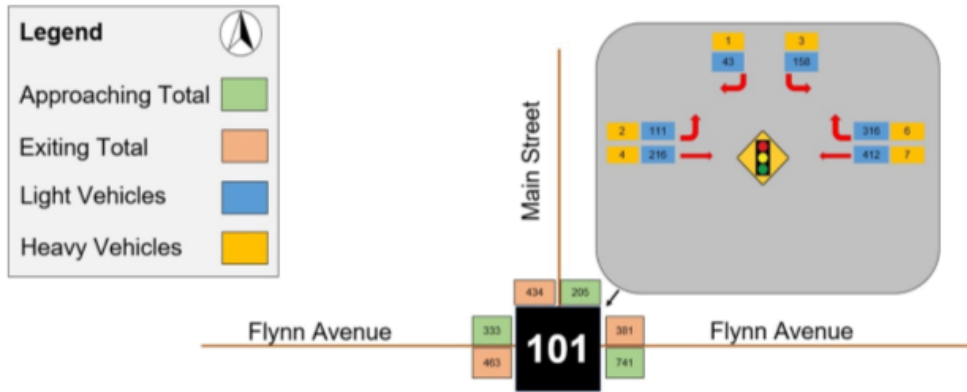


Figure 2.2: Flynn Avenue / Main Street Traffic Flow Diagram – PM Peak

Further details on the vehicle and pedestrian count surveys are provided in **Attachment A**.

2.1.2 Crash Analysis

From the crash data obtained from TfNSW, no crash information was recorded along Flynn Avenue, between Ulm Street and Onslow Gardens, in proximity to the subject intersection.

2.2 Southern Cross Avenue

2.2.1 Traffic Volumes

2026 traffic volumes for Main Street / Briggs Avenue and Middleton Drive intersections along Southern Cross Avenue were extracted from the modelled peak hour traffic volume outputs of the 2026 TMA model. Traffic flow diagrams of Main Street / Briggs Avenue and Middleton Drive intersections along Southern Cross Avenue for the AM and PM peak periods are shown in Figure 2.3 and Figure 2.4.

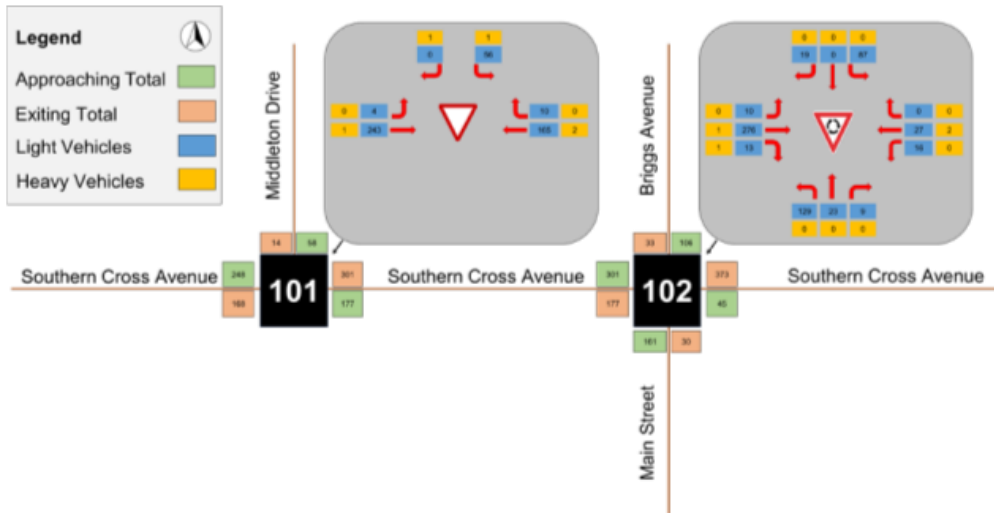


Figure 2.3: Southern Cross Avenue Traffic Flow Diagram – AM Peak

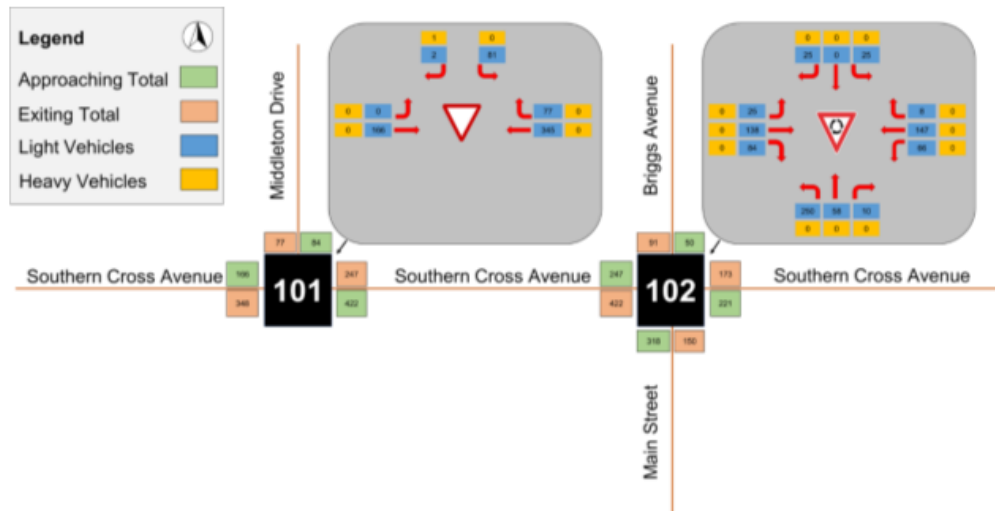


Figure 2.4: Southern Cross Avenue Traffic Flow Diagram – PM Peak

3. Traffic Signal Warrants Assessment

3.1 Overview

For Flynn Avenue / Main Street intersection to be upgraded with traffic signals, it generally needs to satisfy the traffic signal warrants, which are outlined in Transport for NSW's (TfNSW) *Traffic Signal Design – Section 2 Warrants*. This section describes the methodology and the evaluation of the traffic analysis to determine if Flynn Avenue / Main Street intersection satisfies the traffic signal warrants.

3.2 Guidelines

TfNSW's Traffic Signals Design – Section 2: Warrants provides the general guides for numerical warrants for traffic signals. The warrants are summarised as follows:

Traffic Demand: For each of the four one-hour periods of an average day:

- The major road flow exceeds 600 vehicles/hour in each direction
- The minor road flow exceeds 200 vehicles/hour in one direction.

Continuous Traffic: For each of the four one-hour periods of an average day:

- The major road flow exceeds 900 vehicles/hour in each direction
- The minor road flow exceeds 100 vehicles/hour in one direction
- The speed of traffic on major road or limited sight distance from the minor road causes undue delay or hazard to the minor road vehicles
- There is no other nearby traffic signal site easily accessible to the minor road vehicles.

Pedestrian Safety: For each of the four one-hour periods of an average day:

- Pedestrian flow crossing the major road exceeds 150 persons/hour
- The major road flow exceeds 600 vehicles/hour in each direction or, where there is a central median of at least 1.2m wide, 1000 vehicles/hour in each direction.

Pedestrian Safety – High Speed Road: For each of the four one-hour periods of an average day:

- Pedestrian flow crossing the major road exceeds 150 persons/hour
- The major road flow exceeds 450 vehicles/hour in each direction or, where there is a central median of at least 1.2m wide, 750 vehicles/hour in each direction
- The 85th percentile speed on the major road exceeds 75km/h.

Crashes

- The intersection has been the site of an average of three or more reported tow-away or casualty traffic accidents per year over a three-year period, where the traffic accidents could have been prevented by traffic signals
- The traffic flows are at least 80% of the appropriate flow warrants.

3.1 Warrant Evaluation - 2026

For the purpose of this assessment, Flynn Avenue is defined as the 'major road' and Main Street as the 'minor road' based on their significance to the wider road network and modelled traffic flows.

The **Pedestrian Safety**, **Pedestrian Safety – High Speed Road** and **Crashes** warrant conditions are not satisfied for the following reasons:

- Significantly low pedestrian volumes crossing Flynn Avenue
- No crash information recorded at the subject location.

The 2026 traffic volumes were assessed against the **Traffic Demand** and **Continuous Traffic** warrant conditions, summarised in Table 3.1.

Table 3.1: Traffic Flow Criteria Evaluation – Future Year 2026

Time period	Criterion (vph)	Major Road Flow		Criterion (vph)	Minor Road Flow
		NB	SB		
AM Period					
8:00 – 9:00	≥ 600 or ≥ 900	572	458	≥ 200 or ≥ 100	201
9:00 – 10:00		712	569		250
PM Period					
17:00 – 18:00	≥ 600 or ≥ 900	381	741	≥ 200 or ≥ 100	434
18:00 – 19:00		362	705		413

From the above table, the outcomes are:

- The **Traffic Demand** major road flow requirement of 600 vph is generally **not satisfied** for most of the recorded one-hour periods
- The **Continuous Traffic** major road flow requirement of 900 vph is **not satisfied** for any of the recorded one-hour periods
- The minor road flow **satisfies** the flow criterion for both **Traffic Demand** and **Continuous Traffic** requirements for all recorded one-hour periods.

The warrant outcomes are therefore as summarised in Table 3.2.

Table 3.2: Traffic Signal Warrant Outcomes

Type of Warrant	Satisfied?	Reason
Traffic Demand	No	Major road flows are lower than the warrants.
Continuous Traffic	No	Major road flows are lower than the warrants.
Pedestrian Safety	No	Pedestrian flows are lower than the warrants Major road flows are lower than the warrants.
Pedestrian Safety High Speed Road	No	Pedestrian flows are lower than the warrants Major road flows are lower than the warrants.85 th percentile Speed on the major road is lower than 75km/h.
Crashes	No	No crash information recorded at the subject intersection over the last 5 years.

Therefore, Flynn Avenue / Main Street intersection does not meet the warrants to install traffic signals.

4. Future Traffic Growth

4.1 Overview

Although the 2026 traffic volumes do not satisfy the numerical warrants, installation of traffic signals should still be considered. As such, a future traffic assessment will be undertaken to determine when the future year traffic volumes satisfy the numerical warrants.

4.2 Background Traffic Growth

From the 2026 TMA report, 2018 and 2026 traffic demand matrices were developed for the AM and PM peak periods. Background traffic growth was extracted from the traffic demand matrices to determine the following annual growth rates:

- AM Period: 2.18% per annum
- PM Period: 3.11% per annum

The above annual growth rates will be adopted to determine future traffic demand post 2026.

4.3 Warrant Evaluation – Future Year

The peak hour traffic volumes were grown linearly based on the above annual growth rates to determine future traffic volumes. The future year analysis determined that the future year 2048 was the earliest year for the future traffic volumes to satisfy the numerical warrant.

A warrant assessment of the future traffic flows against major and minor road criteria is summarised in Table 4.1.

Table 4.1: Traffic Flow Criteria Evaluation – Future Year 2048

Time period	Criterion (vph)	Major Road Flow		Criterion (vph)	Minor Road Flow
		NB	SB		
AM Period					
8:00 – 9:00	≥ 600	846	677	≥ 200	297
9:00 – 10:00		1053	842		370
PM Period					
17:00 – 18:00	≥ 600	642	1248	≥ 200	732
18:00 – 19:00		611	1187		696

It should be noted that the future year 2048 entails a 22-year horizon, compared to the year 2026, which is generally considered a relatively long horizon to warrant signalisation of proposed intersections.

5. Other Considerations

5.1 Overview

From the outcomes of the warrant assessment, it would require future traffic volumes for the year 2048 to satisfy the numerical warrants which is a relatively large time horizon to consider installation of traffic signals.

Notwithstanding this fact, it is our opinion that the installation of traffic signals should be developed earlier than the future year 2048 and in conjunction with the Middleton Grange Town Centre development. The installation of traffic signals should consider the importance of providing key transport and traffic benefits for pedestrians and cyclists.

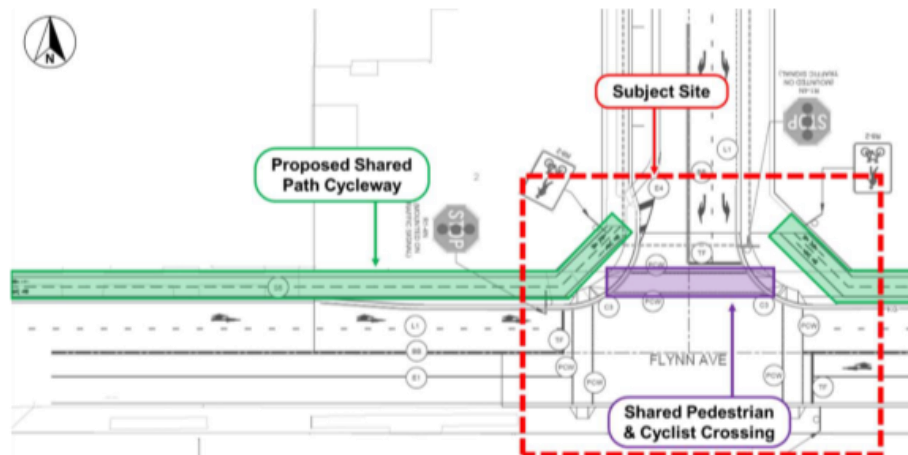
5.2 Pedestrian and Cyclist Connectivity

The development of the Middleton Grange Town Centre is anticipated to increase pedestrian activity in Middleton Grange area. As Flynn Avenue / Main Street intersection is close to the Middleton Grange Town Centre development, providing pedestrian crossings with traffic signals would cater safe for crossing opportunities across Main Street and Flynn Avenue

Moreover, the design plan shows a shared path is planned along the northern side of Flynn Avenue that provides an east-west cycleway connection. Flynn Avenue / Main Street intersection is situated along the Flynn Avenue cycleway providing a connection for cyclist to Middleton Grange Town Centre. Installation of traffic signals at Flynn Avenue / Main Street intersection would facilitate the Main Street crossing movement, improving cycling connectivity and safety along Flynn Avenue cycleway.

It is recommended to upgrade the northern crossing to a shared pedestrian and cyclist crossing to facilitate the pedestrian and cyclist crossing movement across Main Street.

The proposed shared pedestrian and cyclist crossing is illustrated in Figure 5.1



Source: 9979-06-CC001-123

Figure 5.1: Proposed Shared Pedestrian & Cyclist Crossing

6. SIDRA Modelling

6.1 Overview

SIDRA Intersection modelling was undertaken to assess the intersection performance of Flynn Avenue / Main Street intersection and the intersections along Southern Cross Avenue. This includes assessing the intersection layout provided in the design plan and providing recommendations to improve the intersection performance.

The following sections detail the various model inputs, assessment criteria and results.

6.2 Modelling Scenarios

Flynn Avenue / Main Street intersection will be assessed for the future year 2048, earliest year satisfying the traffic signal warrants.

Although Southern Cross Avenue / Briggs Avenue / Main Street intersection planned year of opening is at the year 2024, Southern Cross Avenue intersections will be assessed for the year 2026. A 10-year design horizon for the year 2034 will also be assessed to determine if the proposed intersection arrangement would still be operational in the future.

Scenarios modelled for each of the proposed upgrades to assess the traffic impact is summarised in Table 6.1.

Table 6.1: Modelling Scenarios

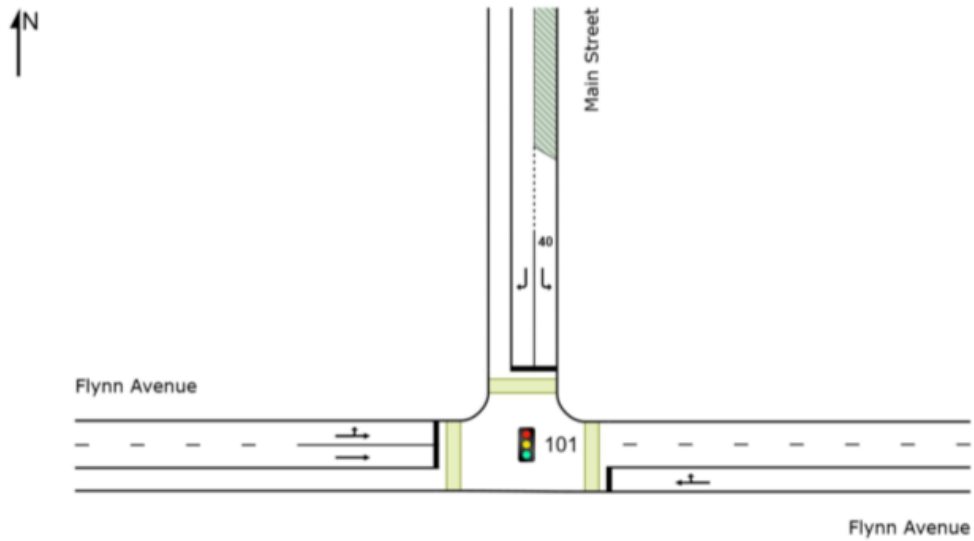
Scenario	Detail
Flynn Avenue / Main Street Intersection	
2048 Design Plan	Design plan intersection layout (+) 2048 traffic flows
2048 Recommended Design	Recommended design intersection layout (+) 2048 traffic flows
Southern Cross Avenue Intersections	
2026 Design Plan	Design plan intersection layout (+) 2026 traffic flows
2034 Design Plan	Design plan intersection layout (+) 2034 traffic flows

6.3 Future Traffic Volumes

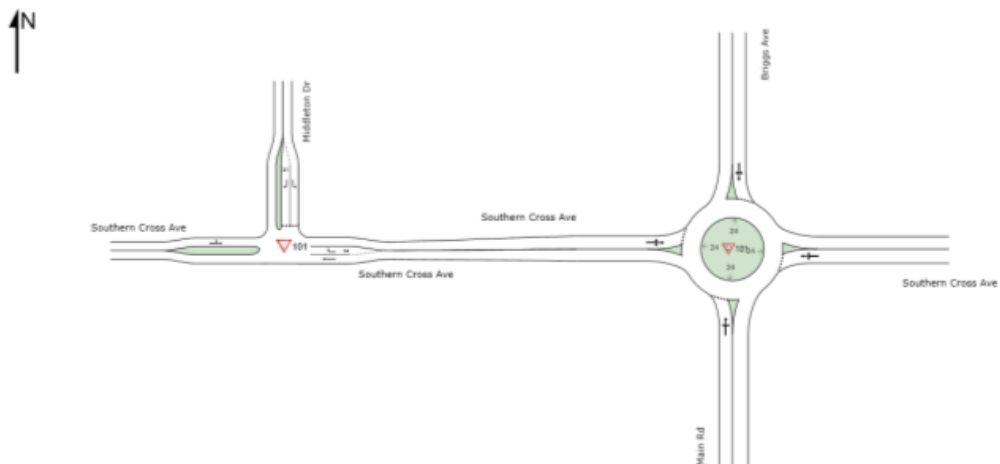
The annual growth rate, determined in Section 4.2, was applied to the 2026 traffic volumes to determine the future year traffic volumes. The future year traffic volumes of Flynn Avenue / Main Street intersection and Southern Cross Avenue intersections are detailed in **Attachment A**.

6.4 Geometric Layout

The SIDRA model layout based on the intersection layout shown in the design plan for Flynn Avenue / Main Street intersection and Southern Cross Avenue intersections are replicated in Figure 6.1 and . Details of the design plan is provided in **Attachment B**.



Source: SIDRA 9.0

Figure 6.1: Flynn Avenue / Main Street Intersection SIDRA Layout – Design Plan

Source: SIDRA 9.0

Figure 6.2: Southern Cross Avenue Intersections SIDRA Layout – Design Plan

6.5 Pedestrian Volumes

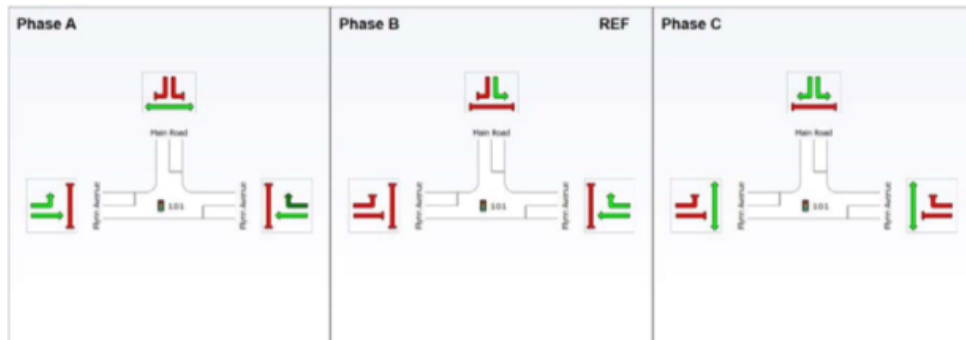
While pedestrian volumes were recorded as part of the traffic surveys, it is anticipated that the future town centre and provision of pedestrian facilities at the proposed intersection would attract and incentivise a greater level of pedestrian traffic through the intersection.

For this reason, a pedestrian volume of **50 pedestrians per hour** was used as the model input for each of the new crossings.

6.6 Traffic Signal Setup

6.6.1 Phase Sequence

Figure 6.3 shows the modelled phasing arrangement for the Flynn Avenue / Main Street intersection SIDRA model.



Source: SIDRA 9.0

Figure 6.3: Future Year 2048 – SIDRA Phase Sequence

6.6.2 Pedestrian Protection

To simulate the effects of pedestrian protection and vehicles giving way to pedestrians on the pedestrian crossings, the parameters in Table 6.2 were applied

Table 6.2: SIDRA Parameters – Pedestrian Protection

Parameter	Change	Rationale
Movement Priorities	All left and right-turn movements were set to give way to adjacent pedestrian crossing	Vehicles must give way to pedestrians on the pedestrian crossing
Late Start	Set to '3 seconds' for all signal groups	The Opposing Pedestrian (Signals) parameter only applies to the turning movements and is based on the input pedestrian demand (estimated, see Section 6.5). A manual Late Start was set to stimulate the necessary vehicle all-red and red-arrow signals at the start of each phase.

6.7 Assessment Criteria

The key performance indicators (KPI) used to assess the SIDRA model outcomes include:

- Degree of Saturation (DoS)
- Level of Service (LoS)
- Back of Queue Distance.

The KPIs are further described in the following sections.

6.7.1 Degree of Saturation

Degree of Saturation (DoS) is generally used to measure the performance of isolated intersections. It identifies whether an intersection is operating below, at or above its practical operating capacity.

Throughout this report, the resulting DoS is categorised the following:

- **DoS < 0.9** – Intersection is operating below practical operating capacity
- **DoS ≥ 0.9** – Intersection is operating at or above practical operating capacity
- **DoS ≥ 1.0** – Intersection is operating above theoretical operating capacity

Queue lengths and delays increase rapidly as DoS approaches theoretical capacity when **DoS = 1.0**.

6.7.2 Level of Service and Delays

Level of Service (LoS) describes the operational performance at an intersection and is directly related to the delay in seconds experienced at each approach. Table 14.3 of the *TfNSW Traffic Modelling Guidelines (2013)* outlines the LoS criteria adopted for the intersection assessment and is reproduced in Table 6.3 below.

Table 6.3: SIDRA Level of Service Thresholds

Link Colour (LoS)	Control Delay per Vehicle in Seconds (d)
A	$d \leq 14$
B	$15 < d \leq 28$
C	$29 < d \leq 42$
D	$43 < d \leq 56$
E	$57 < d \leq 70$
F	$d > 70$

Source: *TfNSW Traffic Modelling Guidelines (2013) Table 14.3*

6.7.3 Queue Length

The 95th percentile queue lengths were analysed to understand the probabilities of queues on intersection approaches extending back to a nearby intersection. This is the value for which 95% of queue lengths fall.

The 95th percentile queue length also represents the storage length required of a lane to accommodate the queue.

6.8 Modelling Results

6.8.1 Flynn Avenue / Main Street

Design Plan

The modelled cycle time was set to 'Optimum Cycle Time' for the design plan to determine the appropriate signal phase times for the proposed intersection. The resulting cycle/phase times are shown below in Table 6.4.

Table 6.4: Phase and Cycle Time – Future Year 2048 Concept Design Model

Phase	AM Peak	PM Peak
Phase A	51 sec	30 sec
Phase B	78 sec	99 sec
Phase C	21 sec	21 sec
Total Cycle Time	150 sec	150 sec

The modelled performance of the Future Year 2048 design plan model is presented in Table 6.5. Details of the SIDRA Results are provided in **Attachment C**.

Table 6.5: Intersection Performance – Design Plan

Approach	DoS	Average Delay (sec)	LoS	Queue (m)
AM Peak				
North	0.127	23.2	C	30.6
East	0.869	37.2	D	356.1
West	0.932	75.7	E	325.3
Overall	0.932	55.6	E	356.1
PM Peak				
North	0.706	26.6	C	44.5
East	1.057	95.7	F	874.1
West	1.092	174.6	F	295.6
Overall	1.092	105.1	F	874.6

The above tables indicate that the intersection performance is operating above practical and theoretical capacity with **LoS E** and **LoS F** in the AM and PM periods respectively, and a cycle time of 150 seconds. This also includes unreasonably long queues along Flynn Avenue extending up to 325 m on the west, encroaching Flynn Avenue / Irving Terrace, and 874 m on the east, encroaching beyond Cowpasture Road / Qantas Boulevard / Collarenebri Road.

The excessive queue on the eastern approach is due to the significant number of right turning traffic. Given that both through traffic and right turning traffic share the same single lane, through traffic has no opportunity to bypass right turning traffic. This results in an excessive queue due to the combination of both through and right turning traffic queueing on the eastern approach.

Overall, the results show that the poor performance of the intersection layout shown in the design plan and requires significant modifications to improve the overall intersection performance.

Recommended Design

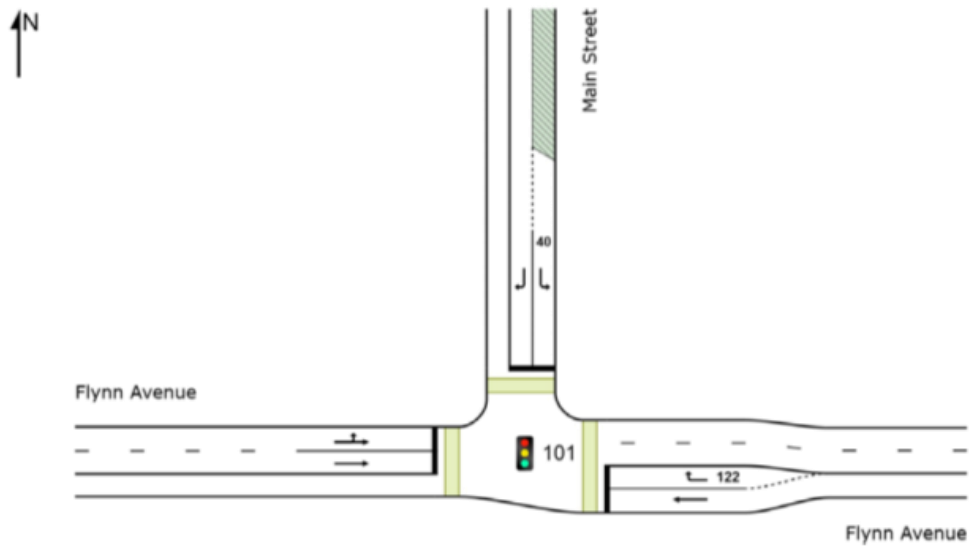
To resolve the excessive queueing on the eastern approach, it is recommended that a right turn bay to be implemented on the eastern approach of the intersection.

The intersection layout of the recommended design entails the following amendments on the eastern approach:

- Full length travel lane allows only through movement
- An additional short right-turn bay

This intersection layout would allow westbound through traffic to bypass the right turning traffic queues.

The geometric layout modelled in SIDRA is shown below in Figure 6.4.



Source: SIDRA 9.0

Figure 6.4: SIDRA Intersection Layout – Recommended

The modelled cycle time was set to 'Optimum Cycle Time' for the recommended design to determine the appropriate signal phase times for the proposed intersection. The resulting cycle/phase times are shown below in Table 6.6.

Table 6.6: Phase and Cycle Time – Recommended Design

Phase	AM Peak	PM Peak
Phase A	36 sec	21 sec
Phase B	26 sec	32 sec
Phase C	18 sec	17 sec
Total Cycle Time	80 sec	70 sec

Table 6.7 summarises the overall intersection performance of the recommended design layout. The intersection performance of the design plan, in section 0, would be compared to assess the traffic impact of implementing the right turn bay. Details of the SIDRA Results are provided in **Attachment C**.

Table 6.7: Intersection Performance – Recommended Design

Approach	DoS	Average Delay (sec)	LOS	Queue (m)
AM Peak				
North	0.174	21.2	C	23.5
East	0.572	12.9	B	69.0
West	0.748	25.6	C	135.7
Overall	0.748	25.6	C	135.7
PM Peak				
North	0.494	18.6	B	35.2
East	0.809	16.6	B	114.9
West	0.855	39.1	D	97.8
Overall	0.855	22.8	C	114.9

The above tables indicate that the intersection performance is operating below practical with LoS C and a cycle time of 80 seconds and 70 seconds in the AM and PM periods respectively. This also results in queues along Flynn Avenue extending up to 136 m on the west, encroaching beyond Flynn Avenue / Ulm Street, and 115 m on the east, encroaching up to Flynn Avenue / Shawe Lane.

These results show that the recommended layout significantly improves the intersection performance in comparison to the design plan. Implementing a right turn bay on the eastern approach significantly reduces the delay, queue length and cycle time.

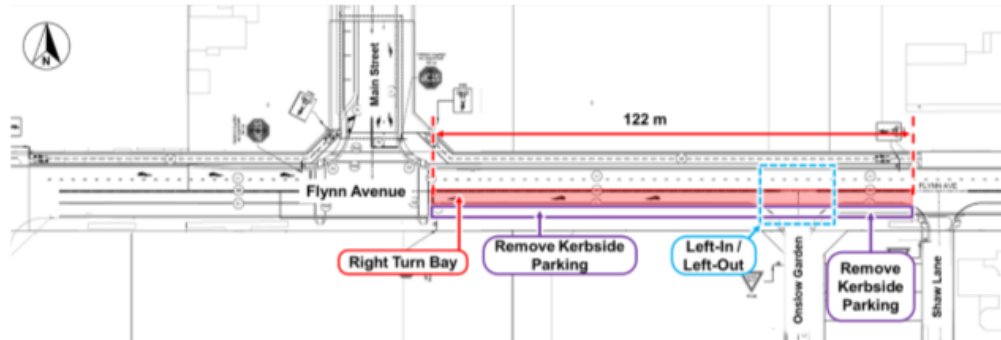
Right Turn Bay Treatment

The modelling results showed that a right turn bay on the eastern approach will significantly improve the overall intersection performance of Flynn Avenue / Main Street. The design of the right turn bay requires the following:

- Lane length of at least 122 m to allow storage of right turn queues and avoid overflow onto adjacent through travel lane
- Rearrange the kerbside parking along the southern side of Flynn Avenue to a through movement traffic lane
- Left-in / left-out arrangement at Flynn Avenue / Onslow Garden to prohibit vehicles turning right. This would redirect right turning traffic onto Shawe Lane, Neale Lane, and Broadbent Avenue

Prohibiting right turn movement at Onslow Gardens would redirect right turning traffic onto Shawe Lane, Neale Lane and Broadbent Avenue. It should be noted that Broadbent Avenue appears as the main north-south corridor between Fifteenth Avenue and Sixteenth Avenue East. Therefore, the traffic impact of redirecting right turning traffic from Onslow Gardens is expected to be minimal.

The implementation of the right turn bay treatment is illustrated in Figure 6.5.



Source: 9979-06-CC001-123

Figure 6.5: Recommended Right Turn Bay Treatment

6.8.2 Southern Cross Avenue

The modelled performance for the year 2026 and Future Year 2034 is presented in Table 6.8 and Table 6.9 respectively. Details of the SIDRA Results are provided in **Attachment C**.

Table 6.8: 2026 Intersection Performance

Approach	AM Peak				PM Peak			
	DoS	Average Delay (s)	LoS	Queue (m)	DoS	Average Delay (s)	LoS	Queue (m)
Briggs Avenue / Main Street								
North	0.095	4.5	A	2.8	0.043	5.7	A	1.2
East	0.035	2.7	A	0.9	0.169	3.0	A	4.6
South	0.116	3.0	A	3.3	0.257	3.5	A	8.6
West	0.205	2.4	A	6.3	0.182	3.9	A	5.8
Overall	0.205	2.9	A	6.3	0.257	3.6	A	8.6
Middleton Drive								
North	0.047	5.5	A	1.3	0.061	5.3	A	1.7
East	0.092	0.3	A ^[1]	0.2	0.188	0.8	A ^[1]	1.7
West	0.134	0.1	A ^[1]	0.0	0.090	0.0	A ^[1]	0.0
Overall	0.134	0.8	A	1.3	0.188	1.2	A	1.7

[1] – Southern Cross Avenue is the Major Road of Southern Cross Avenue / Middleton Drive intersection

Table 6.9: 2034 Intersection Performance

Approach	AM Peak				PM Peak			
	DoS	Average Delay (s)	LoS	Queue (m)	DoS	Average Delay (s)	LoS	Queue (m)
Briggs Avenue / Main Street								
North	0.114	4.7	A	3.5	0.055	5.9	A	1.6
East	0.041	2.7	A	1.1	0.214	3.1	A	6.3
South	0.138	3.1	A	4.0	0.329	3.7	A	12.0
West	0.242	2.4	A	7.8	0.230	4.0	A	7.8
Overall	0.242	3.0	A	7.8	0.329	3.8	A	12.0
Middleton Drive								
North	0.057	5.7	A	1.6	0.079	5.5	A	2.2
East	0.107	0.3	A ^[1]	0.3	0.234	0.8	A ^[1]	2.2
West	0.158	0.1	A ^[1]	0.0	0.112	0.0	A ^[1]	0.0
Overall	0.158	0.8	A	1.6	0.234	1.2	A	2.2

[1] – Southern Cross Avenue is the Major Road of Southern Cross Avenue / Middleton Drive intersection

The above tables indicate that both intersections along Southern Cross Avenue would be operating at LoS A, significantly below practical operational capacity, for the future years 2026 and 2034.

On the eastern approach of Southern Cross Avenue / Middleton Drive intersection, the queue length extends up to 2.2 m. The length of the right turn bay is approximately 14 m which is significantly larger than the queue length. Therefore, the right turn bay has sufficient storage length to accommodate the queue length of the 2034 traffic flow without overflowing onto adjacent lanes.

Overall, no treatment is required for the proposed upgrades along Southern Cross Avenue as both intersections would operate with minimal traffic issues.

Attachment A: Traffic Surveys and Volumes



Curtis Traffic Surveys

Job: 230802lm
Day, date: 03/08/23
Location: Flynn Av Middleton Grange
Weather: Fine
Client: Lyle Marshall & Partners

Vehicle & pedestrian count

Eastbound congestion from 7:51 to 8:36

Time Period	1 Eastbound Flynn Av				2 Westbound Flynn Av				north side		south side	
	Light Vehicles	2 Axle	3+ axle	E bicycles	Light Vehicles	2 Axle	3+ axle	F bicycles	A east	B west	C east	D west
		trucks	trucks			trucks	trucks					
07:00 to 07:15	79	3	0	0	64	0	0	0	0	0	0	0
07:15 to 07:30	107	0	1	0	78	3	0	0	0	0	0	0
07:30 to 07:45	108	1	0	0	138	1	1	0	0	0	0	0
07:45 to 08:00	242	0	0	0	167	3	0	0	0	0	1	1
08:00 to 08:15	176	1	0	0	163	1	0	0	0	0	0	1
08:15 to 08:30	281	2	0	0	118	1	0	0	0	0	0	0
08:30 to 08:45	144	1	1	1	124	0	0	0	3	0	0	0
08:45 to 09:00	144	5	0	0	73	4	0	0	0	0	0	0
Totals	1281	13	2	1	925	13	1	0	3	0	1	2

Curtis Traffic Surveys

Vehicle & pedestrian count

Job: 230802lm
 Day, date: 02/08/23
 Location: Flynn Av Middleton Grange
 Weather: Fine
 Client: Lyle Marshall & Partners

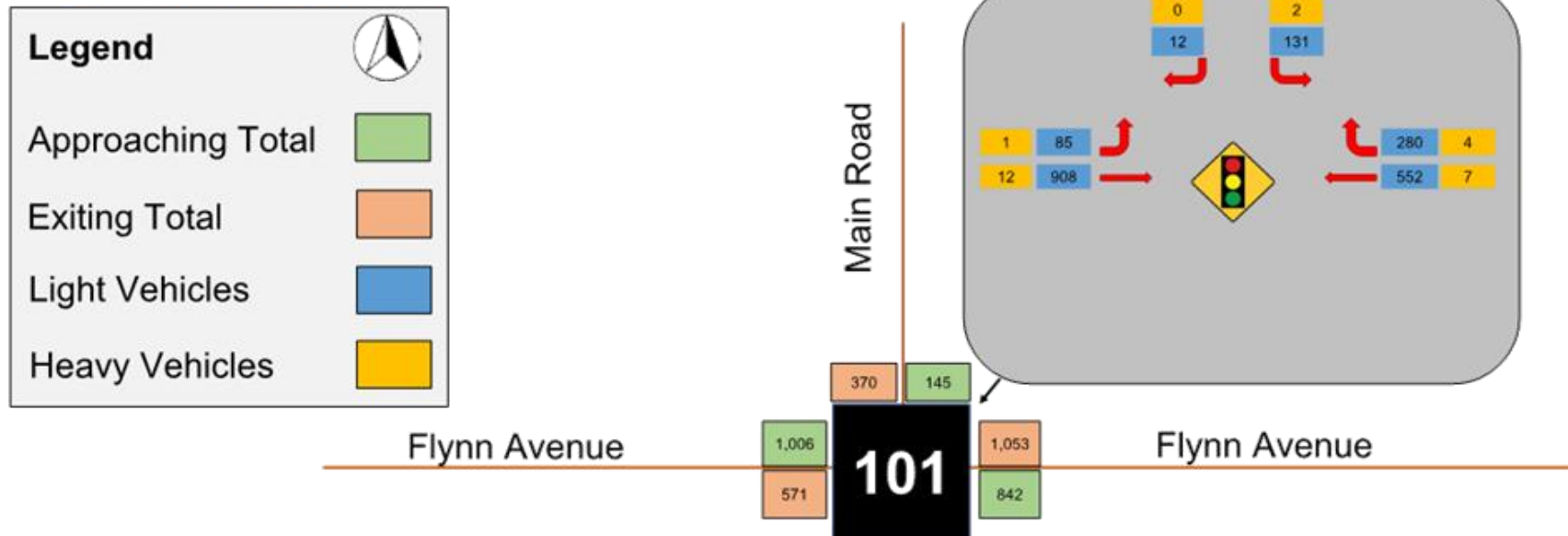
Time Period	1 Eastbound Flynn Av				2 Westbound Flynn Av				north side		south side	
	2 Axle		3+ axle	E bicycles	2 Axle		3+ axle	F bicycles	A east	B west	C east	D west
	Light Vehicles	trucks	trucks		Light Vehicles	trucks	trucks					
14:30 to 14:45	150	0	0	0	164	3	0	0	1	0	0	1
14:45 to 15:00	184	9	1	0	111	5	1	0	0	0	6	0
15:00 to 15:15	87	2	0	0	125	2	0	0	0	0	0	4
15:15 to 15:30	109	1	1	0	165	2	0	1	0	0	0	2
15:30 to 15:45	118	2	1	0	177	1	0	0	0	0	0	2
15:45 to 16:00	118	2	1	0	139	9	4	0	0	0	0	1
16:00 to 16:15	119	1	1	0	162	1	2	0	0	0	2	0
16:15 to 16:30	70	0	0	0	137	3	2	0	0	0	0	0
16:30 to 16:45	80	2	0	0	197	1	0	1	0	0	0	0
16:45 to 17:00	53	2	0	0	144	1	1	0	0	0	0	0
17:00 to 17:15	59	1	0	0	143	1	1	0	0	0	0	0
17:15 to 17:30	65	0	0	0	180	4	2	0	0	0	0	0
17:30 to 17:45	75	1	1	0	146	1	0	0	0	0	0	3
17:45 to 18:00	105	1	0	0	142	2	1	0	0	0	1	0
Totals	1392	24	6	0	2132	36	14	2	1	0	9	13

P6160 Flynn Ave Middleton Grange Town Centre TCS Design

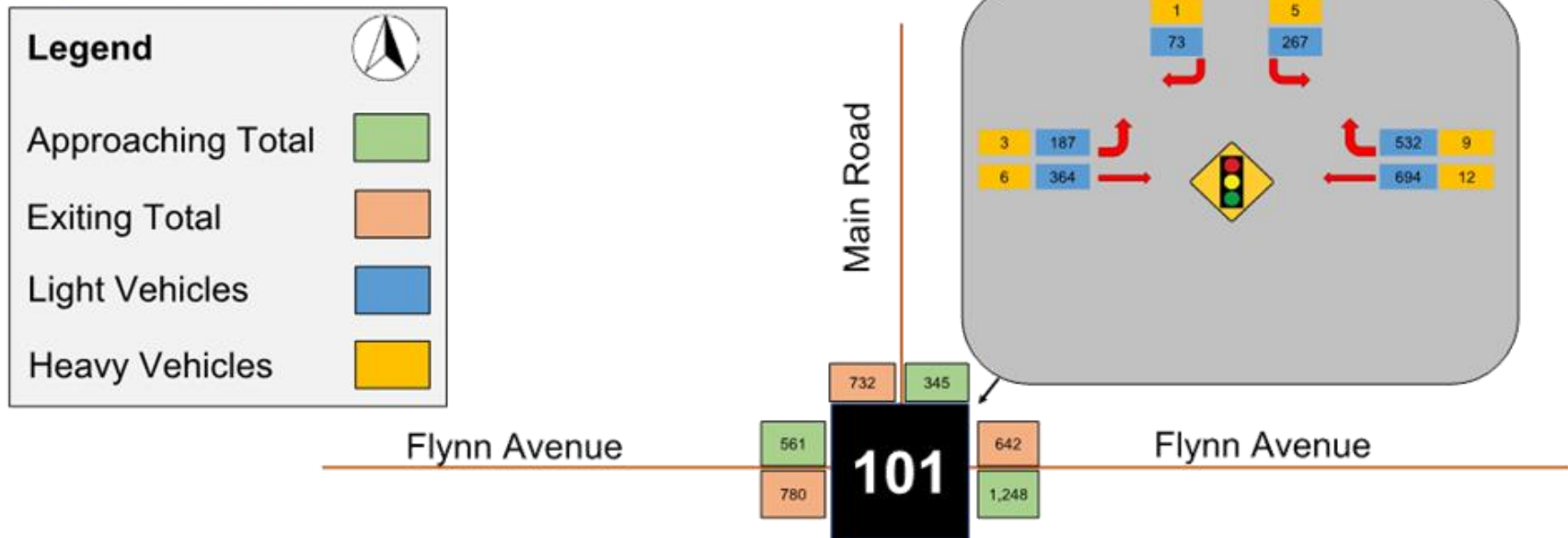
Traffic Survey Data Analysis

08:00 - 09:00 AM Peak LV + HV - 2048

Flynn Avenue / Main Road



P6160 Flynn Ave Middleton Grange Town Centre TCS Design
Traffic Survey Data Analysis
16:00 - 17:00 PM Peak LV + HV - 2048
Flynn Avenue / Main Road



P6160 Flynn Ave Middleton Grange Town Centre TCS Design

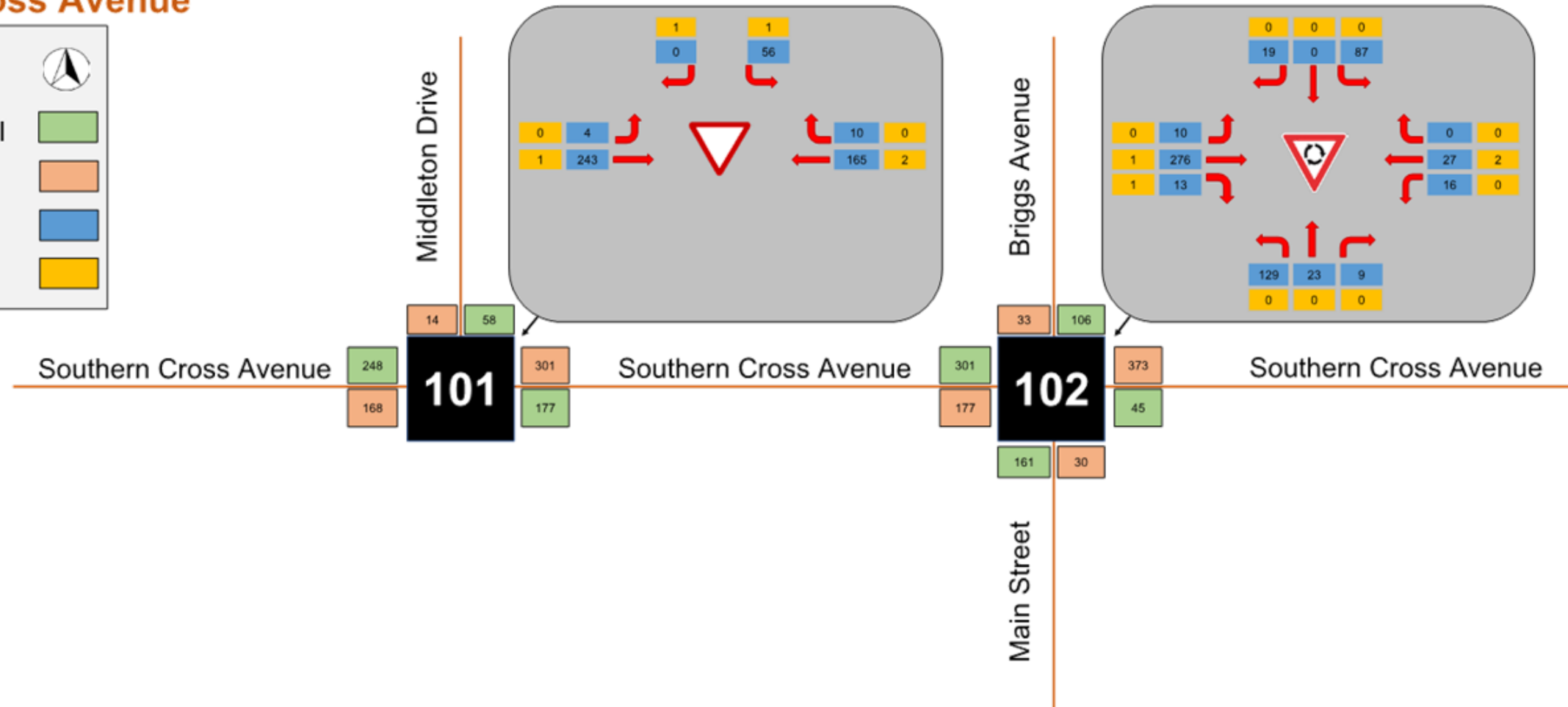
Traffic Data Analysis

07:30 - 08:30 AM Peak LV + HV - 2026

Southern Cross Avenue

Legend


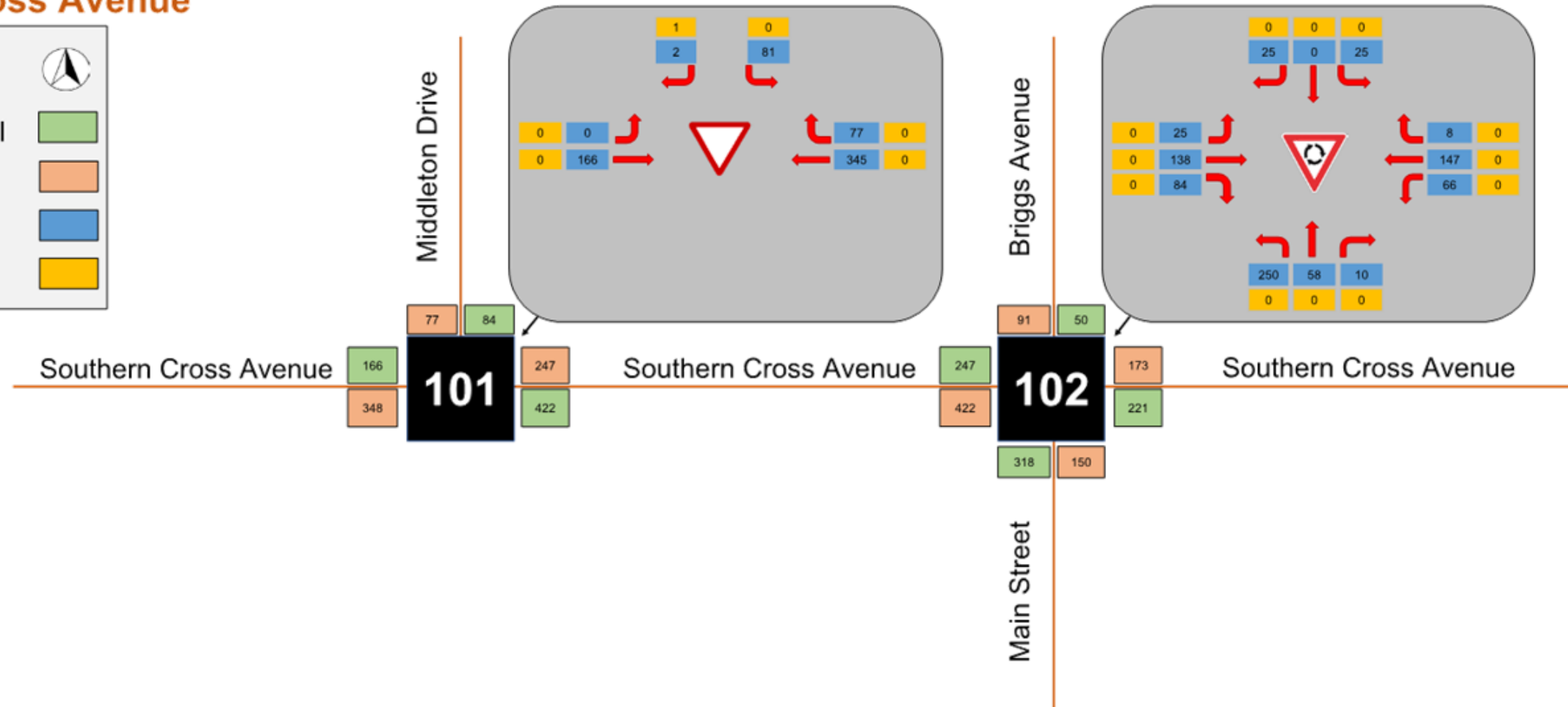
- Approaching Total
- Exiting Total
- Light Vehicles
- Heavy Vehicles



P6160 Flynn Ave Middleton Grange Town Centre TCS Design Traffic Data Analysis 16:45 - 17:45 PM Peak LV + HV - 2026 Southern Cross Avenue

Legend

- Approaching Total
- Exiting Total
- Light Vehicles
- Heavy Vehicles

P6160 Flynn Ave Middleton Grange Town Centre TCS Design

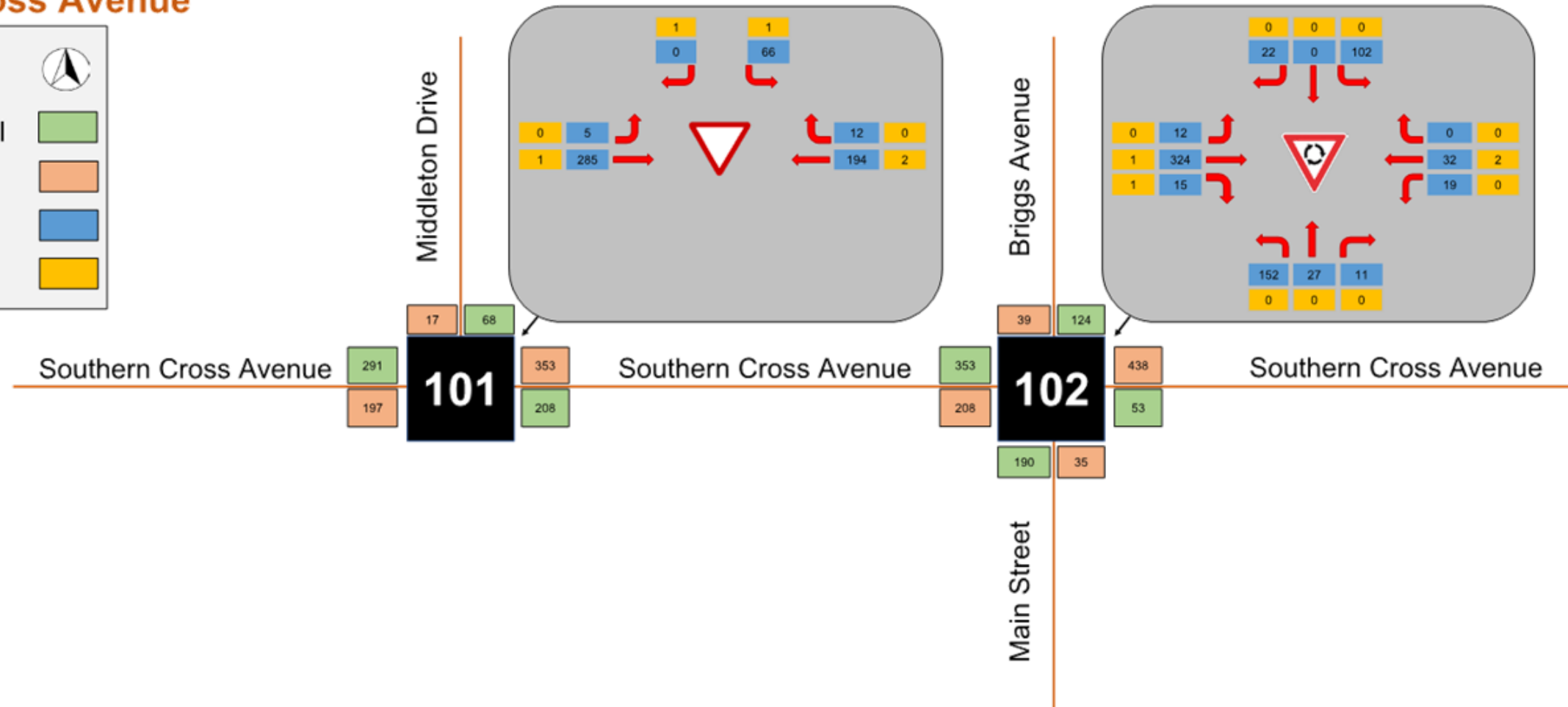
Traffic Data Analysis

07:30 - 08:30 AM Peak LV + HV - 2034

Southern Cross Avenue

Legend


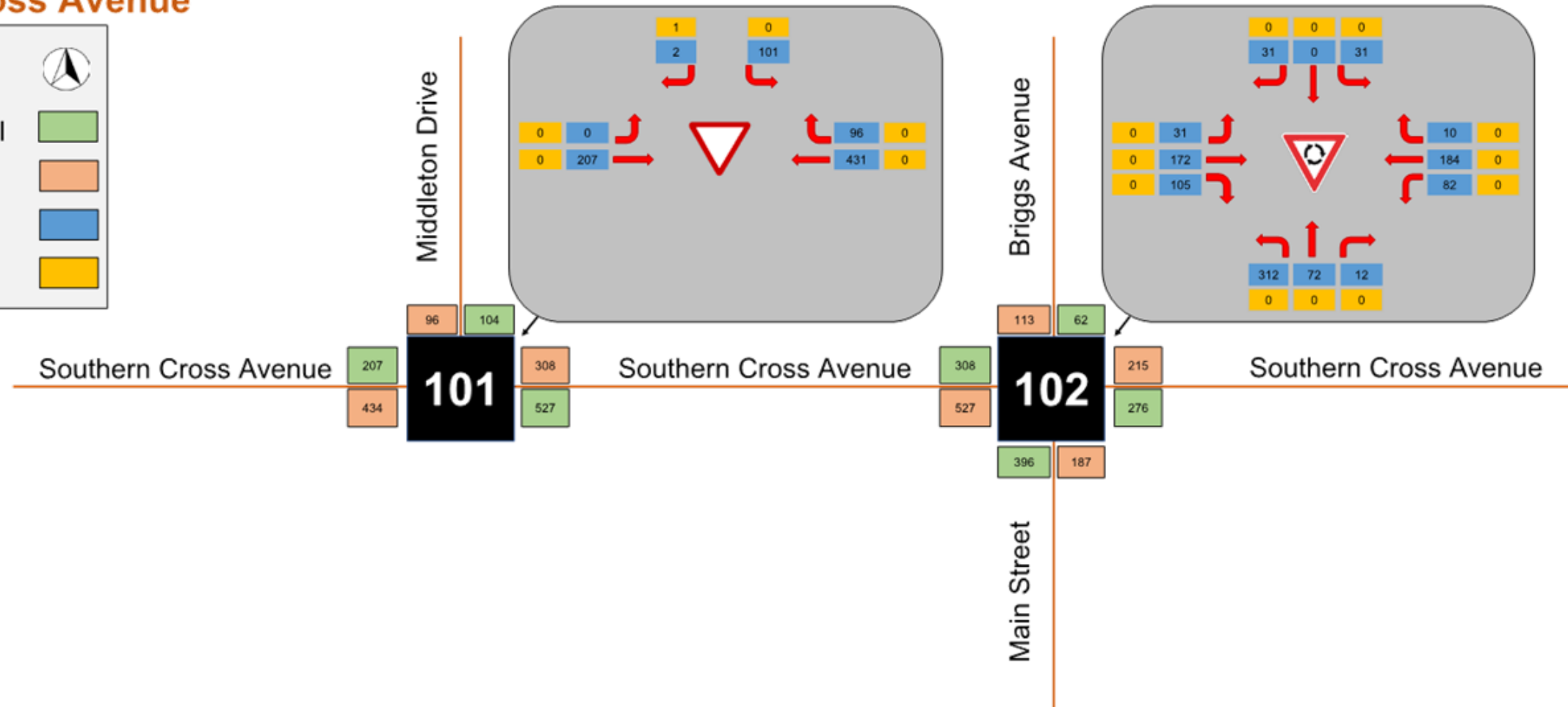
- Approaching Total
- Exiting Total
- Light Vehicles
- Heavy Vehicles



P6160 Flynn Ave Middleton Grange Town Centre TCS Design Traffic Data Analysis 16:45 - 17:45 PM Peak LV + HV - 2034 Southern Cross Avenue

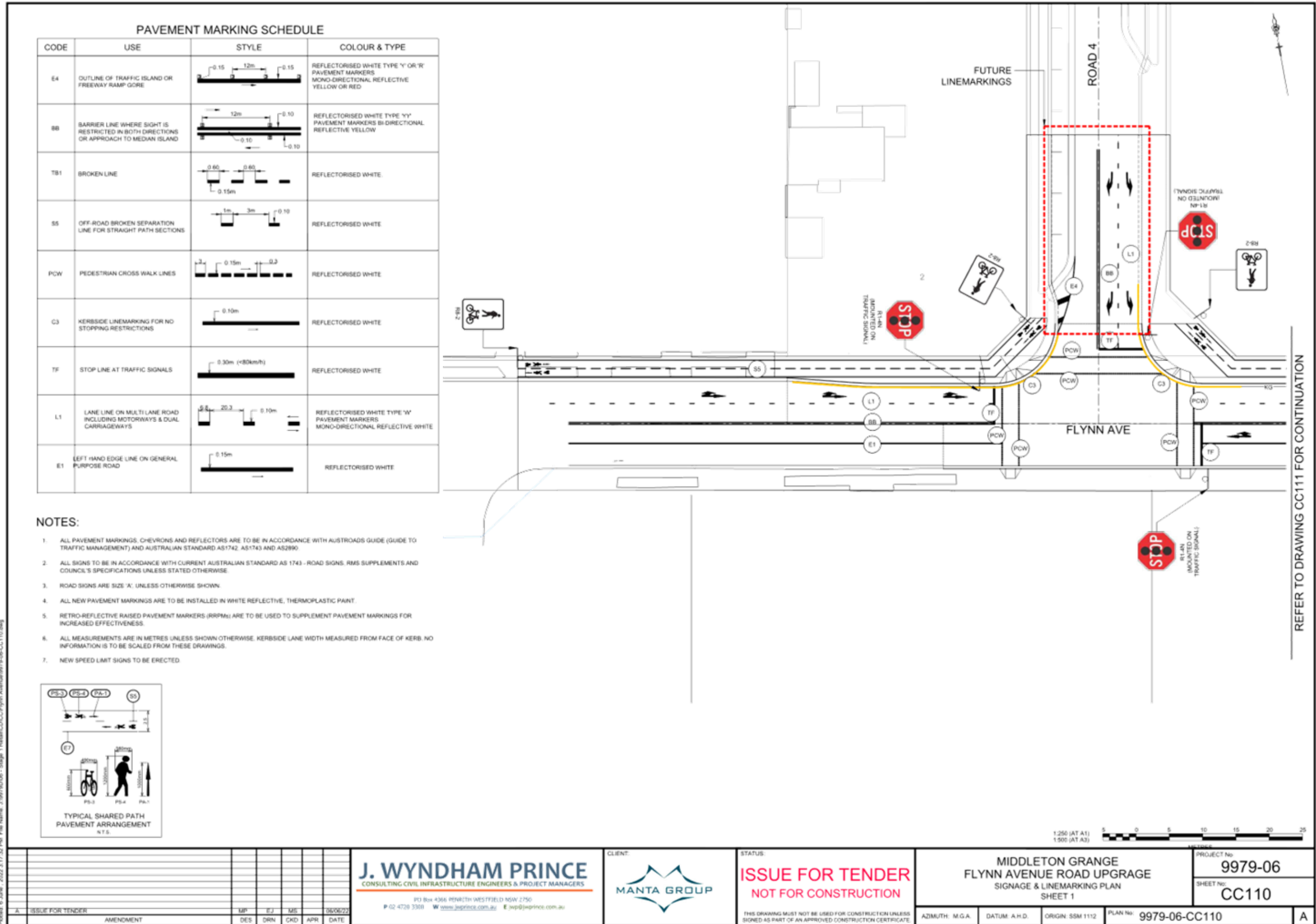
Legend

- Approaching Total
- Exiting Total
- Light Vehicles
- Heavy Vehicles

Attachment B: Design Plan





Plot Date: 6 June, 2022 3:17:32 PM File Name: J:\9979\06 - Stage 1 Retail\CC-CC-Flynn Avenue\9979-06-CC111.dwg

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

PO Box 4364 PENRITH WESTFIELD NSW 2150
P 02 4720 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT
MANTA GROUP

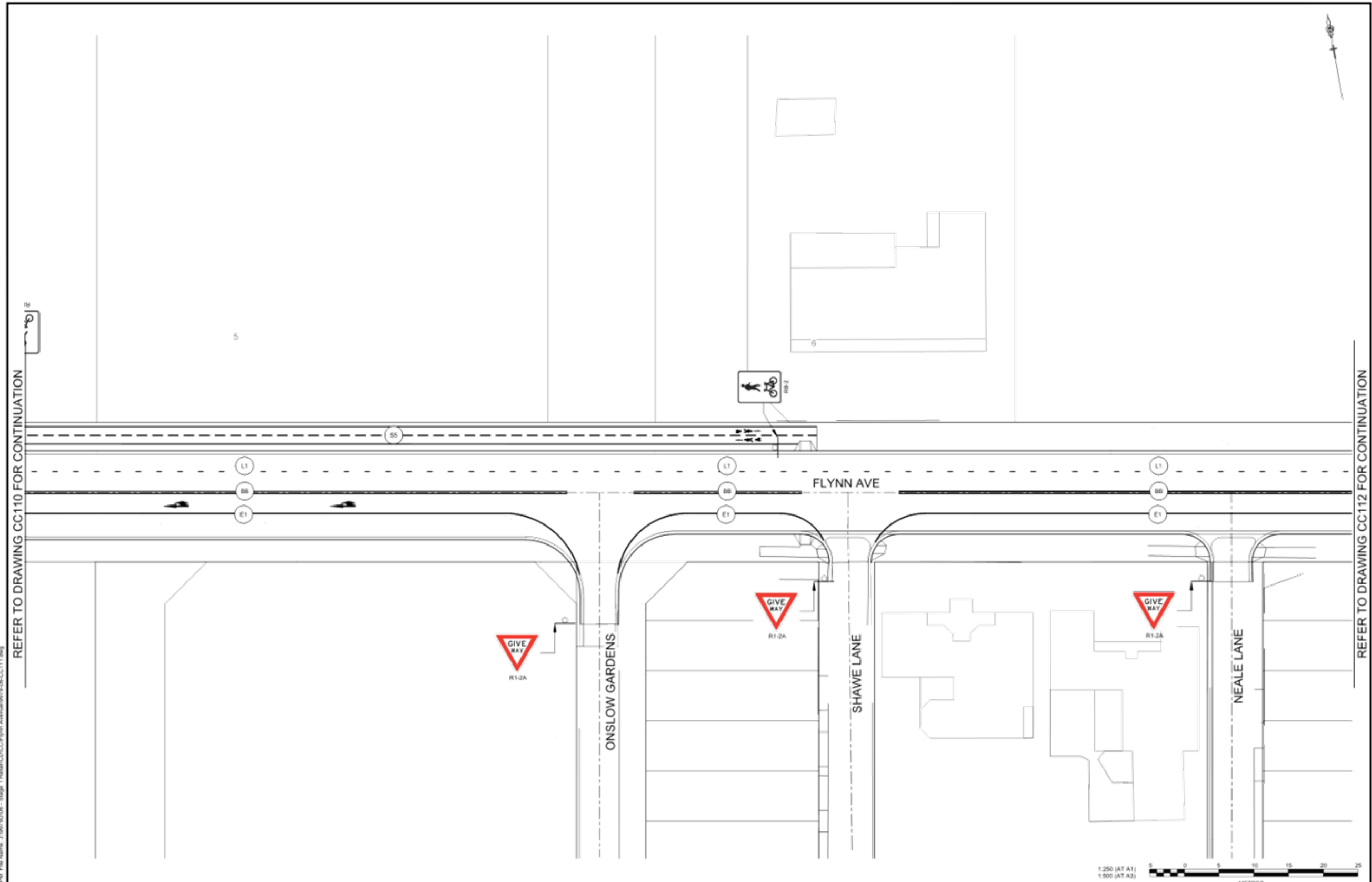
STATUS
ISSUE FOR TENDER
NOT FOR CONSTRUCTION

MIDDLETON GRANGE
FLYNN AVENUE ROAD UPGRADE
SIGNAGE & LINEMARKING PLAN
SHEET 1

PROJECT No:
9979-06
SHEET No:
CC110

ISSUE FOR TENDER	UP	EJ	MS	05/06/22
AMENDMENT	DES	DRN	CKD	APR

AZIMUTH: M.G.A.	DATUM: A.H.D.	ORIGIN: SSM 1112	PLAN No: 9979-06-CC110	A
-----------------	---------------	------------------	------------------------	---



REFER TO DRAWING CC110 FOR CONTINUATION

REFER TO DRAWING CC112 FOR CONTINUATION

Project: 6 June, 2022 3:17:51 PM File Name: J:\9979\06 - Stage 1 Retail\CC\CC\Flynn Avenue\9979-06-CC111.dwg

NO.	DESCRIPTION	MP	EJ	MS	DATE
1	ISSUE FOR TENDER				06/06/22
2	AMENDMENT	DES	DRN	CKD	APR

J. WYNDHAM PRINCE
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS & PROJECT MANAGERS

P13 Box 4366 PENRITH WESTFIELD NSW 2750
P 02 4710 3300 W www.jwprince.com.au E jwp@jwprince.com.au

CLIENT: **MANTA GROUP**

STATUS: **ISSUE FOR TENDER**
NOT FOR CONSTRUCTION

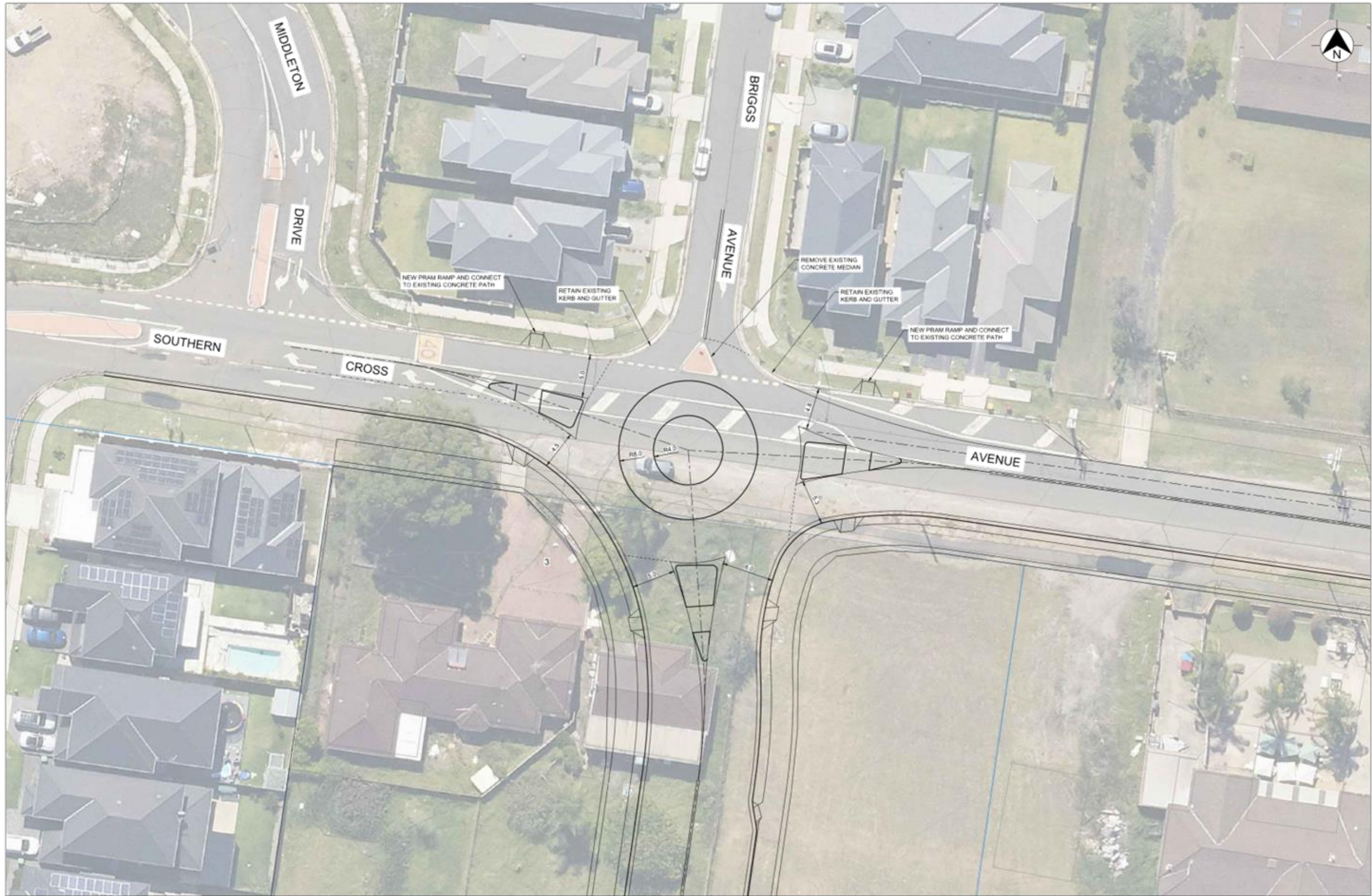
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED AS PART OF AN APPROVED CONSTRUCTION CERTIFICATE.

MIDDLETON GRANGE
FLYNN AVENUE ROAD UPGRADE
SIGNAGE & LINEMARKING PLAN
SHEET 2

AZIMUTH: M.G.A. DATUM: A.H.D. ORIGIN: SSM 1112 PLAN No: 9979-06-CC111

PROJECT No: **9979-06**
SHEET No: **CC111**

A



Attachment C: SIDRA Results



SITE LAYOUT

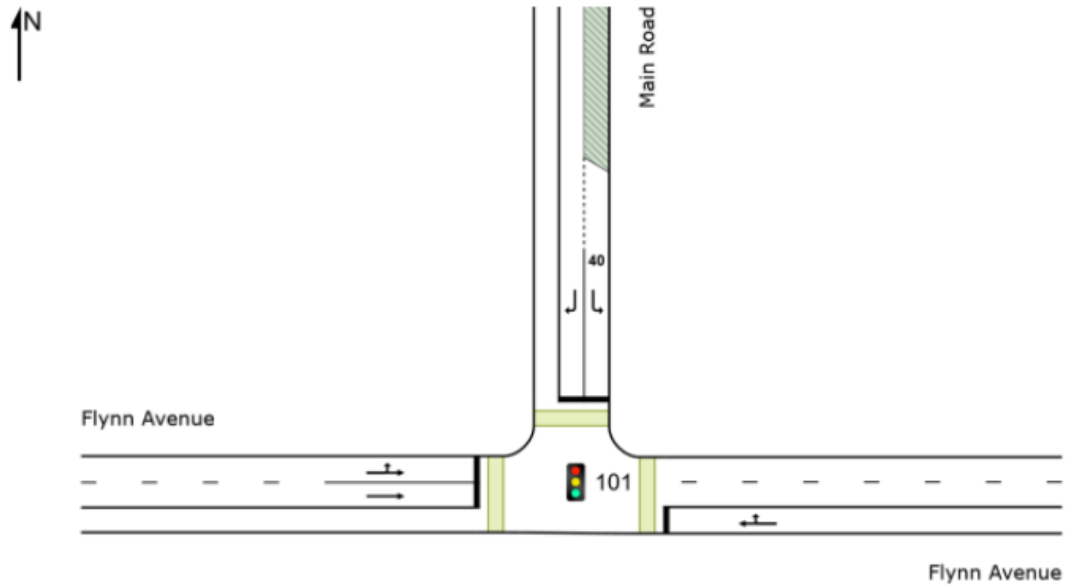
Site: 101 [2048 AM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Concept)]

Flynn Ave / Main Road

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
 Organisation: BITZIOS CONSULTING | Licence: PLUS / Enterprise | Created: Friday, 8 September 2023 3:38:19 PM
 Project: P:\P6160 Flynn Ave Middleton Grange Town Centre TCS Design\Technical\Models\SIDRA\P6160.001M Flynn Ave_Middleton Grange Town Centre TCS.sip9

MOVEMENT SUMMARY

Site: 101 [2048 AM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Concept)]

Flynn Ave / Main Road

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 150 seconds (Site Optimum Cycle Time - Minimum Delay)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
		[Total veh/h	HV veh/h	[Total veh/h	HV %				[Veh. veh	Dist] m				
East: Flynn Avenue														
5	T1	559	7	588	1.3	0.869	35.7	LOS D	50.3	356.1	0.94	1.07	0.96	33.1
6	R2	284	4	299	1.4	*0.869	40.3	LOS D	50.3	356.1	0.94	1.07	0.96	32.9
Approach		843	11	887	1.3	0.869	37.2	LOS D	50.3	356.1	0.94	1.07	0.96	33.0
North: Main Road														
7	L2	133	2	140	1.5	0.127	18.2	LOS B	4.3	30.6	0.46	0.67	0.46	39.7
9	R2	12	0	13	0.0	*0.113	78.8	LOS E	0.9	6.3	0.97	0.68	0.97	23.9
Approach		145	2	153	1.4	0.127	23.2	LOS C	4.3	30.6	0.50	0.67	0.50	37.7
West: Flynn Avenue														
10	L2	86	1	91	1.2	0.932	80.4	LOS F	44.3	313.2	1.00	1.07	1.24	24.3
11	T1	920	12	968	1.3	*0.932	75.3	LOS E	46.0	325.3	1.00	1.07	1.24	24.6
Approach		1006	13	1059	1.3	0.932	75.7	LOS E	46.0	325.3	1.00	1.07	1.24	24.5
All Vehicles		1994	26	2099	1.3	0.932	55.6	LOS E	50.3	356.1	0.94	1.04	1.07	28.3

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

* Critical Movement (Signal Timing)

Pedestrian Movement Performance												
Mov ID	Crossing	Input Vol. ped/h	Dem. Flow ped/h	Aver. Delay sec	Level of Service	AVERAGE BACK OF QUEUE		Prop. Que	Effective Stop Rate	Travel Time sec	Travel Dist. m	Aver. Speed m/sec
						[Ped ped	Dist] m					
East: Flynn Avenue												
P2	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.1	0.86
North: Main Road												
P3	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	245.9	211.9	0.86
West: Flynn Avenue												
P4	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.1	0.86
All Pedestrians		150	158	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.0	0.86

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
Organisation: BITZIOS CONSULTING | Licence: PLUS / Enterprise | Processed: Friday, 8 September 2023 3:28:37 PM
Project: P:\P6160 Flynn Ave Middleton Grange Town Centre TCS Design\Technical\Models\SIDRA\P6160.001M Flynn Ave_Middleton Grange
Town Centre TCS.sip9

MOVEMENT SUMMARY

Site: 101 [2048 PM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Concept)]

Flynn Ave / Main Road

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 150 seconds (Site Optimum Cycle Time - Minimum Delay)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
		[Total veh/h]	HV veh/h	[Total veh/h]	HV %				[Veh. veh]	[Dist m]				
East: Flynn Avenue														
5	T1	706	12	743	1.7	1.057	93.7	LOS F	123.1	874.1	1.00	1.24	1.53	18.8
6	R2	541	9	569	1.7	* 1.057	98.3	LOS F	123.1	874.1	1.00	1.24	1.53	18.7
Approach		1247	21	1313	1.7	1.057	95.7	LOS F	123.1	874.1	1.00	1.24	1.53	18.8
North: Main Road														
7	L2	272	5	286	1.8	0.211	10.9	LOS B	6.3	44.5	0.33	0.64	0.33	43.2
9	R2	74	1	78	1.4	* 0.706	84.5	LOS F	6.0	42.4	1.00	0.83	1.13	23.0
Approach		346	6	364	1.7	0.706	26.6	LOS C	6.3	44.5	0.47	0.68	0.50	36.4
West: Flynn Avenue														
10	L2	190	3	200	1.6	1.092	178.5	LOS F	31.1	220.4	1.00	1.33	1.92	14.2
11	T1	370	6	389	1.6	* 1.092	172.5	LOS F	41.7	295.6	1.00	1.51	1.88	14.5
Approach		560	9	589	1.6	1.092	174.6	LOS F	41.7	295.6	1.00	1.45	1.89	14.4
All Vehicles		2153	36	2266	1.7	1.092	105.1	LOS F	123.1	874.1	0.92	1.21	1.46	18.8

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

* Critical Movement (Signal Timing)

Pedestrian Movement Performance												
Mov ID	Crossing	Input Vol. ped/h	Dem. Flow ped/h	Aver. Delay sec	Level of Service	AVERAGE BACK OF QUEUE		Prop. Que	Effective Stop Rate	Travel Time sec	Travel Dist. m	Aver. Speed m/sec
						[Ped ped]	[Dist m]					
East: Flynn Avenue												
P2	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.1	0.86
North: Main Road												
P3	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	245.9	211.9	0.86
West: Flynn Avenue												
P4	Full	50	53	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.1	0.86
All Pedestrians		150	158	69.3	LOS F	0.2	0.2	0.96	0.96	246.0	212.0	0.86

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

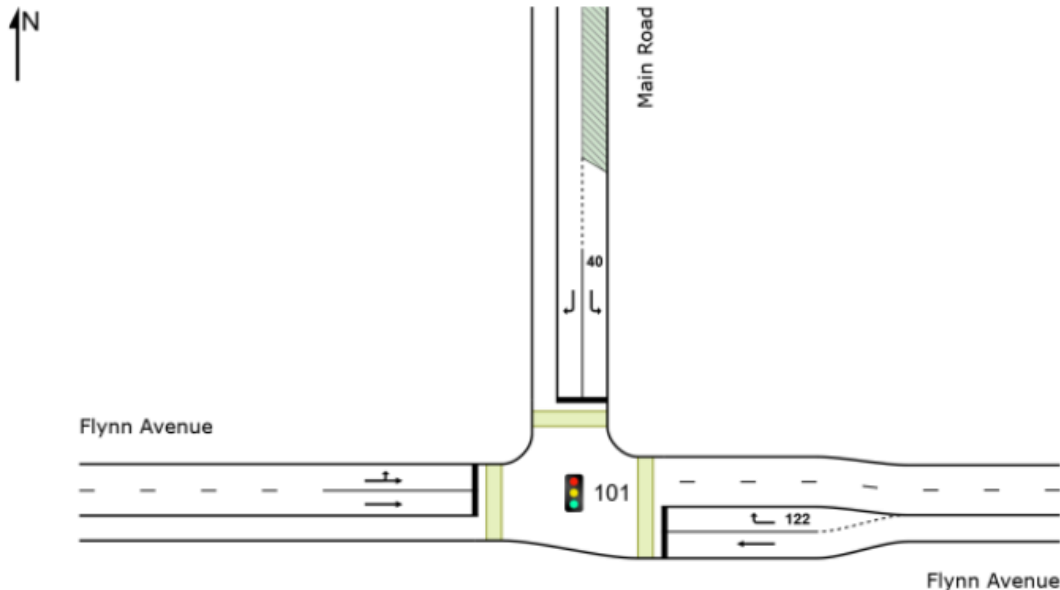
SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
Organisation: BITZIOS CONSULTING | Licence: PLUS / Enterprise | Processed: Friday, 8 September 2023 2:52:55 PM
Project: P:\P6160 Flynn Ave Middleton Grange Town Centre TCS Design\Technical\Models\SIDRA\P6160.001M Flynn Ave_Middleton Grange
Town Centre TCS.sip9

SITE LAYOUT

Site: 101 [2048 AM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Reccomended)]

Flynn Ave / Main Road
Site Category: (None)
Signals - EQUISAT (Fixed-Time/SCATS) Isolated

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



MOVEMENT SUMMARY

Site: 101 [2048 AM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Recommended)]

Flynn Ave / Main Road

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 80 seconds (Site Optimum Cycle Time - Minimum Delay)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
		[Total veh/h	HV veh/h	[Total veh/h	HV %				[Veh. veh	Dist] m				
East: Flynn Avenue														
5	T1	559	7	588	1.3	0.430	5.5	LOS A	9.7	69.0	0.46	0.41	0.46	46.5
6	R2	284	4	299	1.4	*0.572	27.6	LOS C	8.8	62.6	0.91	0.92	0.91	36.0
Approach		843	11	887	1.3	0.572	12.9	LOS B	9.7	69.0	0.61	0.58	0.61	42.4
North: Main Road														
7	L2	133	2	140	1.5	0.174	19.3	LOS B	3.3	23.5	0.64	0.71	0.64	39.3
9	R2	12	0	13	0.0	*0.078	42.4	LOS D	0.5	3.3	0.95	0.68	0.95	31.3
Approach		145	2	153	1.4	0.174	21.2	LOS C	3.3	23.5	0.67	0.71	0.67	38.5
West: Flynn Avenue														
10	L2	86	1	91	1.2	*0.748	30.2	LOS C	18.5	130.9	0.94	0.86	0.98	36.4
11	T1	920	12	968	1.3	0.748	25.2	LOS C	19.2	135.7	0.93	0.86	0.98	37.0
Approach		1006	13	1059	1.3	0.748	25.6	LOS C	19.2	135.7	0.93	0.86	0.98	37.0
All Vehicles		1994	26	2099	1.3	0.748	19.9	LOS B	19.2	135.7	0.78	0.73	0.80	39.2

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

* Critical Movement (Signal Timing)

Pedestrian Movement Performance												
Mov ID	Crossing	Input Vol. ped/h	Dem. Flow ped/h	Aver. Delay sec	Level of Service	AVERAGE BACK OF QUEUE		Prop. Que	Effective Stop Rate	Travel Time sec	Travel Dist. m	Aver. Speed m/sec
						[Ped ped	Dist] m					
East: Flynn Avenue												
P2	Full	50	53	34.3	LOS D	0.1	0.1	0.93	0.93	213.8	215.4	1.01
North: Main Road												
P3	Full	50	53	34.3	LOS D	0.1	0.1	0.93	0.93	210.9	211.9	1.00
West: Flynn Avenue												
P4	Full	50	53	34.3	LOS D	0.1	0.1	0.93	0.93	211.1	212.1	1.00
All Pedestrians		150	158	34.3	LOS D	0.1	0.1	0.93	0.93	211.9	213.1	1.01

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
Organisation: BITZIOS CONSULTING | Licence: PLUS / Enterprise | Processed: Friday, 8 September 2023 3:03:33 PM
Project: P:\P6160 Flynn Ave Middleton Grange Town Centre TCS Design\Technical\Models\SIDRA\P6160.001M Flynn Ave_Middleton Grange
Town Centre TCS.sip9

MOVEMENT SUMMARY

Site: 101 [2048 PM Peak - Flynn Ave / Main Road (Site Folder: 2048 - Recommended)]

Flynn Ave / Main Road

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 70 seconds (Site Optimum Cycle Time - Minimum Delay)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
		[Total veh/h	HV veh/h	[Total veh/h	HV %				[Veh. veh	Dist] m				
East: Flynn Avenue														
5	T1	706	12	743	1.7	0.568	6.5	LOS A	13.4	95.4	0.57	0.52	0.57	45.9
6	R2	541	9	569	1.7	*0.809	29.7	LOS C	16.2	114.9	0.95	1.04	1.09	35.3
Approach		1247	21	1313	1.7	0.809	16.6	LOS B	16.2	114.9	0.74	0.75	0.80	40.6
North: Main Road														
7	L2	272	5	286	1.8	0.273	12.8	LOS B	5.0	35.2	0.54	0.70	0.54	42.2
9	R2	74	1	78	1.4	*0.494	40.2	LOS D	2.8	19.5	0.99	0.76	0.99	31.9
Approach		346	6	364	1.7	0.494	18.6	LOS B	5.0	35.2	0.64	0.72	0.64	39.5
West: Flynn Avenue														
10	L2	190	3	200	1.6	*0.855	43.9	LOS D	9.4	66.5	1.00	1.04	1.41	31.2
11	T1	370	6	389	1.6	0.855	36.7	LOS D	13.8	97.8	1.00	1.05	1.33	33.2
Approach		560	9	589	1.6	0.855	39.1	LOS D	13.8	97.8	1.00	1.05	1.36	32.5
All Vehicles		2153	36	2266	1.7	0.855	22.8	LOS C	16.2	114.9	0.79	0.82	0.92	38.0

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

* Critical Movement (Signal Timing)

Pedestrian Movement Performance												
Mov ID	Crossing	Input Vol. ped/h	Dem. Flow ped/h	Aver. Delay sec	Level of Service	AVERAGE BACK OF QUEUE		Prop. Que	Effective Stop Rate	Travel Time sec	Travel Dist. m	Aver. Speed m/sec
						[Ped ped	Dist] m					
East: Flynn Avenue												
P2	Full	50	53	29.3	LOS C	0.1	0.1	0.92	0.92	208.8	215.4	1.03
North: Main Road												
P3	Full	50	53	29.3	LOS C	0.1	0.1	0.92	0.92	205.9	211.9	1.03
West: Flynn Avenue												
P4	Full	50	53	29.3	LOS C	0.1	0.1	0.92	0.92	206.1	212.1	1.03
All Pedestrians		150	158	29.3	LOS C	0.1	0.1	0.92	0.92	206.9	213.1	1.03

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
Organisation: BITZIOS CONSULTING | Licence: PLUS / Enterprise | Processed: Friday, 8 September 2023 3:03:00 PM
Project: P:\P6160 Flynn Ave Middleton Grange Town Centre TCS Design\Technical\Models\SIDRA\P6160.001M Flynn Ave_Middleton Grange
Town Centre TCS.sip9

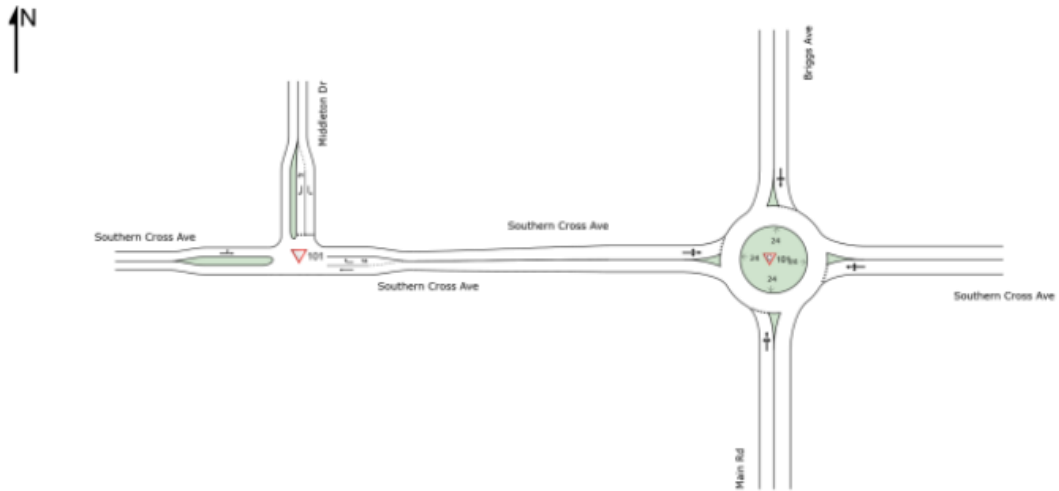
NETWORK LAYOUT

■ ■ Network: N101 [2026 AM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2026)]

New Network

Network Category: (None)

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



SITES IN NETWORK		
Site ID	CCG ID	Site Name
▽101	NA	2026 AM Peak - Southern Cross Ave_Main Rd
▽101	NA	2026 AM Peak - Southern Cross Ave_Middleton Dr

MOVEMENT SUMMARY

Site: 101 [2026 AM Peak - Southern Cross Ave_Main Rd (Site Folder: 2026)]

Network: N101 [2026 AM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2026)]

Southern Cross Ave / Main Rd / Briggs Ave
Site Category: (None)
Roundabout

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh.]	[Dist]				
South: Main Rd														
1	L2	136	0.0	136	0.0	0.116	2.8	LOS A	0.5	3.3	0.14	0.38	0.14	43.8
2	T1	24	0.0	24	0.0	0.116	2.6	LOS A	0.5	3.3	0.14	0.38	0.14	48.7
3	R2	9	0.0	9	0.0	0.116	7.5	LOS A	0.5	3.3	0.14	0.38	0.14	49.1
Approach		169	0.0	169	0.0	0.116	3.0	LOS A	0.5	3.3	0.14	0.38	0.14	45.2
East: Southern Cross Ave														
4	L2	17	0.0	17	0.0	0.035	2.8	LOS A	0.1	0.9	0.10	0.32	0.10	46.3
5	T1	31	6.9	31	6.9	0.035	2.6	LOS A	0.1	0.9	0.10	0.32	0.10	40.6
6	R2	1	0.0	1	0.0	0.035	7.5	LOS A	0.1	0.9	0.10	0.32	0.10	49.5
Approach		48	4.3	48	4.3	0.035	2.7	LOS A	0.1	0.9	0.10	0.32	0.10	44.0
North: Briggs Ave														
7	L2	92	0.0	92	0.0	0.095	3.7	LOS A	0.4	2.8	0.36	0.51	0.36	44.2
8	T1	1	0.0	1	0.0	0.095	3.5	LOS A	0.4	2.8	0.36	0.51	0.36	47.3
9	R2	20	0.0	20	0.0	0.095	8.4	LOS A	0.4	2.8	0.36	0.51	0.36	41.6
Approach		113	0.0	113	0.0	0.095	4.5	LOS A	0.4	2.8	0.36	0.51	0.36	43.9
West: Southern Cross Ave														
10	L2	11	0.0	11	0.0	0.205	2.2	LOS A	0.9	6.3	0.11	0.30	0.11	46.0
11	T1	292	0.4	292	0.4	0.205	2.1	LOS A	0.9	6.3	0.11	0.30	0.11	48.5
12	R2	15	7.1	15	7.1	0.205	6.8	LOS A	0.9	6.3	0.11	0.30	0.11	49.8
Approach		317	0.7	317	0.7	0.205	2.4	LOS A	0.9	6.3	0.11	0.30	0.11	48.4
All Vehicles		647	0.7	647	0.7	0.205	2.9	LOS A	0.9	6.3	0.16	0.36	0.16	45.9

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Geometric Delay is included).

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2026 AM Peak - Southern Cross Ave_Middleton Dr (Site Folder: 2026)]

Network: N101 [2026 AM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2026)]

Southern Cross Ave / Middleton Dr
 Site Category: (None)
 Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh. veh]	[Dist m]				
East: Southern Cross Ave														
5	T1	176	1.2	176	1.2	0.092	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
6	R2	11	0.0	11	0.0	0.007	4.6	LOS A	0.0	0.2	0.34	0.51	0.34	42.9
Approach		186	1.1	186	1.1	0.092	0.3	NA	0.0	0.2	0.02	0.03	0.02	49.1
North: Middleton Dr														
7	L2	60	1.8	60	1.8	0.047	5.4	LOS A	0.2	1.3	0.33	0.55	0.33	42.5
9	R2	1	100.0	1	100.0	0.003	12.3	LOS A	0.0	0.1	0.56	0.63	0.56	37.0
Approach		61	3.4	61	3.4	0.047	5.5	LOS A	0.2	1.3	0.33	0.55	0.33	42.4
West: Southern Cross Ave														
10	L2	4	0.0	4	0.0	0.134	4.6	LOS A	0.0	0.0	0.00	0.01	0.00	49.1
11	T1	257	0.4	257	0.4	0.134	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	49.7
Approach		261	0.4	261	0.4	0.134	0.1	NA	0.0	0.0	0.00	0.01	0.00	49.7
All Vehicles		508	1.0	508	1.0	0.134	0.8	NA	0.2	1.3	0.05	0.08	0.05	47.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Minor Road Approach LOS values are based on average delay for all vehicle movements.
 NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2026 PM Peak - Southern Cross Ave_Main Rd (Site Folder: 2026)]

Network: N101 [2026 PM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2026)]

Southern Cross Ave / Main Rd / Briggs Ave
 Site Category: (None)
 Roundabout

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh.]	[Dist]				
South: Main Rd														
1	L2	263	0.0	263	0.0	0.257	3.4	LOS A	1.2	8.6	0.32	0.45	0.32	42.6
2	T1	61	0.0	61	0.0	0.257	3.1	LOS A	1.2	8.6	0.32	0.45	0.32	48.0
3	R2	11	0.0	11	0.0	0.257	8.1	LOS A	1.2	8.6	0.32	0.45	0.32	48.1
Approach		335	0.0	335	0.0	0.257	3.5	LOS A	1.2	8.6	0.32	0.45	0.32	44.3
East: Southern Cross Ave														
4	L2	69	0.0	69	0.0	0.169	3.0	LOS A	0.7	4.6	0.21	0.36	0.21	45.6
5	T1	155	0.0	155	0.0	0.169	2.8	LOS A	0.7	4.6	0.21	0.36	0.21	39.1
6	R2	8	0.0	8	0.0	0.169	7.7	LOS A	0.7	4.6	0.21	0.36	0.21	48.7
Approach		233	0.0	233	0.0	0.169	3.0	LOS A	0.7	4.6	0.21	0.36	0.21	42.7
North: Briggs Ave														
7	L2	26	0.0	26	0.0	0.043	3.4	LOS A	0.2	1.2	0.31	0.53	0.31	43.1
8	T1	1	0.0	1	0.0	0.043	3.2	LOS A	0.2	1.2	0.31	0.53	0.31	46.2
9	R2	26	0.0	26	0.0	0.043	8.1	LOS A	0.2	1.2	0.31	0.53	0.31	40.3
Approach		54	0.0	54	0.0	0.043	5.7	LOS A	0.2	1.2	0.31	0.53	0.31	42.0
West: Southern Cross Ave														
10	L2	26	0.0	26	0.0	0.182	2.4	LOS A	0.8	5.8	0.19	0.44	0.19	43.8
11	T1	145	0.0	145	0.0	0.182	2.3	LOS A	0.8	5.8	0.19	0.44	0.19	44.7
12	R2	88	0.0	88	0.0	0.182	6.9	LOS A	0.8	5.8	0.19	0.44	0.19	47.4
Approach		260	0.0	260	0.0	0.182	3.9	LOS A	0.8	5.8	0.19	0.44	0.19	45.7
All Vehicles		881	0.0	881	0.0	0.257	3.6	LOS A	1.2	8.6	0.25	0.43	0.25	44.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Intersection and Approach LOS values are based on average delay for all vehicle movements.
 Roundabout Capacity Model: SIDRA Standard.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2026 PM Peak - Southern Cross Ave_Middleton Dr (Site Folder: 2026)]

Network: N101 [2026 PM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2026)]

Southern Cross Ave / Middleton Dr
 Site Category: (None)
 Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total HV]	[%]				[Veh. veh]	[Dist] m				
East: Southern Cross Ave														
5	T1	363	0.0	363	0.0	0.188	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
6	R2	81	0.0	81	0.0	0.053	4.4	LOS A	0.2	1.7	0.28	0.52	0.28	43.1
Approach		444	0.0	444	0.0	0.188	0.8	NA	0.2	1.7	0.05	0.09	0.05	47.6
North: Middleton Dr														
7	L2	85	0.0	85	0.0	0.061	5.1	LOS A	0.2	1.7	0.27	0.52	0.27	42.8
9	R2	3	33.3	3	33.3	0.008	11.1	LOS A	0.0	0.2	0.60	0.69	0.60	39.1
Approach		88	1.2	88	1.2	0.061	5.3	LOS A	0.2	1.7	0.28	0.53	0.28	42.6
West: Southern Cross Ave														
10	L2	1	0.0	1	0.0	0.090	4.6	LOS A	0.0	0.0	0.00	0.00	0.00	49.2
11	T1	175	0.0	175	0.0	0.090	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		176	0.0	176	0.0	0.090	0.0	NA	0.0	0.0	0.00	0.00	0.00	49.9
All Vehicles		708	0.1	708	0.1	0.188	1.2	NA	0.2	1.7	0.07	0.13	0.07	46.9

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Minor Road Approach LOS values are based on average delay for all vehicle movements.
 NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2034 AM Peak - Southern Cross Ave_Main Rd (Site Folder: 2034)]

Network: N101 [2034 AM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2034)]

Southern Cross Ave / Main Rd / Briggs Ave
 Site Category: (None)
 Roundabout

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh.]	[Dist]				
South: Main Rd														
1	L2	160	0.0	160	0.0	0.138	2.8	LOS A	0.6	4.0	0.15	0.38	0.15	43.6
2	T1	28	0.0	28	0.0	0.138	2.6	LOS A	0.6	4.0	0.15	0.38	0.15	48.6
3	R2	12	0.0	12	0.0	0.138	7.5	LOS A	0.6	4.0	0.15	0.38	0.15	49.0
Approach		200	0.0	200	0.0	0.138	3.1	LOS A	0.6	4.0	0.15	0.38	0.15	45.1
East: Southern Cross Ave														
4	L2	20	0.0	20	0.0	0.041	2.8	LOS A	0.1	1.1	0.11	0.32	0.11	46.3
5	T1	36	5.9	36	5.9	0.041	2.6	LOS A	0.1	1.1	0.11	0.32	0.11	40.5
6	R2	1	0.0	1	0.0	0.041	7.5	LOS A	0.1	1.1	0.11	0.32	0.11	49.5
Approach		57	3.7	57	3.7	0.041	2.7	LOS A	0.1	1.1	0.11	0.32	0.11	43.9
North: Briggs Ave														
7	L2	107	0.0	107	0.0	0.114	3.9	LOS A	0.5	3.5	0.40	0.54	0.40	44.0
8	T1	1	0.0	1	0.0	0.114	3.7	LOS A	0.5	3.5	0.40	0.54	0.40	47.1
9	R2	23	0.0	23	0.0	0.114	8.6	LOS A	0.5	3.5	0.40	0.54	0.40	41.4
Approach		132	0.0	132	0.0	0.114	4.7	LOS A	0.5	3.5	0.40	0.54	0.40	43.7
West: Southern Cross Ave														
10	L2	13	0.0	13	0.0	0.242	2.2	LOS A	1.1	7.8	0.13	0.31	0.13	45.9
11	T1	342	0.3	342	0.3	0.242	2.2	LOS A	1.1	7.8	0.13	0.31	0.13	48.2
12	R2	17	6.3	17	6.3	0.242	6.8	LOS A	1.1	7.8	0.13	0.31	0.13	49.6
Approach		372	0.6	372	0.6	0.242	2.4	LOS A	1.1	7.8	0.13	0.31	0.13	48.2
All Vehicles		760	0.6	760	0.6	0.242	3.0	LOS A	1.1	7.8	0.18	0.37	0.18	45.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Intersection and Approach LOS values are based on average delay for all vehicle movements.
 Roundabout Capacity Model: SIDRA Standard.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

▼ Site: 101 [2034 AM Peak - Southern Cross Ave_Middleton Dr
(Site Folder: 2034)]

■ Network: N101 [2034 AM
Peak - Southern Ave / Middleton
Dr_Southern Ave / Main St
(Network Folder: 2034)]

Southern Cross Ave / Middleton Dr
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	HV %	[Total HV] veh/h	%				[Veh. veh]	[Dist] m				
East: Southern Cross Ave														
5	T1	206	1.0	206	1.0	0.107	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
6	R2	13	0.0	13	0.0	0.009	4.8	LOS A	0.0	0.3	0.38	0.53	0.38	42.8
Approach		219	1.0	219	1.0	0.107	0.3	NA	0.0	0.3	0.02	0.03	0.02	49.1
North: Middleton Dr														
7	L2	71	1.5	71	1.5	0.057	5.6	LOS A	0.2	1.6	0.36	0.57	0.36	42.4
9	R2	1	100.0	1	100.0	0.003	14.3	LOS A	0.0	0.2	0.62	0.67	0.62	35.9
Approach		72	2.9	72	2.9	0.057	5.7	LOS A	0.2	1.6	0.37	0.57	0.37	42.2
West: Southern Cross Ave														
10	L2	5	0.0	5	0.0	0.158	4.6	LOS A	0.0	0.0	0.00	0.01	0.00	49.1
11	T1	301	0.3	301	0.3	0.158	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	49.7
Approach		306	0.3	306	0.3	0.158	0.1	NA	0.0	0.0	0.00	0.01	0.00	49.6
All Vehicles		597	0.9	597	0.9	0.158	0.8	NA	0.2	1.6	0.05	0.08	0.05	47.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2034 PM Peak - Southern Cross Ave_Main Rd (Site Folder: 2034)]

Network: N101 [2034 PM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2034)]

Southern Cross Ave / Main Rd / Briggs Ave
 Site Category: (None)
 Roundabout

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh.]	[Dist]				
South: Main Rd														
1	L2	328	0.0	328	0.0	0.329	3.6	LOS A	1.7	12.0	0.39	0.48	0.39	42.2
2	T1	76	0.0	76	0.0	0.329	3.4	LOS A	1.7	12.0	0.39	0.48	0.39	47.7
3	R2	13	0.0	13	0.0	0.329	8.3	LOS A	1.7	12.0	0.39	0.48	0.39	47.7
Approach		417	0.0	417	0.0	0.329	3.7	LOS A	1.7	12.0	0.39	0.48	0.39	43.9
East: Southern Cross Ave														
4	L2	86	0.0	86	0.0	0.214	3.1	LOS A	0.9	6.3	0.25	0.37	0.25	45.3
5	T1	194	0.0	194	0.0	0.214	2.9	LOS A	0.9	6.3	0.25	0.37	0.25	38.7
6	R2	11	0.0	11	0.0	0.214	7.8	LOS A	0.9	6.3	0.25	0.37	0.25	48.4
Approach		291	0.0	291	0.0	0.214	3.1	LOS A	0.9	6.3	0.25	0.37	0.25	42.4
North: Briggs Ave														
7	L2	33	0.0	33	0.0	0.055	3.6	LOS A	0.2	1.6	0.36	0.55	0.36	42.9
8	T1	1	0.0	1	0.0	0.055	3.4	LOS A	0.2	1.6	0.36	0.55	0.36	46.1
9	R2	33	0.0	33	0.0	0.055	8.3	LOS A	0.2	1.6	0.36	0.55	0.36	40.0
Approach		66	0.0	66	0.0	0.055	5.9	LOS A	0.2	1.6	0.36	0.55	0.36	41.8
West: Southern Cross Ave														
10	L2	33	0.0	33	0.0	0.230	2.4	LOS A	1.1	7.8	0.23	0.45	0.23	43.6
11	T1	181	0.0	181	0.0	0.230	2.4	LOS A	1.1	7.8	0.23	0.45	0.23	44.3
12	R2	111	0.0	111	0.0	0.230	7.0	LOS A	1.1	7.8	0.23	0.45	0.23	47.2
Approach		324	0.0	324	0.0	0.230	4.0	LOS A	1.1	7.8	0.23	0.45	0.23	45.4
All Vehicles		1098	0.0	1098	0.0	0.329	3.8	LOS A	1.7	12.0	0.30	0.45	0.30	43.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Intersection and Approach LOS values are based on average delay for all vehicle movements.
 Roundabout Capacity Model: SIDRA Standard.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

MOVEMENT SUMMARY

Site: 101 [2034 PM Peak - Southern Cross Ave_Middleton Dr (Site Folder: 2034)]

Network: N101 [2034 PM Peak - Southern Ave / Middleton Dr_Southern Ave / Main St (Network Folder: 2034)]

Southern Cross Ave / Middleton Dr
 Site Category: (None)
 Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	DEMAND FLOWS		ARRIVAL FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total HV] veh/h	[%]				[Veh. veh]	[Dist] m				
East: Southern Cross Ave														
5	T1	454	0.0	454	0.0	0.234	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
6	R2	101	0.0	101	0.0	0.068	4.6	LOS A	0.3	2.2	0.32	0.54	0.32	43.0
Approach		555	0.0	555	0.0	0.234	0.8	NA	0.3	2.2	0.06	0.10	0.06	47.6
North: Middleton Dr														
7	L2	106	0.0	106	0.0	0.079	5.3	LOS A	0.3	2.2	0.31	0.54	0.31	42.6
9	R2	3	33.3	3	33.3	0.010	14.2	LOS A	0.0	0.3	0.69	0.76	0.69	37.2
Approach		109	1.0	109	1.0	0.079	5.5	LOS A	0.3	2.2	0.32	0.55	0.32	42.4
West: Southern Cross Ave														
10	L2	1	0.0	1	0.0	0.112	4.6	LOS A	0.0	0.0	0.00	0.00	0.00	49.2
11	T1	218	0.0	218	0.0	0.112	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		219	0.0	219	0.0	0.112	0.0	NA	0.0	0.0	0.00	0.00	0.00	49.9
All Vehicles		883	0.1	883	0.1	0.234	1.2	NA	0.3	2.2	0.08	0.13	0.08	46.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Network Data dialog (Network tab).
 Vehicle movement LOS values are based on average delay per movement.
 Minor Road Approach LOS values are based on average delay for all vehicle movements.
 NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.
 Delay Model: SIDRA Standard (Geometric Delay is included).
 Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
 HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

**Pacific Planning**

Property | Planning

E info@pacificplanning.com.au

ABN 88 610 562

STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Modification to Consent
Section 4.55(1A)
DA 64/2007/F

Middleton Grange Town Centre

Prepared for Manta Group Pty Ltd

Submitted to Liverpool City Council
December 2023

Contact

This report has been prepared by:

Tim Stewart on behalf of

Pacific Planning Pty Ltd

Level G, 16 Leavesden Place
Sylvania
NSW 2224


E: tstewart@pacificplanning.com.au
ABN: 88 610 562 760

Prepared for:

Manta Group Pty Ltd

Document Control

Version	Date	Prepared	Approved
v.1.0	25 October 2023	TS	JM
v.2.0	18 December 2023	TS	JM

All Rights Reserved. No material may be reproduced without prior permission of Pacific Planning Pty Ltd. Pacific Planning Pty Ltd while working on this project has tried to ensure the accuracy of the information in this publication, it accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damages arising from reliance in the information in this publication.

Table of Contents

Contents

1.	Introduction	1
1.1	Preamble and Background	1
1.2	Context	2
1.3	Site Description	3
1.4	Description of the proposed modifications	4
2.	Planning Issues	6
2.1	Provisions of the Act and Regulations	6
2.2	Provisions of Relevant Environmental Planning Instruments – 4.15(1)(a)(i)	7
2.2.1	Legislative Provisions	7
2.2.2	Development on land intended to be acquired for a public purpose (Clause 5.1A)	9
2.3	Provisions of Development Control Plans – s4.15 (1)(a)(iii):	10
2.4	Provisions of the Regulations – s4.15 (1)(a)(iv):	11
3.	Impact Assessment	12
3.1	Assessment of Likely Impact – s4.15 (1)(b):	12
3.2	Suitability of the Site – s4.15 (1)(c):	13
3.3	Variations to Conditions of Approval or Consent.	13
4.	Final Remarks	14
4.1	Required Statements	14
4.2	Concluding comments.....	14

Planning Report – Section 4.55(1A) Modification – Middleton Grange Town Centre

LIST OF FIGURES

FIGURE	NAME	PAGE No.
Figure 1	Locality Plan	4
Figure 2	Approved Road Layout under DA/64/2007/D	5
Figure 3	Proposed modified road layout under DA/64/2007/F	5
Figure 4	Land Use Zoning Map	8
Figure 5	Land Reservation Acquisition Map	9

APPENDICES

APPENDICES	TITLE
Appendix 1	Modified Development Plan, prepared by J. Wyndham Price
Appendix 2	Construction Plans – full set
Appendix 3	Middleton Grange Town Centre Traffic Control Signal (TCS) Design – Bitzios Consulting
Appendix 4	Approved Plans under DA 64/2007/D
Appendix 5	Landowners Consent

1. Introduction

1.1 Preamble and Background

This Report has been prepared as part of an application to modify Development Consent DA/64/2007, determined on 5 October 2007 and last modified on 5 December 2022 (DA 64/2007/E) for land at Sixteenth Avenue East, Seventeenth Avenue East, Hall Circuit and Flynn Avenue, otherwise known as the Middleton Grange Town Centre.

The primary outcomes of this modification are to:

1. Revise the northern alignment of Road 4 and reposition the roundabout within the intersection with Southern Cross Drive (Road 7), and adjust the alignment of the road leading into this intersection.
2. Append to the DA, the latest construction documentation, and the Middleton Grange Town Centre Traffic Control Signal (TCS) Design, which includes SIDRA traffic modelling and intersection modelling assessed with 2034 traffic volumes. This ensures the current design reflects the future capacity of all roads and intersections, and is linked to the DA consent.

Modified plans are attached, and they represent a modification to the approved intersections, as per DA Modification "D".

This modification application (Modification "F") is prepared pursuant to section 4.55(1A) of the *Environmental Planning and Assessment (EP&A) Act 1979* (NSW). A detailed description is in Section 1.4 and noted on the plans.

Pursuant to Section 4.55(3), this report also considers relevant matters listed in Section 4.15(1) that are relevant to this application. In reviewing the approved plans and sub consultant's reports, the proposed modification will result in substantially the same development as that which was approved.

The proposed changes can be assessed pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment (EP&A) Act 1979* on the basis of the justification outlined in Section 2.1 which provides that the proposal remains substantially the same as that which is approved.

1.2 Background and History

Approved Application DA-64/2007

Subdivision of existing lots into eight (8) Torrens title lots, four (4) public reserve lots, three (3) residue lots and associated roads and drainage works.

Approved Modification Application DA-64/2007/A

Subdivision of existing lots into seven (7) Torrens title lots, four (4) public reserve lots, two (2) residue lots and associated roads, intersection and pedestrian treatment and drainage works.

Refused Modification Application DA-64/2007/B

Modification to Development Consent DA-64/2007 under section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposed: realignment of internal roads, additional intersection and widening, redesign of Rene Ave, creation of Bravo Ave, reconfiguration of open space and pedestrian linkages and change trunk drainage from channel to box culverts.

Approved Modification Application DA-64/2007/C

Modification to Development Consent DA-64/2007 under section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposes: realignment of internal roads, additional intersection and widening, redesign of Rene Ave, creation of Bravo Ave, reconfiguration of open space and pedestrian linkages and change trunk drainage from channel to box culverts.

Approved Modification Application DA-64/2007/D

Modification to Development Consent DA-64/2007 under Section 4.55 of the Environmental Planning and Assessment Act 1979. The changes are as follows:

- Delete Road 10.
- Amend existing stormwater drains to run along Flynn Avenue instead of through the middle of the subject site and neighbouring property.

Approved Modification Application DA-64/2007/E

Change to consent condition 7.1, which is to be renumbered and relocated in the consent from Part "C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" to be a requirement under Part "F. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE"

1.2 Context

Construction of the roads within the site is underway, and it is desirable that the location of kerbs and gutters be appropriate for the road's future capacity when signals are required at key intersections. In order to obtain the most-accurate forecast, a Traffic Control Signal Design assessment has been carried out for the entire Town Centre by Bitzios Consulting (Appendix 3).

The proposed intersection upgrades are the result of this modelling, based on 2026 traffic projections. Although the 2026 traffic volumes do not satisfy the numerical warrants, the future installation of traffic

signals should still be considered, particularly as they relate to intersection sizes. As such, a future traffic assessment will be undertaken to determine when the future year traffic volumes satisfy the numerical warrants. The peak hour traffic volumes were grown linearly based on the above annual growth rates to determine future traffic volumes. The future year analysis determined that the 2048 was the earliest year for the future traffic volumes to satisfy the numerical warrant. This approach can support signals being added earlier if required.

SIDRA Intersection modelling was undertaken to assess the intersection performance of the Flynn Avenue / Main Street intersection and the intersections along Southern Cross Avenue. This includes assessing the intersection layout provided in the design plan and providing recommendations to improve the intersection performance. The right-turn bay from Flynn Avenue into Main Street is recommended to be lengthened.

The right turn bay on the eastern approach of Southern Cross Avenue / Middleton Drive is around 14m long. From the results below, the longest western approach queue length is 2.2 m, significantly less than the length of the right turn bay. Therefore, the right turn bay has sufficient length to accommodate the 2034 traffic volumes.

While some of these intersections are external to the site, they do affect intersections within the site and around the site. For this reason, it is an appropriate consideration, and the modelling has included all such data.

Providing this context within the DA ensures that the intersection designs have been justified within the context of the DA approval, ensuring an unambiguous pathway for S.138 approvals under the Roads Act. This essentially confirms the entire 'civil footprint' for the overall site within the development consent, and informs future warrants for the intersections.

A Voluntary Planning Agreement is in place for the site which makes specific provision for intersection upgrades as well as other works. This is a confidential agreement and therefore is not detailed here. It was listed with Land Registry Services on 13/6/2023.

1.3 Site Description

The site currently comprises eight (8) lots and is legally described as:

Lot 2 Flynn Avenue, Middleton Grange (Lot 2 DP 1207518);
Lot 3 Seventeenth Ave East, Middleton Grange (Lot 3 DP 1207518);
Lot 4 Seventeenth Ave East, Middleton Grange (Lot 4 DP 1207518);
Lot 5 Sixteenth Ave East, Middleton Grange (Lot 5 DP 1207518);
Lot 6 Sixteenth Ave East, Middleton Grange (Lot 6 DP 1207518);
60 Hall Circuit, Middleton Grange (Lot 12 DP 1108343);
Lot 1 Seventeenth Ave East, Middleton Grange (Lot 1 DP 1078564); and
Lot 102 Sixteenth Ave East, Middleton Grange (Lot 102 DP 1128111)

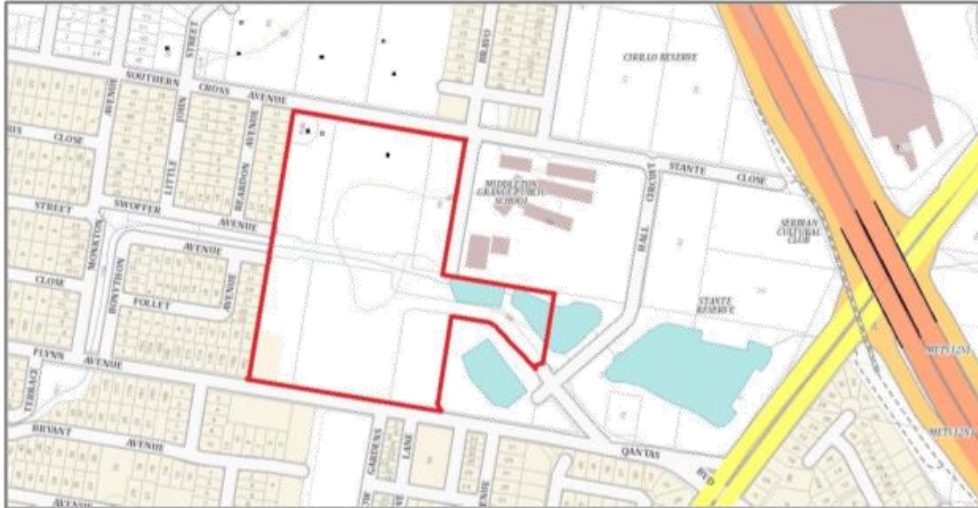


Figure 1: Locality Plan (Source: SixMaps).

Lots 2, 3, 4, 5 and 6 in DP 1207518, Lot 1 DP 1078564 & Lot 12 DP 1108343 are burdened by an 88B restriction imposed under DA-74/2015:

'Development Applications shall not be considered or determined on the burdened lots until such time Council (and other relevant authorities) have approved a Planning Proposal for a rezoning and revised street network layout for the Middleton Grange Town Centre. The revised street network layout shall include a link road (north-south direction) connecting Flynn Avenue and Southern Cross Avenue.'

This is a modification application, and not a development application for future buildings. There is no impediment under the s88b instrument to approving this modification application.

1.4 Description of the proposed modifications

The proposed modification is shown in the DA set of plans, included at Appendix 1. For reference these are now construction quality plans, reflecting the resolution of the design having regard to the latest traffic modelling and intersection design. The primary outcome of this modification is to revise the northern alignment of Road 4 and reposition the roundabout within its intersection with Southern Cross Drive (Road 7), and adjust the alignment of the road leading into this intersection.

For context, other minor ongoing works are involved in extending the length of the right-hand turn bay from Flynn Road into Main Road Street No 4, however these are line-marking works and have no impact on the subject site. They are external to the site, within the Flynn Avenue Road reserve. These external works will ensure the intersections are unlikely meet the warrants for signals under projected traffic volumes until about 2048 at the Flynn Avenue/ Main Street Intersection.

As mentioned within the 'Context' section of this report, a detailed SIDRA analysis has been undertaken to inform all intersection designs and ensure that traffic modelling throughout the site applies appropriate forecast traffic numbers into all intersections in and around the site. This allows for confidence that all intersections are designed for their future capacity, and that the development consent has considered such impacts.

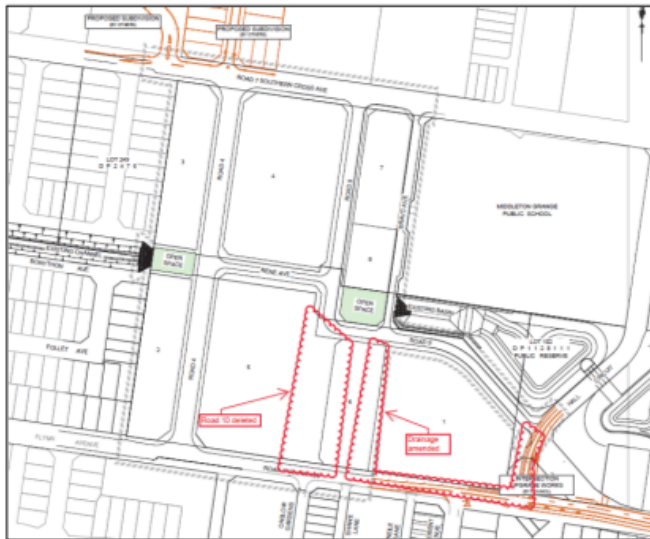


Figure 2: Approved Road Layout under DA/64/2007/D

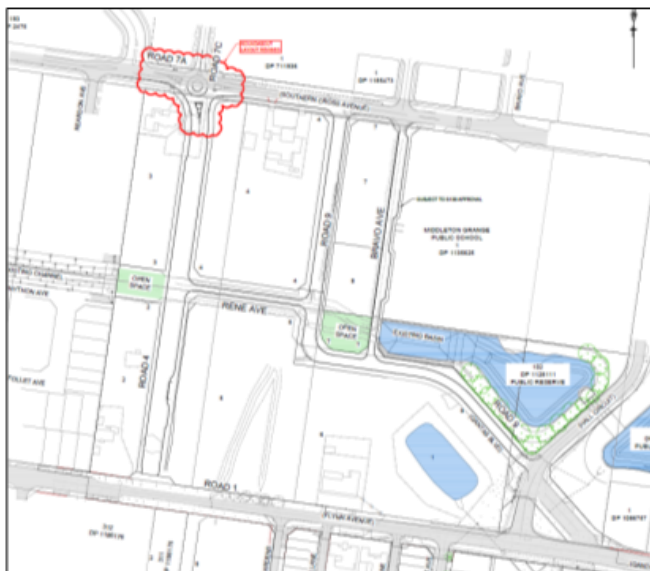


Figure 3: Proposed modified road layout under DA/64/2007/F

2. Planning Issues

2.1 Provisions of the Act and Regulations

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 states:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- (c) it has notified the application in accordance with:

 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Clause 100 of the Environmental Planning and Assessment Regulation 2021 establishes several requirements relevant to this application (not all clauses included below):

- (1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:

 - (d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,*
 - (e) whether the modification is intended to-

 - (i) merely correct a minor error, misdescription or miscalculation, or*
 - (ii) have another effect specified in the modification application,**
 - (f) a description of the expected impacts of the modification,*
 - (g) an undertaking to the effect that the modified development will remain substantially the same as the development that was originally approved,**

This application is substantially the same development as that which was approved. Minor alterations to road alignments are proposed, and the additional modelling details justified the design and quantifies the impacts. The justification for this assessment is set out below.

The Court has consistently described the section 4.55 modification provision as “*beneficial and facultative*”. It is designed to assist the modification process rather than to act as an impediment to it. “*It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision*” (see *North Sydney Council v Michael Standley & Associates Pty Limited [1998]*).

Further, the proposed modification is minor and does not “*radically transform*” the site as set out in *Sydney City Council v Ilenace Pty Ltd [1984]*. This Court finding supports the broad use of Section 4.55 with the use of such wording, leaving much scope for it to be used.

Given the weight of legal examination required to satisfy the “substantially the same” test, I confirm that this application “essentially or materially has the same essence” as the layout that is approved.

Modifications to development consents can be determined under Section 4.55(1A) or (2). A modification pursuant to Section 4.55(1A) is to be of “minor” impact. Minor is a subjective judgment however can be construed as meaning negligible or insignificant. The Court has determined that it has nothing to do with the extent of changes but relates to extent of impact. In comparison, Section 4.55(2) is reserved for “Other Modifications” which, by inference, can have a level of impact beyond what is deemed to be “minimal”.

This proposal makes minor realignments to the kerb and guttering and slightly relocates the roundabout. On this basis it can be considered by Council pursuant to Section 4.55(1A).

2.2 Provisions of Relevant Environmental Planning Instruments – 4.15(1)(a)(i)

The relevant provisions applicable to this application include:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021; and
- Liverpool Local Environmental Plan 2008.

2.2.1 Legislative Provisions

Construction is underway on the site. There are no new issues of contamination or biodiversity which need further consideration at this stage.

The site is zoned part E1 Local Centre, part R1 General Residential, part RE1 Public Recreation and part SP2 Drainage under Liverpool Local Environmental Plan 2008 as shown in the Figure below. For clarity, the lot is in Map Series _008.



Figure 4: Land Use Zoning Map

The proposed uses and modifications are permissible within the site. The E1 zone objectives remain supported by the modified plans:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.
- To maximise public transport patronage and encourage walking and cycling.

The R1 zone objectives are also supported by the modified plans which provides for an efficient layout and traffic flow throughout the overall site:

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

2.2.2 Development on land intended to be acquired for a public purpose (Clause 5.1A)

The site does have a portion of Recreation land as shown in the map below:

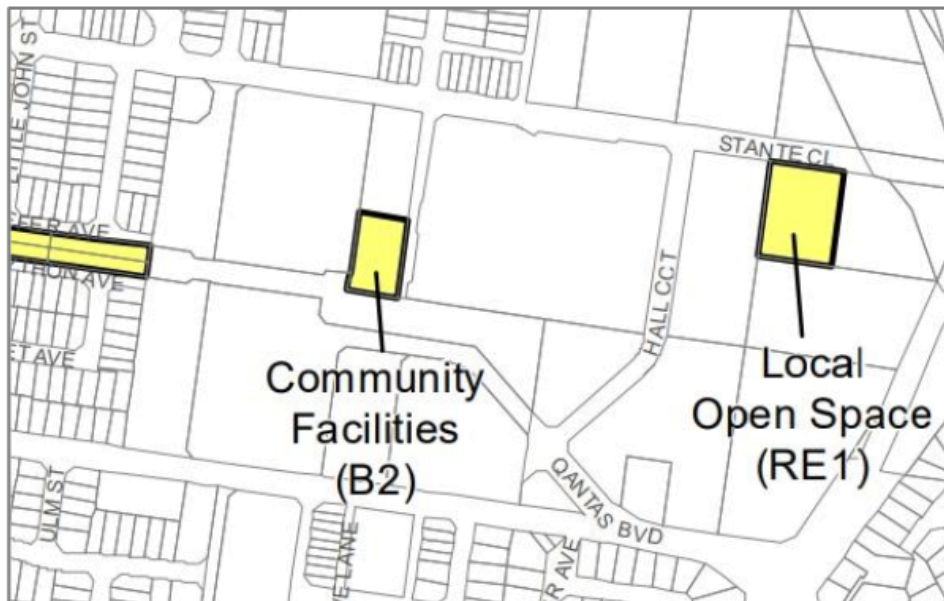


Figure 5: Land Reservation Acquisition Map

Clause 5.1B provides for:

- (2) *This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified opposite that land in Column 2 of the Table.*

- (3) *Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 3 of the Table to this clause.*

Within the site is one parcel of land which is categorised Zone E1 Local Centre and marked “Community facilities”. The proposed modification does not impact these lands.

2.3 Provisions of Development Control Plans – s4.15 (1)(a)(iii):

The proposed modification remains consistent with the Liverpool Development Control Plan (LDCP) 2008, including;

- Part 1: General Control for all Development; and
- Part 2.5: Land Subdivision and Development in Middleton Grange
- Draft LDCP Part 2.5 Land Subdivision and Development in Middleton Grange

Section 2.1 Street Network

Controls:

1. The subdivision of land, design and layout of streets shall be in accordance with Figures 2 – 3
2. All streets shall be designed and constructed in accordance with Figures 2, 3 and 4.

The proposed layout is generally consistent with the original approval and consistent with the masterplan in Figure 2 of the DCP and Figure 3 of the Draft DCP. While the DCP does not provide detail down to intersection treatment, it is consistent with the intersection arrangement between Road No. 4 and Road No. 7.

Section 2.2 Pedestrian and Cyclist Paths

The proposed modification does not compromise these linkages. Updated pedestrian numbers are also included in the attached traffic modelling assessment.

Section 2.3 Streetscape and Street Trees

The proposed modification does not compromise achievement of attractive streetscape and planting within the site.

Section 2.5 Stormwater Management

The location of stormwater services are appropriately located within the approved road reserve.

Section 4.2 Site Planning

The overall site planning is consistent with the approved layout and objectives. The assessment of intersection capacity out to 2024 confirms the appropriates of the overall site design.

2.4 Provisions of the Regulations – s4.15 (1)(a)(iv):

There are no provisions in the Regulations which are impacted by this proposed modification.

3. Impact Assessment

3.1 Assessment of Likely Impact – s4.15 (1)(b):

Guidelines for assessing Section 4.55 modifications state that council must:

- consider the impacts of the original development as if they were occurring at the time the modification application is determined.
- compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development.

Since the most recent modified approval, the only changes to the natural or built environment around the site relate to the commencement of construction.

This proposed modification is very minor and slightly enlarges and realigns the intersection to allow for the roundabout. Much of the assessment has already taken place with the original approval. This modification is resolving the location of the roads and infrastructure, as construction detail is resolved. The latest traffic modelling demonstrates the capability of the intersection designs well into the future. This Traffic Modelling is attached, as are the latest construction plans for reference.

When examining any modification, it is demonstrated that:

- the proposed modification will have no undesirable new visual impact,
- the modification will result in a more suitable layout while still ensuring through-site connections and open space.

Access and traffic:

Traffic modelling by Bitzios Consulting continues to inform all intersection designs in and around the site. The attached Traffic Assessment uses existing modelling and future modelling to ensure that all intersection within, and around, the site are appropriately designed for future densities and the estimated trip-numbers.

The modification does make a minor change to the northern intersection with a roundabout (Road 7 and 4). Importantly, the modification now integrates future traffic modelling data out to 2048 with the latest construction plans. Linking this information to the parent Development Application ensures that all intersection designs, road widths and turning lanes have been appropriately considered in terms of their overall impact. This will also clear the way for appropriate approvals for signals and relevant Road Act approvals.

Public domain and overshadowing:

No impact

Economic impact, social impact, privacy:

No impact.

Utilities; Other land resources; Water; Soils, Natural Environment etc.:

The modification will have a positive impact which allows for the orderly development of the site.

3.2 Suitability of the Site – s4.15 (1)(c):

The suitability of the site has already been assessed.

3.3 Variations to Conditions of Approval or Consent.

Condition 1 must be reworded to reflect the updated plans and dates.

4. Final Remarks

4.1 Required Statements

In accordance with Clause 115(1)(g) of the Regulation, the following statements are provided:

1. This Section 4.55(1A) modification aims to:
 - Revise the northern alignment of Road 4 and reposition the roundabout within the intersection with Southern Cross Drive (Road 7), and adjust the alignment of the road leading into this intersection.
 - Append to the DA, the latest construction documentation, and the Middleton Grange Town Centre Traffic Control Signal (TCS) Design, which includes SIDRA traffic modelling and intersection modelling assessed with 2034 traffic volumes. This ensures the current design reflects the future capacity of all roads and intersections, and is linked to the DA consent.
2. This modification will result in substantially the same development that was originally approved.
3. This modification will have no unacceptable environmental impact on the site and its surrounds.
4. The modification makes a minor change to the northern intersection with a roundabout (Road 7 and 4).
5. The modification integrates future traffic modelling data out to 2048 with the latest construction plans to ensure that the modification of the northern intersection in conjunction with all other intersections within, and around the site are appropriately designed for future densities and the estimated trip-numbers.

4.2 Concluding comments

There are no reasons to not approve this modification as requested.



Tim Stewart
Town Planner

Item Number:	2
Application Number:	DA-470/2022/A
Approved Development Approved by Land & Environment Court (LEC No: 2022/299477 - 19 April 2023)	Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages.
Proposed Development:	<p>Modification to Development Consent DA-470/2022/A under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i>, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove to construct 12 dwellings that were approved originally.</p> <p>Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.</p> <p>Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.</p>
Property Address	140 Sixth Avenue, Austral
Legal Description:	Lot 22 DP 1286912
Applicant:	UPG 245 PTY LTD
Land Owner:	UPG 245 PTY LTD
Cost of Works:	\$0
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Pradip Adhikari

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-470/2022/A) seeking consent to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove to construct 12 dwellings that was approved originally at 140 Sixth Avenue, Austral.

Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.

Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.

The development application was not required to be placed on public exhibition in accordance with the provisions of the Community Engagement Strategy 2022 which is under Liverpool Community Participation Plan 2022. No submissions were received objecting to the proposal.

The key issues associated with the proposal relate to:

1. Developer Contributions and
2. Dwelling density.

Council's new contribution plan - Liverpool City Council S7.11 Austral and Leppington North Contributions Plan 2021 is now in force, effective 23/11/23, and applies to all DA, CDCs, that are under assessment and not yet determined including modification applications. The Contributions Plan 2021 will amend the contribution rate. However, with the reduction of the number of lots and with generally the same layout or works as previously approved, no changes to the contribution amount for this modification is required. Nonetheless, the contribution amount has been divided for each stage. This proposal was referred to Council's Contributions Accountant who confirmed the applicable contributions.

The applicant lodged the application to modify the original proposal with lot widths greater than 9m, to remove the need for the construction of twelve (12) dwellings. Dwellings are required to be constructed if the proposed lot width is less than 9m according to clause 3.2.- Subdivision Approval Process of Liverpool Growth Centre Precincts Development Control Plan 2021. The modification proposes 20 lots, a reduction of 1 lot than originally approved, resulting in a total variation to the minimum dwelling density of 23.07 percent, which is over a 10 percent variation and contravenes a development standard imposed by Clause 4.1B - Residential density of 20dw/Ha imposed by State Environmental Planning Policy (Precincts - Western parkland) 2021).

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

Departure from Development Standards

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by low density residential development and is within semi-rural large residential lot area which is currently transitioning to low density residential suburban environment.

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

East (side)	A single storey dwelling house at 130 Sixth Avenue, Austral
West (side)	A single storey dwelling house at 150 Sixth Avenue, Austral
South (rear)	Single storey dwelling houses at 61 Fifth Avenue, Austral
North (front)	A single storey dwelling at 135-145 Sixth Avenue, Austral



Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex) - Insert Locality map.

2.2 The site

The subject site is identified as Lot 22 in DP1286912 and is known as 140 Sixth Avenue, Austral. It is regular in shape with a frontage of 80.47 metres to Sixth Avenue and a depth of 150.92m with a total area of 10,214m². The site is located approximately 67m west of Browns Road.

Currently, the subject site contains a single storey dwelling house and outbuilding. Trees are located at the rear of the site and approved to be removed with original development application.



Figure 2: Aerial view of the site (Source: Geocortex) - Insert aerial view of the site.

3. BACKGROUND/HISTORY

Application No.	Description
DA-1166/2015	<p>Approved 10 March 2016 Two Lot Torrens Title Subdivision.</p> <p><i>Note: In 2015 DA-1166/2015 was lodged to separate RE1 zoned and R2 zoned land. The subjected site (Lot 22 DP1286912) is R2 zoned land. Please see figure 3.</i></p>

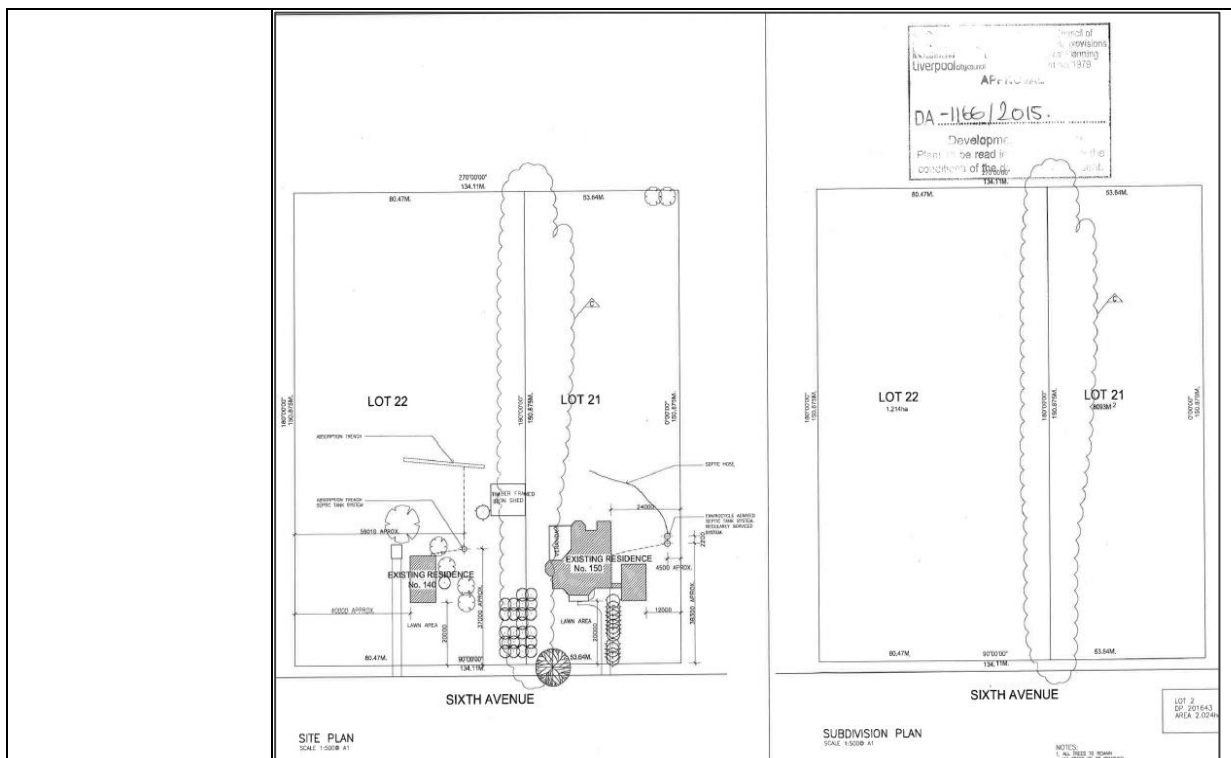


Figure 3: Approved subdivision plan under DA-1166/2015

DA-470/2022

Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages.

(Approved by LEC on 19 April 2023).

DA-470/2022/A

Date	Action
07 November 2023	Subject application lodged
04 March 2024	Submitted amended Subdivision plan (Revision 1)
01 May 2024	Submitted amended Subdivision plan (Revision 3)
24 May 2024	Submitted amended Subdivision plan (Revision 5)
27 May 2024	Submitted amended Subdivision plan (Revision 6)
29 May 2024	Submitted amended Subdivision plan (Revision 7)

4. DETAILS OF THE PROPOSAL

The modification proposed under the subject application DA-470/2022/A consists of the following:

- Remove one residential allotment to have a total of 20 residential allotments and 1 residue lot;
- Reconfigure the allotments to achieve a lot width of 9m or greater; and
- Remove the construction twelve (12) semi-detached dwellings from the application.

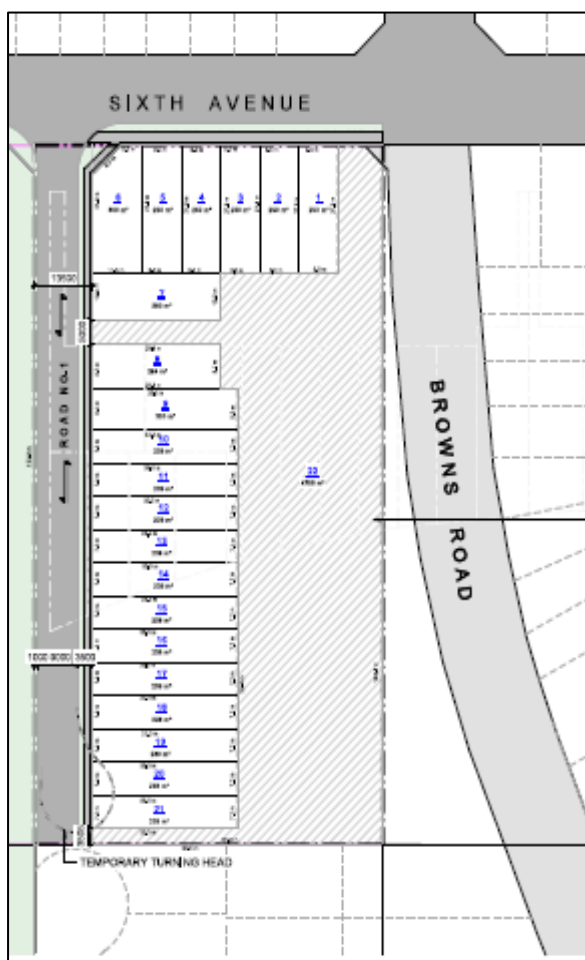


Figure 4: Approved Subdivision plan under 470/2022

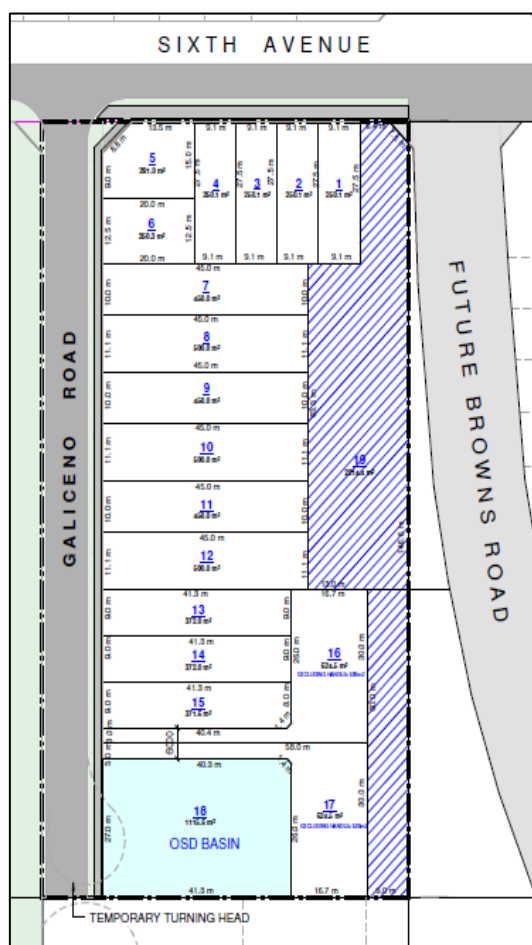


Figure 5: Proposed Modification for DA-470/2022/A

Summary of approved and proposed modifications plan

Approved Development (DA-470/2022)			Proposed Modification (DA-470/2022/A)		
Total of 22 lots			Total of 21 residential lots		
Construction of 12 semi-detached dwellings			Removal of 12 semi-detached dwellings		
Lot frontage	Lot Size	No. of lots	Lot frontage	Lot Size	No. Of lots
7m or less than 9m	239sqm	12	7m or less than 9m	-	-
9m or less than 10m	(250- 285) sqm	7	9m or less than 10m	(250- 320) sqm	10
10m or more	290.300sqm	2	10m or more	(250 - 500)sqm	7
Battle Axe lots	-	-	Battle Axe lots	624.5sqm	2
Residue lot	Lot 22	1	Residue lot	Lot 19	1
1.			2.		

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Liverpool City Council Growth Centre Precincts Development Control Plan;
 - Part 2: Precinct Planning Outcomes; and
 - Part 3: Neighbourhood and Subdivision Design.

Other Plans and Policies

- Liverpool Community Participation Plan 2022

Contributions Plans

- Liverpool City Council S7.11 Austral and Leppington North Contributions Plan 2021.

6. ASSESSMENT

The application has been lodged pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, which provides:

Modification by consent authorities of consents granted by the Court

(1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*

(a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed modification is limited to the subdivision profile that was previously approved. There is minimal change to the fundamental aspects of the approval, including its nature as a residential subdivision, siting or layout of the approved lots or width of the approved roads. The number of lots is proposed to be reduced from 21 residential lots to 20 with the lot widths being increased to a minimum of 9m thereby removing the need for the construction of the previously approved semi-detached dwellings. More than these changes and despite the removal of the built form from the development, it is considered the application is considered substantially the same development as originally approved.

(b) *it has notified the application in accordance with:*
(i) *the regulations, if the regulations so require, or*
(ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: Despite the amendment to the subdivision layout made under Section 4.56 of the EP&A Act 1979, the development is considered to remain substantially the same as to which the Land and Environment Court originally granted approval (LEC no. 2022/299477).

(c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment: The application was not required to be notified in accordance with the provisions of the Community Engagement Strategy 2022 which is under Liverpool Community Participation Plan as it is not considered that the proposed modification will increase the impact on adjoining or nearby land. No submissions have been received objecting to the proposal.

(d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be*

Comment: The application was not required to be notified in accordance with the provisions of the Liverpool Community Participation Plan 2022. No submissions have been received objecting to the proposal.

The application was referred to Council's Land Development Engineer and Floodplain Engineers who reviewed the proposal and raised no objections, subject to conditions.

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: Relevant matters under section 4.15(1) have been considered and it is deemed that the modification remains consistent with the applicable provisions of 4.15(1) that were deemed acceptable when consent was originally granted.

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 2021, as follows:

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

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

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.

The original DA was assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021. The modification is to stage the previously approved development into two stages and proposes no changes to the scope of works or land use apart from the removal of the built form and lot configuration. Based on the assessment undertaken in DA-470/2022, the proposal modified is still considered to satisfy the relevant objectives and provisions of the Resilience and Hazards SEPP 2021. Therefore, it is considered that the subject site is still suitable for the proposed development.

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

The subject land is located within the Hawkesbury-Nepean Catchment and as such the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* - Chapter 6 Water catchments, applies to the application. This chapter generally aims to protect the environment of river systems, including the Nepean River system by ensuring that impacts of future land uses are considered in a state, regional and local context.

The proposed modification is limited to the subdivision profile that was previously approved. There is minimal change to the fundamental aspects of the approval, including its nature as

a residential subdivision, siting or layout of the approved lots or width of the approved roads. The number of lots is proposed to be reduced from 21 residential lots to 20 with the lot widths being increased to a minimum of 9m thereby removing the need for the construction of the previously approved semi-detached dwellings. More than these changes and despite the removal of the built form from the development, proposes no changes to the scope of works or land use.

The submitted Civil Engineering Plans have been reviewed by Council’s Land Development Engineer and no objections are raised to the proposed development, subject to conditions of consent.

In accordance with the SEPP, when a consent authority determines a development application, the provisions in Part 6.2 – Development in Regulated Catchments are to be considered and consent must not be granted unless the consent authority is satisfied that the matters have been addressed. Accordingly, a table summarizing the matters for consideration in determining development applications (Part 6.2) and compliance with such is provided below.

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	Comment
6.6 Water Quality and Quantity	Council’s Land Development Engineer has reviewed the proposal and is satisfied that no adverse impacts will arise in regard to water quality and quantity within the Nepean River catchment.
6.7 Aquatic Ecology	This clause is not applicable as there is no aquatic ecology present on site.
6.8 Flooding	Site is not mapped as flood prone land.
6.9 Recreation and public access	This proposed development will not adversely affect recreation and public access.
6.10 Total catchment management	The proposed development is not likely to have an adverse impact on the Nepean River catchment, therefore no consultation is required.

Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Hawkesbury – Nepean Catchment.

(d) State Environmental Planning Policy (Precincts- Western Parkland City) 2021

(i) Zoning

The subject site is zoned R2 Low Density Residential pursuant to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 - Appendix 4 Liverpool Growth Centres Precinct Plan. An extract of the zoning map is provided in Figure 6 below.

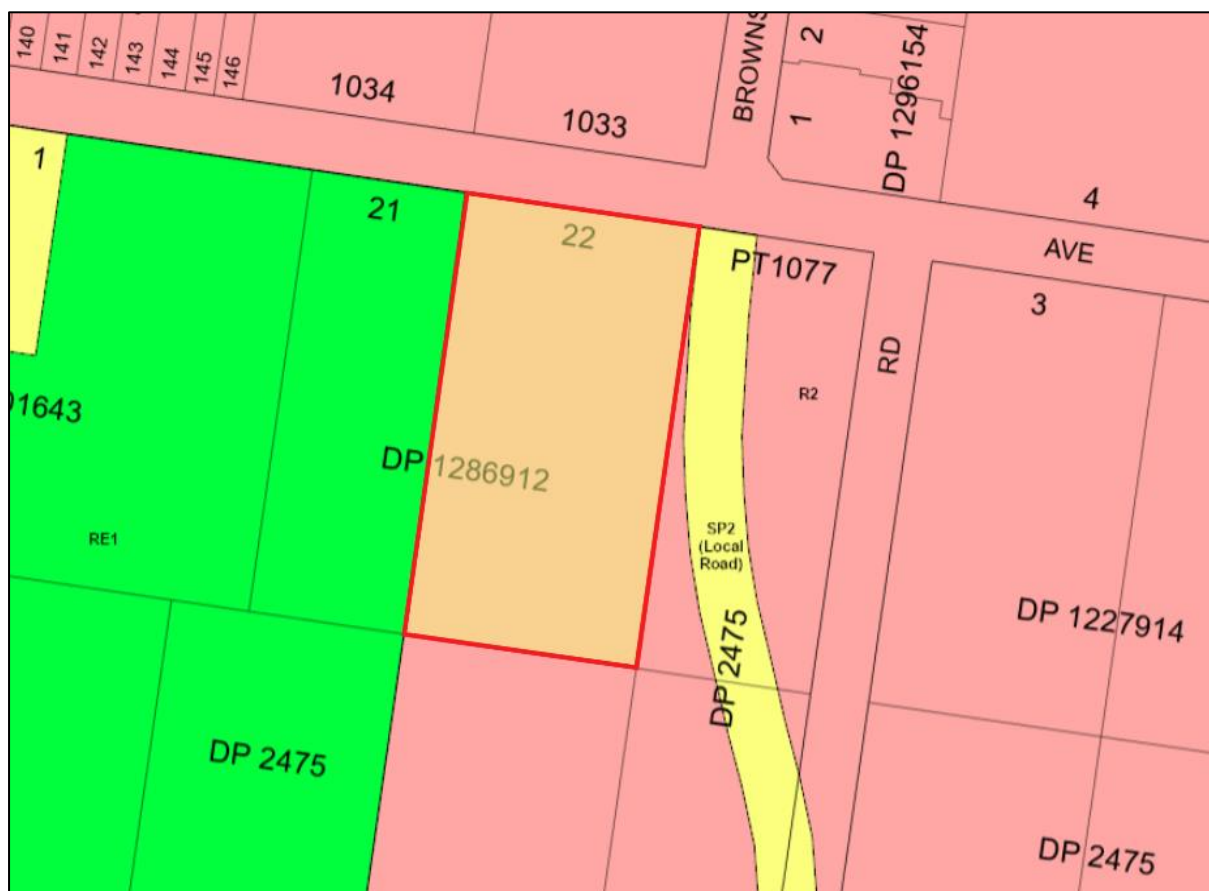


Figure 6: Zoning Map (source: Geocortex)

(ii) Permissibility

The proposed development is best defined by the standard instrument as *subdivision* and the construction of associated roads and drainage, and earthworks is identified as permitted land use with consent within the R2 Zone pursuant to Clause 2.6 of Appendix 4 of the SEPP (Precincts—Western Parkland City) 2021.

(iii) Objectives of the zone

The objectives of the R2 – Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low-density residential environment.

The subdivision, as modified, will maintain compliance with the objectives of the R2 zone in that it will contribute to the provision of housing to meet the needs of the community within an area of the Liverpool LGA designated for future residential development growth. There is no fundamental change to the provision of residential allotments, ensuring they will facilitate the delivery of viable housing types to cater to the various needs of the community as approved.

The proposal is considered to be consistent with the objectives of the zone.

(iv) Principal Development Standards

The SEPP (Precincts—Western Parkland City) 2021 contains a number of provisions which are relevant to the proposal. Assessment of the modification against the applicable provisions is provided below. There is no change to the approval’s compliance with the provisions as a result of the modification, as detailed below.

Clause	Provision	Assessment			Comment	
4.1. AA Subdivision resulting in lots between 225- 300sqm	This consent authority must be satisfied that any lot between 225-300sqm will contain a sufficient building envelope to enable the erection of a dwelling house on the lot	Stage 1:			Complies on merit	
		Lot No.	Size(m ²)	Lot Width (m)		
		1	250.1 with BEP	9.1		
		2	250.1 with BEP	9.1		
		3	250.1 with BEP	9.1		
		4	250.1 with BEP	9.1		
		5	281 with BEP	9 frontage 8.8 splay		
		6	250.3 with BEP	12.5		
		7	450	10		
		8	500	11.1		
		9	450	10		
		10	500	11.1		
		11	450	10		
		12	500	11.1		
		13	372.0	9		
		14	372.0	9		
		15	371.6	9		
		16	624.5 (Battle Axe Lot)	3m for drive way		
17	624.5 (Battle	3m for drive				

		<table border="1"> <tr> <td></td> <td>Axe Lot)</td> <td>way</td> </tr> <tr> <td>18</td> <td>1115.6 OSD*</td> <td>27</td> </tr> <tr> <td>19</td> <td>2214.4</td> <td>Residue lot</td> </tr> </table> <p><i>*Note: OSD is to be decommissioned under Stage 2.</i></p> <p>Stage 2:</p> <table border="1"> <tr> <td colspan="3">Residue Lot 18 (for OSD) will be subdivided into 3 residential lots after decommissioning as below</td> </tr> <tr> <th>Lot no.</th> <th>Size(m²)</th> <th>Lot width (m)</th> </tr> <tr> <td>201</td> <td>371.5</td> <td>9</td> </tr> <tr> <td>202</td> <td>372.0</td> <td>9</td> </tr> <tr> <td>203</td> <td>372.0</td> <td>9</td> </tr> </table> <p>Restrictions will apply to the title of lots 1-6 to ensure that future dwellings will be constructed within the BEP.</p>		Axe Lot)	way	18	1115.6 OSD*	27	19	2214.4	Residue lot	Residue Lot 18 (for OSD) will be subdivided into 3 residential lots after decommissioning as below			Lot no.	Size(m ²)	Lot width (m)	201	371.5	9	202	372.0	9	203	372.0	9	
	Axe Lot)	way																									
18	1115.6 OSD*	27																									
19	2214.4	Residue lot																									
Residue Lot 18 (for OSD) will be subdivided into 3 residential lots after decommissioning as below																											
Lot no.	Size(m ²)	Lot width (m)																									
201	371.5	9																									
202	372.0	9																									
203	372.0	9																									
4.1AB Minimum lot sizes for dwelling houses in Zone R2	The site is subject to a minimum lot size of 300sqm as the site is in 20 dwelling/hectare areas.	Proposed lots 7-19, and 201-203 provide a lot size greater than 300sqm. However, the lot size of lot 1-6 are considered acceptable in accordance with Clause 4.1AA.	Complies on merit																								
4.1B Residential Density	- The site is subject to a minimum dwelling density of 20dw/ha	20 residential lots proposed over 2 stages. The site has a net developable area of 12,985sq.m resulting in a dwelling density of 15.4dw/Ha. This represents a variation of	Does not comply. Discussion below																								

		<p>23% of the development standard. It is noted that the LEC, in its determination of DA-460/2022, has already granted approval for a variation of 19.17% to the standard.</p> <p>Section 4.56 (1C) of the EP & A Act provides that “the modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.”</p> <p>Therefore, the provision relates only to the granting of development consent and does not apply to the modification of a development consent.</p> <p>A written request pursuant to cl 4.6 of a standard instrument local environmental plan is not required for the contravention of a development standard arising as a result of a modification application: SDHA Pty Ltd v Waverley Council [2015] NSWLEC 65 at [34] – [35].</p> <p>While the lodgement of a variation request pursuant to section 4.6 of the EP & A Act is not required in the assessment of a modification application</p>	
--	--	--	--

		<p>under S4.56, the applicant has provided one and an assessment of this has been conducted below.</p>	
<p>The proposed development does not comply with the 20 dwellings per hectare minimum dwelling density standard. The site has a net developable area of 12,985sqm. In this regard, 25.547dwellings, rounding to 26 dwellings are required for the developable portion of the site and the proposed development provides 20 residential lots, which is shortfall of 6 lots or a variation of 23% of the standard. It is noted that the original application was approved by the Land Environmental Court (LEC) with 21 lots, which is shortfall of 5 lots or a variation of 19.17% of the standard which included a similar variation to clause 4.1B which was supported by a Clause 4.6 Variation request that was ultimately accepted by the LEC. This represents an increase in the departure from the standard of 3.8% from the level approved by the LEC.</p> <p>The future development proposed residue lot, Lot 19, was previously considered in the approval of the original consent and has the potential to be developed in conjunction with the adjoining site in manner that is consistent with Indicative Layout Plan (ILP) in Part 2.0 of the Growth Centres DCP, as depicted in the orderly development plan provided by the applicant below (Figure 6). The plan shown in figure 6 shows that proposed residue lot 19 can be further developed in conjunction with the portion of R2 land on the western side of the future Brown’s Road on the adjoining eastern neighbour’s site. This portion of that site is quite irregular in shape and has an area of approximately 1,283sq.m which would be conducive for that land owner to work the subject site to achieve orderly development of the site which is constrained by the location of Browns Road. Browns Road (like Sixth Ave) is identified as a Collector Road and provides connectivity for this part of the precinct to Bringelly Road to the south of the site.</p>			

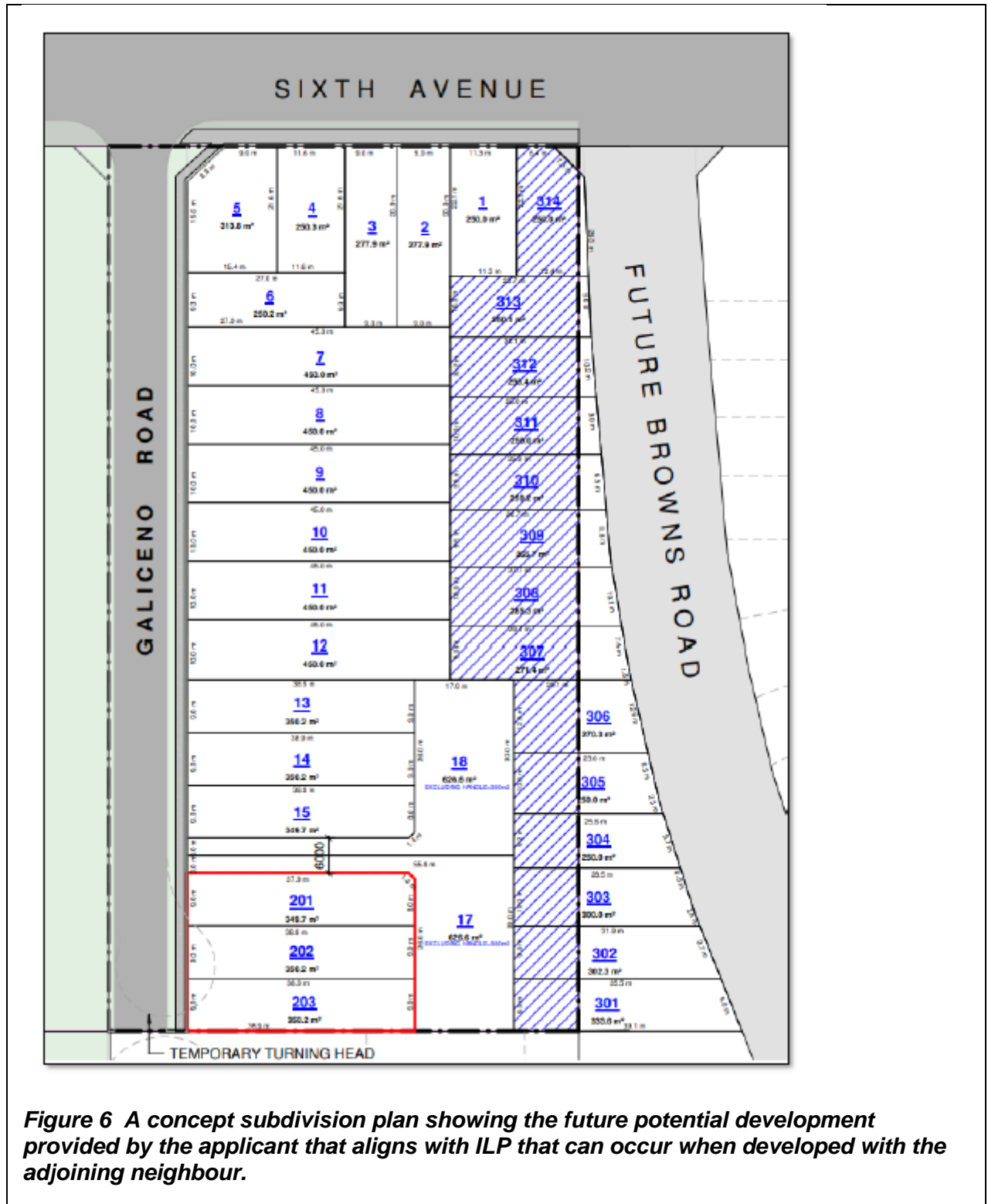


Figure 6 A concept subdivision plan showing the future potential development provided by the applicant that aligns with ILP that can occur when developed with the adjoining neighbour.

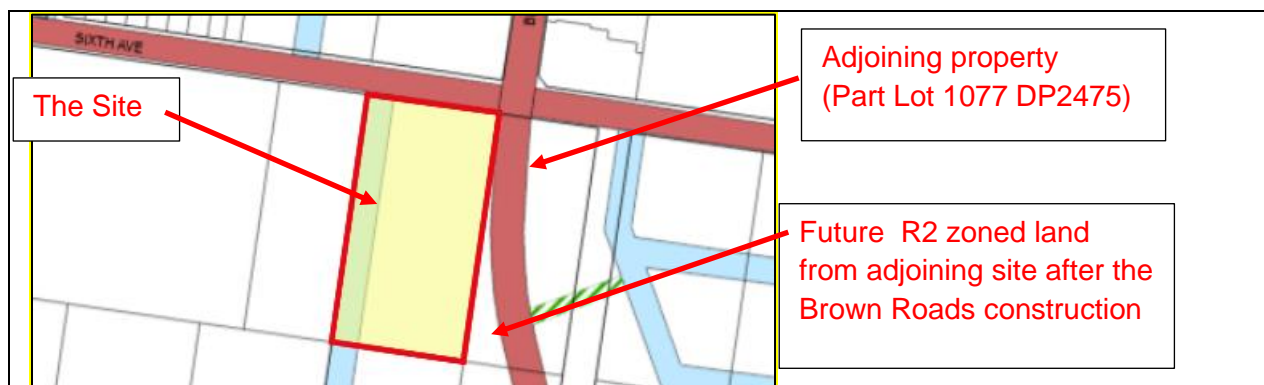


Figure 7: Showing Browns Road running north to south on adjoining property to the east.

The subject property could potentially achieve 26 lots on its own, however the development would not be orderly development as depicted in Figure 6 above.

Although the proposal does not currently comply with the minimum dwelling density control it has the capacity to achieve the required dwelling density for the site ensuring the development makes efficient use of land and infrastructure that contributes to the availability of new housing when the whole site along with adjoining site to the east is developed.

A variation to the principal development standards, in accordance to the provisions of Clause 4.6 of the SEPP is not required in consideration of an application which has been lodged under the provision of Section 4.56 (1C) of the EP & A Act. Section 4.56 (1C) provides that *“the modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.”* Notwithstanding, a Clause 4.6 variation request to the development standard has been provided and assessed in this report.

The parent approval granted by the LEC (LEC No: 2022/299477) in its assessment and consent assessed a variation pursuant to clause 4.6. This formed contention 1 of the LEC matter. The Commissioner found the applicants defence that the non-compliance with the development standard as justified because *‘[residue]Lot 22 will be further developed at a future stage of the subdivision in order to ensure the orderly and economic development of the subject site and the adjoining property to the east’.*

The commissioner stated that, *‘I am satisfied that justifying the aspect of the development that contravenes the development standard in this way can be properly described as an environmental planning ground within the meaning identified by his Honour in Initial Action at [23].’*

In respect of the above it is considered that the variation of the development standard proposed resulting from this modification application, can equally be justified by the same argument noting that the proposed variation proposed is the reduction of originally approved lots by one residential lot.

The surrounding area is developed/under construction/approved with a variety of lot sizes and the departure of this proposal is considered the scale of residential development will be compatible with the character of the precinct and adjoining land. As such it is considered

satisfactory and worthy of support in this instance.			
4.3 Height of Buildings (as per HOB Map)	9m for this site	No building proposed with this application.	N/A
4.6 Exceptions to development standards	<p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p>	While the lodgement of a variation request pursuant to section 4.6 of the EP & A Act is not required in the assessment of a modification application under S4.56, the applicant has provided one and an assessment of this has been conducted below.	<p>N/A</p> <p>Notwithstanding, the applicant has provided a variation request in the form of clause 4.6 variation statement and this has been used to assess variation to clause 4.1 (B) development standard as per the discussion below.</p>
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	No land acquisition is identified for the site.	N/A
5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	No change proposed.	N/A
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	No change proposed.	N/A
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for	Modifications to Easements shall not form part of this application.	Complies with condition.

	the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required		
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	No change proposed.	N/A

As demonstrated in the above compliance table, the proposed development as modified is generally consistent with the provisions of The SEPP (Precincts—Western Parkland City) 2021.

Discussion on the variation to the minimum dwelling density development standard required by Section 4.1B of SEPP (Precincts – Western Parkland City) 2021.

Modification applications made under Section 4.56 of EP & A Act do not require the lodgment and assessment of clause 4.6 variation in the assessment of variations to development standards. However, an assessment of variation of the minimum dwelling density development standard required by clause 4.1B is still required. It is noted that the applicant has provided a variation request in the format of clause 4.6 variation statement. While it is not required, the following review of the clause 4.6 variation statement has been made to assess the variation.

In summary the argument presented in the clause 4.6 variation request in support of the variation of the minimum dwelling density are as follows;

- *This Section 4.6 Variation Request and the assessment that follows establishes that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical component of the development standard as set out by Preston CJ in Wehbe v. Pittwater Council [2007] NSWLEC 827 and Four2Five v Ashfield Council [2015] NSWLEC 1009.*
- *The non-compliance with the standard arises from the staging of the application and the approval of a preliminary subdivision which can be progressed while approvals*

are sought for subsequent development on Lot 19 together with consolidated land to the east.

- *The non-compliance is one of timing not a permanent departure from the minimum Dwelling Density requirement of the SEPP.*
- *The noncompliance facilitates the orderly and economic development of the site; indeed the ultimate outcome of consolidation can only be achieved, due the prevailing pattern of ownership, through Council's support of this objection.*

Council Comments. With regard to the above points and the assessment made in the above report the following is noted;

- It is Council's assessment that the objectives of the minimum dwelling density development standard under clause 4.1B can be satisfactorily achieved and the subdivision pattern as part of the current proposal is in keeping with the objectives of this control.
- The argument that the applicant has made is that the non-compliance arises from a staging point of view and that as demonstrated in the proposed concept subdivision plan (Figure 6) involving the site to the east, Council is satisfied that the minimum dwelling density envisaged for the site can be achieved.
- The non-compliance with the development standard with the clause 4.1B created by including of proposed Lot 19 will not prevent the achievement of the development standard when this lot will be developed in the future with the adjoining site to east.
- It is considered that the provision of the residual lot will facilitate more orderly development when developed with the adjoining site to the east if developed by itself and would also create a more orderly outcome than if the site to the east was to develop by itself given its site constraints.
- It is also noted that a similar variation also approved in the original consent by the Land and Environmental Court on these grounds. The proposed modification results in a reduction of the dwelling yield of one residential lot from that approved and a reduction in the density of 3.8% from that approved by the LEC.

In the consideration the above, Council is supportive of this further minor numerical variation to the LEC approved dwelling density required by Clause 4.1B in this instance.

For information purposes only, please see below a more complete review of the clause 4.6 variation provided by the applicant.

Clause 4.6 Exceptions to Development Standards (Variation to Clause 4.1B Residential density)

Clause 4.1B(3) of the SEPP (Precincts - Western Parkland City) 2021, states the following:

- (3) *The density of any residential development to which this section applies is not to be less than the density shown on the Residential Density Map in relation to that land.*

The subject proposal seeks a variation to the minimum dwelling density contained within SEPP WPC 2021. As stated in the SEPP WPC 2021 table above, the minimum dwelling density prescribed for the site is 20dw/ha, as shown in figure 8 below. The application proposes a dwelling yield of 20 dwellings over the assessable area, or 15.4dw/Ha, which equates to a numerical variation of 23% from the development standard. 26 dwellings are required for the developable portion of the site.

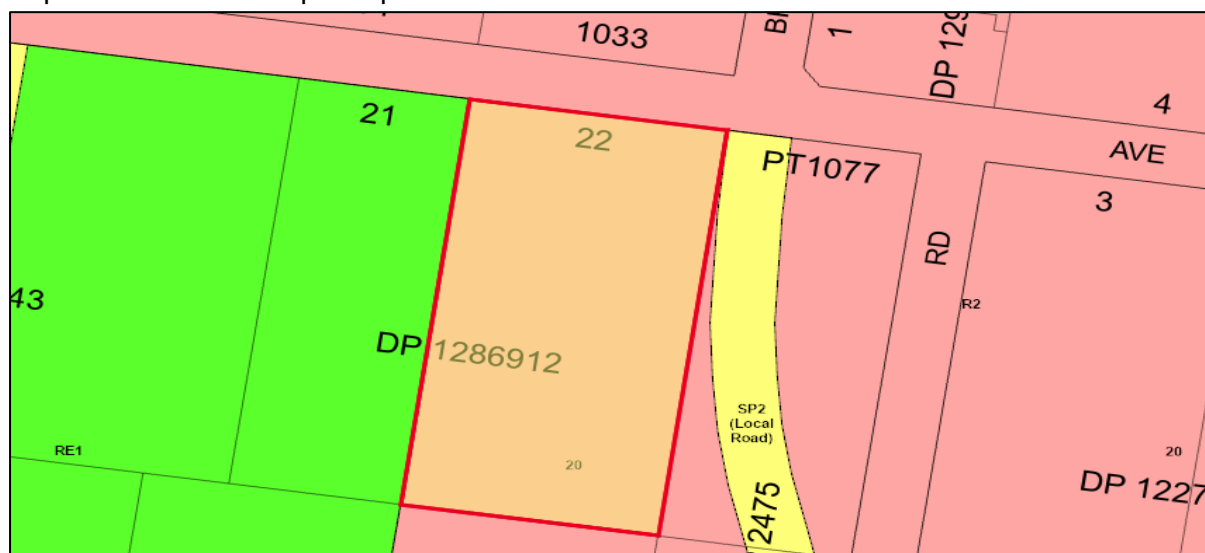


Figure 8 - Minimum Dwelling density map of the site (source: Geocortex)

Pursuant to Clause 4.6(4)(a) of Appendix 4 of the WPC SEPP, the applicant submitted a written request seeking a variation to the minimum residential density as prescribed by Clause 4.1B.

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

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

Clause 4.6(3) prescribes:

“Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

The applicant has submitted a written variation statement to the residential density development standard to justify the variation described above. In conjunction with an examination of case law regarding Clause 4.6 variations, this written request provides the following justifications based on the merits of the proposal:

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

- *This Section 4.6 Variation Request and the assessment that follows establishes that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical component of the development standard as set out by Preston CJ in *Wehbe v. Pittwater Council* [2007] NSWLEC 827 and *Four2Five v Ashfield Council* [2015] NSWLEC 1009.*
- *The non-compliance with the standard arises from the staging of the application and the approval of a preliminary subdivision which can be progressed while approvals are sought for subsequent development on Lot 19 together with consolidated land to the east.*
- *The non-compliance is one of timing not a permanent departure from the minimum Dwelling Density requirement of the SEPP.*
- *The noncompliance facilitates the orderly and economic development of the site; indeed the ultimate outcome of consolidation can only be achieved, due the prevailing pattern of ownership, through Council's support of this objection.*

Council Comment: The compliance with the numerical control of this development standard is considered unreasonable and unnecessary in this instance, for the following reasons:

- The departure from the development standard is 23% which directly results from the provision of proposed Lot 19 (with an area of 4,786sq.m) being left residue to facilitate future consolidation with the adjoining site to the east to allow for orderly development. Accordingly, the applicant has amended the proposal to achieve full compliance with all applicable development controls of the WPC SEPP 2021 and Liverpool Growth Centre Precincts Development Control Plan (LGCP DCP) 2021. Ensuring full compliance with all other standards and controls coupled with a relatively minor departure from the minimum dwelling density, above that approved by the LEC, is considered to demonstrate that compliance with the standard is unreasonable in this case as the development can be sited with full adherence to local provisions.
- Beside the variation to minimum dwelling density given the circumstances, the applicant has enabled the proposal to achieve full compliance with all applicable requirements of the SEPP (Precincts – Western Parkland City) 2021 and LGCP DCP 2021. Ensuring full compliance with all applicable standards and controls is considered to demonstrate that compliance with the standard is unreasonable in this case as the development can be sited with full adherence to local provisions and any future development on the proposed residue Lot would still be able to provide a

variation of housing products suitable for the area and provide for the housing needs for the community.

- The proposed subdivision layout is considered to provide a regular and orderly development pattern and a consistent form of development for the site when considering the existing Torrens title subdivisions within the locality, which is currently land under transition from rural uses to urban residential. As such, the proposed subdivision is an orderly development of the site.
- The proposal provides a subdivision layout which allows for future dwelling construction that is consistent with the desired character for the locality and the zone under SEPP (Precincts – Western Parkland City) 2021, in the form of providing for the housing and infrastructure needs of the community within a low density residential environment. The proposed development is particularly considerate to the objectives and permitted development of the zone and consistent with the surrounding developments recently approved and executed within the locality.
- The proposed development would still achieve the community's needs through a proposed subdivision layout that can adequately accommodate future residential dwelling development in accordance with SEPP (Precincts – Western Parkland City) 2021 and LGCP DCP 2021.
- The modification application is fully consistent with the provisions of the relevant SEPP's, as previously demonstrated in this report.
- The proposal has been made to suit the site attributes in order to reduce the scope of variations required to the minimum dwelling density.
- The proposed subdivision pattern is considered to be consistent with the precinct and as such is considered to be an orderly development of the site.
- The proposal does not generate any significant adverse impacts to the built and natural environment. Correspondingly, the proposal achieves a positive social and economic development for the site and locality.
- The low density scale of the development would demonstrate consistency with the low density residential character of the locality undergoing transition in addition to encouraging diversity of lot sizes, widths and housing typologies.
- The modification application is considered to satisfy all of the relevant heads of consideration as per Section 4.56 and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As discussed above, to apply a degree of flexibility when applying the Minimum Dwelling Density development standard applicable to the subject site based on the town planning assessment of the Clause 4.6 Variation, as it is unlikely there would be any significant impacts associated with the variation and in accordance with local and State policies. The variation is considered minor in nature when considering that the potential impacts on the surrounding built form and natural environment would remain unchanged. It would therefore be unreasonable to restrict the site in achieving the proposed subdivision layout and pattern as currently proposed.

Clause 4.6(4)(ii) states, consent must not be granted for development that contravenes a development standard unless the proposed development is in the public interest. The clause is listed and addressed below:

“Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

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

The objectives of Clause 4.1B Residential density are as follows:

- (a) to establish minimum density requirements for residential development, and*
- (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
- (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.*

Council Comment: The applicant has provided a written variation justification as outlined above, to address the objectives of the development standard and the objectives of the zone. It is considered that the proposal would meet the objectives of Clause 4.1B Residential density, for the following reasons:

(a) to establish minimum density requirements for residential development, and

Council Comment: The development proposes residential lots that are capable of accommodating compliant future dwellings and achieve appropriate amenity based on full compliance with relevant State and local policies. The proposal can contribute to and maintain the existing residential amenity for the locality through compliant and orderly subdivision layout and dwelling design. The proposed subdivision does not prevent the site from achieving the minimum density required on the future subdivision of the residue lot, Lot 19. The low density scale of the development would demonstrate consistency with the low density residential character of the locality undergoing transition in addition to encouraging diversity of lot sizes, widths and housing typologies.

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

Council Comment: The proposal provides a subdivision layout permitting future dwelling construction that is consistent with the desired character for the locality and the zone under SEPP (Precincts – Western Parkland City) 2021, in the form of providing for the housing and infrastructure needs of the community within a medium density residential environment. The provision of residue Lot 19 facilitates the future provision of orderly residential subdivision development with the western portion of the adjacent site to the east. The proposed development is particularly considerate to the objectives and permitted development of the zone and consistent with the surrounding development recently approved and executed within the locality. By adhering to these principles, the development serves as an exemplary model of land resource efficiency and to provide housing in the locality.

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

Council Comment: It is considered that the current lot layout and lot sizes within the 20dw/ha area would assist in transitioning to a character envisioned for the locality, which is consistent with the intent of the precinct. As such, the proposal in its current form is considered to be an appropriate scale and is compatible with the adjoining and nearby developments.

(v) Objectives of the zone

The objectives of the R2 – Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low-density residential environment.*

Based on the assessment of the Clause 4.6 variation provided above, the development is considered to be consistent with the objectives of the R2 Low Density Residential zone. The proposal is considered to provide for the housing needs of the community within a low density environment and ensures a high level of residential amenity can be achieved and maintained. Furthermore, the development ensures the proposal provides for the housing needs of the community within a low density residential environment. Strict compliance with the requirements of the clause would not result in a development that achieves an outcome that would be more or far superior to than that what is currently being proposed.

Clause 4.6 Variation Recommendation:

With consideration of the discussion above, the proposed variation to Clause 4.1B Residential density, adequately addresses Clause 4.6(3) and the objectives of the development standard and zone. The proposal would not be contrary to the public interest and is therefore supported in this instance.

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

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

6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**(a) Liverpool City Council Growth Centre Precincts Development Control Plan**

The application has also been assessed against the relevant controls of the Liverpool Growth Centre Precincts Development Control Plan (DCP) 2021, particularly *Part 2: Precinct Planning Outcomes; and Part 3: Neighbourhood and Subdivision Design*.

Overall, the proposal is considered to be generally consistent with the key controls outlined in Liverpool Growth Centre Precincts Development Control Plan (DCP) 2021. Please refer to 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 BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent have been imposed in original consent.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development**Natural and Built Environment**

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

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

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

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development type in the locality.

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

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Development Engineer	Approval subject to original conditions of consent
Flooding Officer	Approval subject to conditions of consent

(b) External Referrals

The development was not required to be referred to external Agencies.

(c) Community Consultation

The proposal was not required to be notified in accordance with the Liverpool Community Participation Plan 2022. No submissions were received objecting to the proposal.

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

The proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Council’s new Contributions Plan - Liverpool City Council S7.11 Austral and Leppington North Contributions Plan 2021 is now in force effective 23/11/23 and applies to all DA, CDCs, that are under assessment and not yet determined including modification application. The Contributions Plan 2021 will amend the contribution rate. However, with the reduction of the number of lots and with the same layout or works as previously approved, no changes to the contribution amount for this modification is required. However, the contribution amount has been divided for each stage. This proposal also referred to Council Contributions Accountant who confirmed the applicable Contributions.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.56 and 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, and the relevant codes and policies of Council.

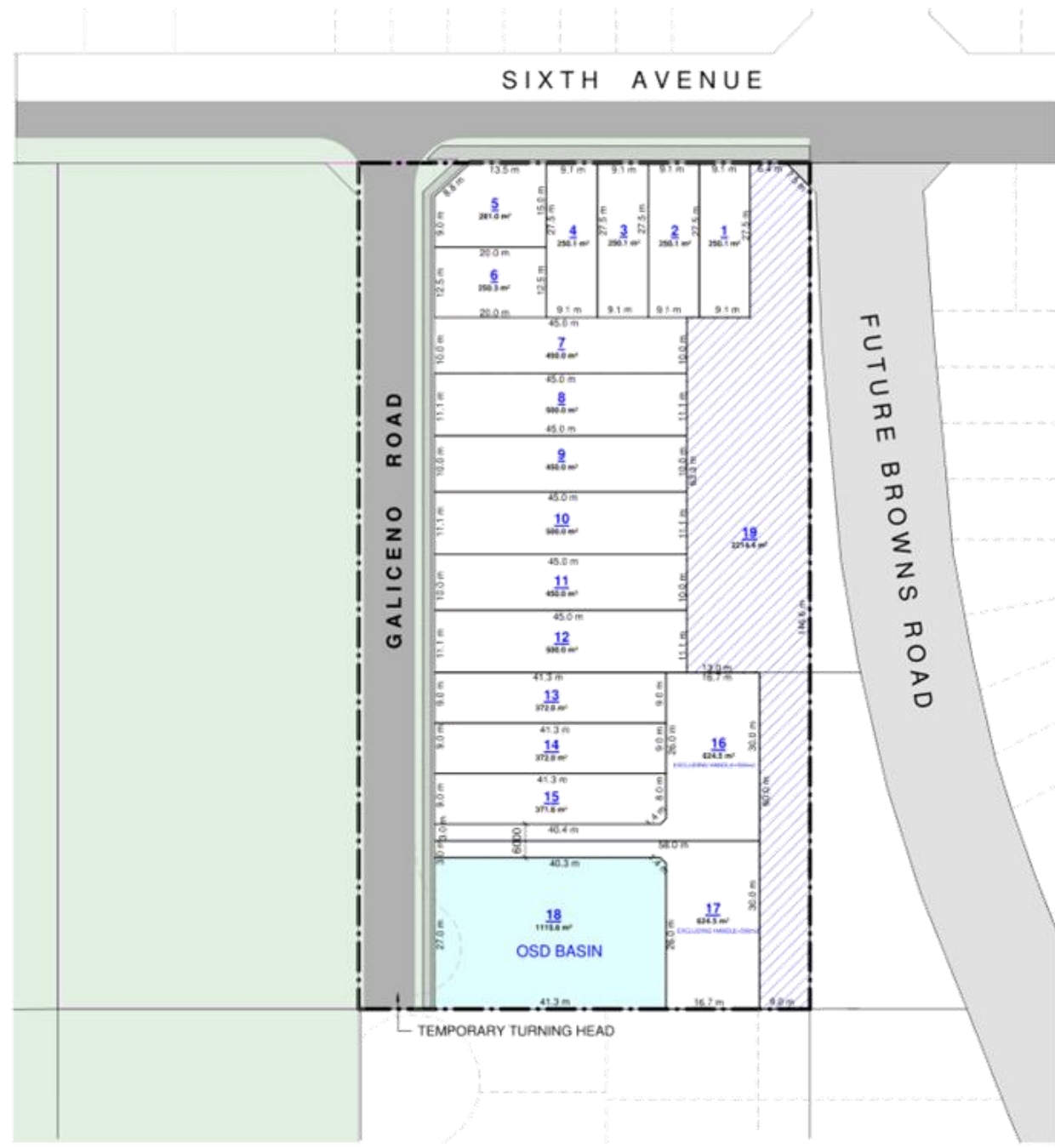
Based on the assessment of the application, the development is considered to be substantially the same as the Court approved proposal and the modifications are considered satisfactory and is unlikely to result in adverse impacts upon neighbouring properties and the locality. The proposed modification application is recommended to be approved subject to modified conditions of consent relating to the approved plans and engineering matters.

9. RECOMMENDATION

That Development Application DA-470/2022/A be approved subject to conditions of consent.

ATTACHMENTS

1. Plans of the Proposal
2. Liverpool Growth Centre Precincts DCP 2021
3. Notice of Determination
4. Statement of Environmental Effects
5. 4.6 Variation Statement submitted for DA-470/2022
6. Local and Environment Court Judgment for DA-470/2022
7. Local and Environment Court Determination for DA-470/2022



PROPOSED LOT SUMMARY(STAGE 1)

LOT FRONTAGE	NO. OF LOTS
7.0M OR LESS THAN 9.0M	0
9.0M OR LESS THAN 10.0M	7
10.0M OR MORE	8
BATTLE AXE LOTS	2
OSD BASIN	1
RESIDUE LOT	1
TOTAL LOTS=19	

LEGEND

- SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- RESIDUE LAND
- OSD BASIN

1 SUBDIVISION PLAN
S4.56 1:500

REV	DATE	DESCRIPTION	BY
1	08/18/2023	ISSUED FOR S4.56 APPLICATION	JP
2	04/03/2024	AMENDED LAYOUT	JP
3	30/04/2024	AMENDED LAYOUT FOR REVIEW	JP
4	27/05/2024	ISSUED FOR COUNCIL	JP
5	24/05/2024	AMENDED LAYOUT AS PER COUNCIL COMMENTS	JP
6	27/05/2024	AMENDED AS PER COUNCIL EMAIL	JP
7	24/05/2024	AMENDED AS PER COUNCIL EMAIL 28/05/2024	JP



GENERAL NOTES

- The boundary and layout of the lot proposed in this plan are shown as proposed. The lot boundaries and layout are shown as proposed. The lot boundaries and layout are shown as proposed.
- The zoning of the land is shown as proposed. The zoning of the land is shown as proposed. The zoning of the land is shown as proposed.
- Consult with the relevant authorities for any special conditions that may apply to the land. Consult with the relevant authorities for any special conditions that may apply to the land.



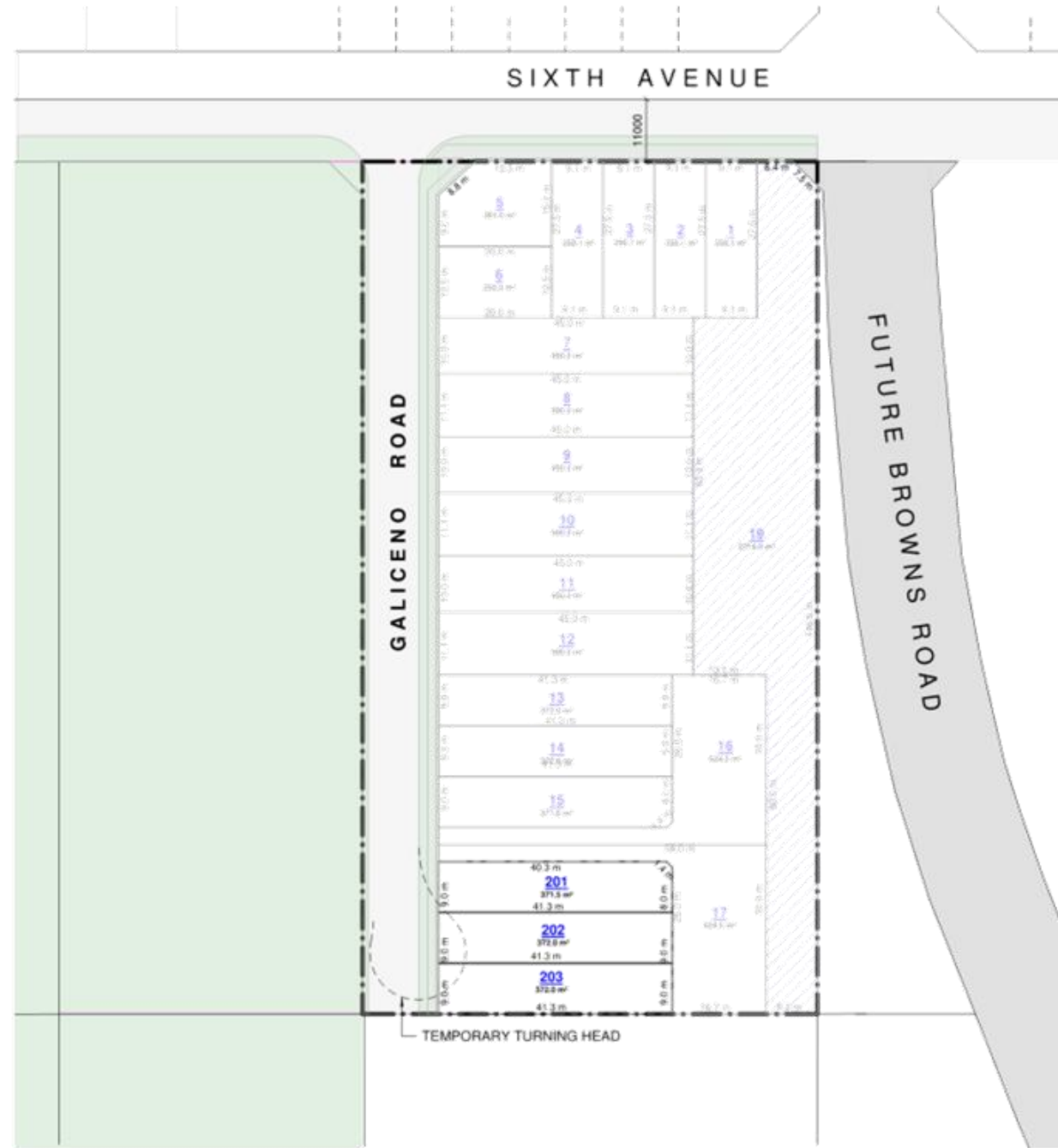
PROJECT:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
SUBDIVISION PLAN-STAGE 1

DATE	SCALE	ISSUE
MAY 2024	As indicated	S4.56-01
DRAWN BY: JP	CHECKED BY: JP	REV: 7

8.56 ISSUE

PROPOSED LOT SUMMARY (STAGE 2)	
LOT FRONTAGE	NO. OF LOTS
7.0M OR LESS THAN 9.0M	0
9.0M OR LESS THAN 10.0M	3
TOTAL LOTS-3	



1 SUBDIVISION PLAN
1:500

REV	DATE	DESCRIPTION	BY
1	08/16/2023	ISSUED FOR 54.36 APPLICATION	JP
2	04/03/2024	AMENDED LAYOUT	JP
3	30/04/2024	AMENDED LAYOUT FOR REVIEW	JP
4	27/05/2024	ISSUED FOR COUNCIL	JP
5	24/05/2024	AMENDED LAYOUT AS PER COUNCIL COMMENTS	JP
6	27/05/2024	AMENDED AS PER COUNCIL EMAIL	JP
7	28/05/2024	AMENDED AS PER COUNCIL EMAIL 28/05/2024	JP

Bathla
121 Galiceno Road Greenway Sydney NSW 2146
P O Box 270, Macquarieville NSW 2140
T 02 9638 2885 F 02 9638 4782
BATHLA.COM.AU | WWW.BATHLA.COM.AU

GENERAL NOTES

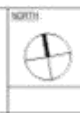
1. THE BATHLA AND BATHLA IS THE COPYRIGHT OWNER OF THIS PROPERTY AND ALL RIGHTS RESERVED. NO PART OF THIS DRAWING OR DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BATHLA.
2. THE DRAWING IS TO BE USED IN CONNECTION WITH THE STRUCTURE, SERVICES, UTILITIES, OR ANY OTHER WORK AS TO WHICH IT IS APPLIED TO THE PROJECT AND FOR THE PURPOSES OF THE PROJECT ONLY.
3. CONSULT WITH THE ARCHITECT, ENGINEER, OR ANY OTHER CONSULTANT WITH REGARD TO ALL INFORMATION AND ANY ASPECTS OF THE PROJECT THAT MAY BE AFFECTED BY THIS DRAWING OR ANY OTHER DOCUMENT.



PROJECT:
140-150 SIXTH AVENUE, AUSTRAL

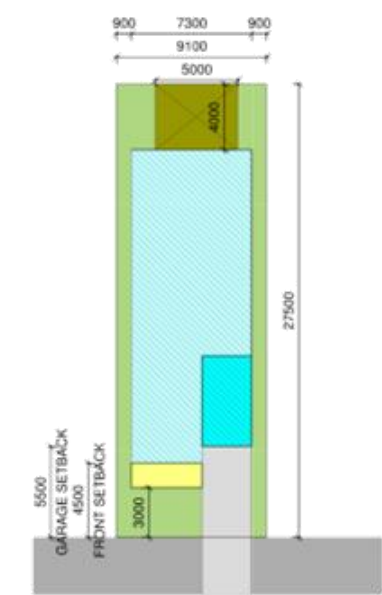
DRAWING TITLE:
SUBDIVISION PLAN-STAGE 2

DATE	SCALE	DRAWING NO.
MAY 2024	As indicated	S4.56-02
DESIGNED BY	CHECKED BY	REV
JP	Checker	7





KEY	LEGEND
[Yellow Box]	ARTICULATION ZONE
[Light Blue Box]	PRIMARY BUILDING
[Hatched Box]	PREFERRED TWO STOREY LOCATION
[Cyan Box]	PREFERRED GARAGE LOCATION
[Green Box]	PREFERRED PRIVATE OPEN SPACE
[Dark Green Box]	PRINCIPAL PRIVATE OPEN SPACE



TYPICAL BEP FOR 250m2 LOTS

BUILDING ENVELOPE PLAN
1:500

REV	DATE	DESCRIPTION	BY
1	08/10/2022	ISSUED FOR S4.36 APPLICATION	JP
2	04/03/2024	AMENDED LAYOUT	JP
3	10/04/2024	AMENDED LAYOUT FOR REVIEW	JP
4	27/05/2024	ISSUED FOR COUNCIL	JP
5	24/05/2024	AMENDED LAYOUT AS PER COUNCIL COMMENTS	JP
6	27/05/2024	AMENDED AS PER COUNCIL EMAIL	JP
7	28/05/2024	AMENDED AS PER COUNCIL EMAIL 28/05/2024	JP

Bathla
121 Sibley Road Greenway Sydney NSW 2146
P O Box 270, Westmead NSW 2145
T 02 9638 2885 F 02 9638 4702
BATHLA.COM.AU | WWW.BATHLA.COM.AU

GENERAL NOTES

- THE BUILDING ENVELOPE PLAN IS THE PROPERTY OF BATHLA ARCHITECTURE PTY LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH IT WAS PREPARED. 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.
- THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL, AND SANITARY DRAWINGS AND TO BE REFERENCED TO THEM.
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE COMMENCING WORK. BATHLA ARCHITECTURE PTY LTD. ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.



PROJECT:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
BUILDING ENVELOPE PLAN

DATE	SCALE	DRAWING NO.
MAY 2024	As indicated	S4.56-03
DESIGNED BY	CHECKED BY	REV
JP	Checker	7

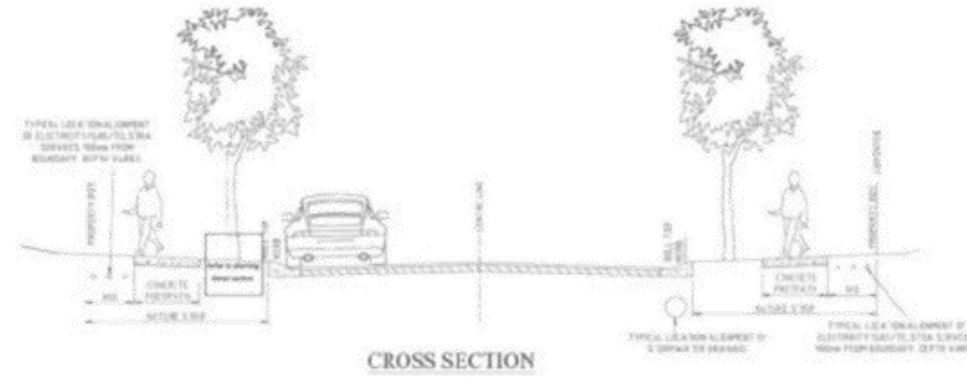
Z:\Projects - Current\Sixth Avenue 140-150 Austral\05 28/05/2024\BATHLA\REV 140-150 with artwork REV 14



STREET TREE PLAN
1:200

PLANTING SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	HT. x W	POT SIZE	NOS.
TREES						
ER		<i>Elaeocarpus Reticulatus</i>	Blueberry Ash	08 x 04 M	100 L	14
TL		<i>Tristanopsis Laurina</i>	Luscious Water Gum	08 x 04 M	100 L	5



Street planting detail and specifications:

- No timber or steel edging is permissible.
- Install root barriers to protect assets, structures and/or underground services to a minimum depth of 600mm to street trees adjoining paths, kerb and gutter or roadways.
- Tree trunk to be a minimum 750mm from street kerb and guttering.
- All imported soil to achieve the requirements of AS4419 - Soils for landscaping. All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball. All mulch is to be free of deleterious material such as rock, soil, weeds and sticks.
- Mulch - Forest litter or pine bark mulch.
- All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
- Use Buffalo as turf.
- Turf to consist of 25mm depth of dense, well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil.
- Staking is required specified as - drive 2x38x38x1800 mm hardwood stake 600mm into the ground.
- Secure the stem of the tree firmly with 2 x hessian ties fitted to the stems separately in opposite directions.

Specification for Maintenance:

- Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks.
- No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering.
- No grass or weeds within mulched area in or around tree.
- Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council.
- All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces.
- Mulch not to come into contact with the trunks of trees.
- No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times.
- No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage.
- No obvious signs of weed infestation in grass areas, pavements or mass planting beds.
- Chemical not to be applied in extreme temperatures or wind conditions.
- Removal of all suckers from base of trees.
- Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree.
- All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut.
- Performance of planting will be indicated by new growth with visible sign of new leaves; plants to possess a level of 'greenness' characteristic with the particular species. Strong floral habit and colour appropriate to the season and species; Absence of dead or damaged foliage, flowers or branches.

Notes

- Installation/ excavation tips:
- Add 5% to outer plan dimensions when excavating pit.
 - Always check pit dimensions at base of pit, ensuring sides are clean and square.
 - Level and screed drainage layer prior to placement of cells.
- Ensure that the pit base is screeded and compacted adequately before placing cells on base, to allow for ease of installation of overall matrix.
- Adequate drainage from base of tree pit to be provided if design incorporates wsud principles, or if site conditions require.

Please note:

The contractor is to establish location and depth of services at each planting location prior to any machine excavation, especially water, gas, telecommunications, power, drainage and sewer. The planting of street trees is to ensure street lighting and vehicle sightlines are not impeded. Where services interfere with tree placement, adjust position within 1.0m of designated location. Where tree cannot be accommodated due to services, this is a hold point and contractor is to apply for instructions.

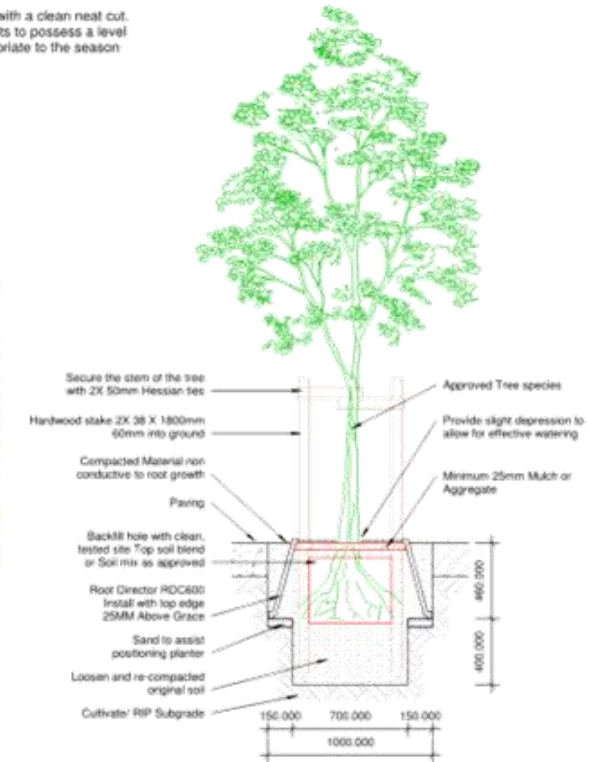
TREES:



Elaeocarpus Reticulatus



Tristanopsis Laurina



STREET TREE PLANTING DETAILS
1:20

REV	DATE	DESCRIPTION	BY
2	04/06/2024	AMENDED AS PER COUNCIL RFP	SHK
1	14/02/2023	ISSUED FOR S4.56 APPLICATION	SHK



171 Sable Road Greenacre Sydney NSW 2146
P O Box 270, Marikana NSW 2146
T 02 9638 2400 F 02 9638 4782
WWW.BATHLA.COM.AU

GENERAL NOTES

- The drawings are based on the information provided by the client. The client is responsible for the accuracy of the information provided.
- The drawings are for general guidance only. The contractor is responsible for the accuracy of the information provided.
- The drawings are for general guidance only. The contractor is responsible for the accuracy of the information provided.



PROJECT:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
STREET TREE PLAN

DATE	SCALE	DRAWING NO.
04/06/24	As indicated	LP-01
DRWN BY: SHK	CHECKED BY: Checker	REV: 2

S4.56 ISSUE

Project: Current Sixth Avenue 140-150 Austral
S4.56 LANDSCAPE STREET TREE PLAN LP-01 140-150 AUSTRAL

140 - 150 SIXTH AVENUE, AUSTRAL CIVIL ENGINEERING DESIGN

DRAWING SCHEDULE

Sheet number	Drawing Title
01	COVER SHEET
02	GENERAL NOTES
03	TREE REMOVAL & DEMOLITION PLAN
04	BULK EARTHWORKS PLAN
05	BULK EARTHWORKS SECTIONS
06	ENGINEERING PLAN
07	STORMWATER DRAINAGE LONG SECTION 01 OF 03
08	STORMWATER DRAINAGE LONG SECTION 02 OF 03
09	STORMWATER DRAINAGE LONG SECTION 03 OF 03
10	ROAD TYPICAL CROSS SECTIONS
11	ROAD LONGITUDINAL SECTIONS SHEET 01 OF 02
12	ROAD LONGITUDINAL SECTIONS SHEET 02 OF 02
13	CATCHMENT PLAN PRE-DEVELOPMENT
14	CATCHMENT PLAN - ULTIMATE
15	MUSIC & OSD CATCHMENT PLAN
16	OSD BASIN NO.01 PLAN & SECTIONS
17	OSD BASIN DETAILS
18	EROSION & SEDIMENT CONTROL DETAILS
19	EROSION & SEDIMENT CONTROL PLAN



LOCALITY PLAN
NTS

REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Giba Road, Girsaween Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2485 | F: 02 9689 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD

NORTH:



THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANTS DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:

COVER SHEET

STATUS:

ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE:

N/A

DRAWN:

N.C.

ENGINEER:

I.H.

DATE:

12.06.24

SHEET NO:

01

REVISION:

B

GENERAL

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS THAT MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES IN THESE DOCUMENTS SHALL BE REFERRED TO THE SUPERINTENDENT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.
2. THE CONTRACTOR SHALL CHECK, AND BE RESPONSIBLE FOR, THE CORRECTNESS OF ALL DIMENSIONS. ANY DISCREPANCY SHALL BE REPORTED IMMEDIATELY TO THE SUPERINTENDENT. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING OFF THE PLANS.
3. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT AUSTRALIAN STANDARDS, THE BY-LAWS AND ORDINANCES OF THE RELEVANT AUTHORITIES AND THE SPECIFICATIONS.
4. NO CHANGES SHALL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN CONSENT OF THE SUPERINTENDENT. THE SUPERINTENDENT IS TO CONFIRM THE EXACT EXTENTS OF WORKS ON SITE PRIOR TO COMMENCEMENT.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT SAFE WORK PRACTICES ARE FOLLOWED AT ALL TIMES DURING THE COURSE OF THE CONTRACT. OH&S REGULATIONS AND WORK COVER REQUIREMENTS ARE TO BE COMPLIED WITH.
6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL SURVEY MARKS ARE MAINTAINED. IF THE CONTROL MARKS ARE DESTROYED OR MOVED DURING CONSTRUCTION THE CONTRACTOR MUST SUPPLY ADEQUATE MARKS FOR RE-ESTABLISHMENT AND INFORM THE SUPERINTENDENT.
7. ALL DIMENSIONS ARE IN MILLIMETERS. CHANGES, REDUCED LEVELS, CHAINAGES, OFFSETS AND ROAD WIDTHS ARE IN METRES UNLESS OTHERWISE SHOWN.
8. LIAISE WITH THE SUPERINTENDENT PRIOR TO COMMENCEMENT OF CONSTRUCTION.
9. SURPLUS EXCAVATED MATERIAL SHALL BE PLACED WHERE DIRECTED BY THE SUPERINTENDENT TO THE REQUIREMENTS OF COUNCIL'S ENGINEER.
10. ALL NEW WORKS SHALL MAKE A SMOOTH JUNCTION WITH EXISTING CONDITIONS.
11. THE CONTRACTOR SHALL NOT ENTER UPON NOR DO ANY WORK WITHIN ADJACENT LANDS WITHOUT THE WRITTEN PERMISSION OF THE OWNERS. TO BE PROVIDED PRIOR TO THE APPROVAL OF THE PLANS.
12. ALL CONDUITS AND MAINS SHALL BE LAID PRIOR TO LAYING FINAL ASPHALTIC CONCRETE SEAL.
13. STREET NAME SIGNS SHALL BE ERRECTED, WHERE SHOWN, IN ACCORDANCE WITH COUNCIL'S STANDARD OR AS DIRECTED BY THE SUPERINTENDENT.
14. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL FOR THE DURATION OF THE PROJECT.
15. ALL TREES WITHIN THE LIMIT OF WORKS TO BE REMOVED UNLESS NOTED AS PER LEGEND. TREES OUT OF LIMIT OF WORKS ZONE ARE TO BE LEFT UNTOUCHED. SHOULD THERE BE ANY IMPACTED TREES OUTSIDE OF WORKS THE SUPERINTENDENT IS TO BE INFORMED IMMEDIATELY.
16. REFER TO CITY COUNCIL'S SPECIFICATION AND STANDARD DRAWINGS WHERE APPLICABLE
17. CONTRACTOR TO PROVIDE STORMWATER KERB DISCHARGE INCLUDING RECTANGULAR HOLLOW SECTION, ADAPTER AND PIPE EXTENDED 0.5m BEYOND THE PROPERTY BOUNDARY AND CAPPED OFF FOR FUTURE CONNECTION (ONLY FOR THE LOTS HAVING SW KERB DISCHARGE)
18. DEWATER AND DESILT EXISTING DAMS TO PREPARE FOR SITE FILLING/OTHER WORKS. REFER TO THE GEOTECHNICAL REPORT.
19. PROVIDE FLOODWAY WARNING SIGNS AT APPROPRIATE LOCATIONS AND/OR AS DIRECTED BY COUNCIL'S ENGINEER.

SERVICES:

1. ALL SERVICES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND HAVE BEEN LOCATED FROM SITE INVESTIGATION AND RELEVANT AUTHORITIES' PLANS. THESE SERVICES ARE NOT GUARANTEED CORRECT OR COMPLETE.
2. THE CONTRACTOR MUST OBTAIN UP-TO-DATE PLANS FROM 'DIAL BEFORE YOU DIG' BEFORE COMMENCEMENT OF WORKS. THE EXACT LOCATION OF ALL SERVICES ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS.
3. EXISTING SERVICES ARE TO BE MAINTAINED OR ADJUSTED AS NECESSARY. ANY ADJUSTMENT OR PROTECTION MEASURES ARE TO BE CARRIED OUT TO THE REQUIREMENTS OF THE RELEVANT AUTHORITY AND AT THE DEVELOPER'S EXPENSE. REFER ANY CONFLICTS OR UNIDENTIFIED EXISTING SERVICES TO THE SUPERINTENDENT IMMEDIATELY.
4. ELECTRICAL CONDUITS SHOULD BE PROVIDED AND LOCATED TO THE SATISFACTION OF ENDEAVOUR ENERGY.
5. WATER CONDUITS SHOULD BE PROVIDED TO SUIT WATER MAIN LOCATIONS.
6. TELSTRA AND OPTUS CONDUITS SHALL BE PROVIDED AND LOCATED TO THE SATISFACTION OF THE RELEVANT TELECOMMUNICATIONS AUTHORITY.
7. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH:
 - JEMENA DRAWINGS
 - ENDEAVOUR ENERGY DRAWINGS
 - SYDNEY WATER DRAWINGS
 - NBN DRAWINGS
8. ALL SERVICES PIT COVERS AND MARKERS ARE TO BE LAID ENTIRELY WITHIN OR OUTSIDE OF THE CONCRETE FOOTPATH. CONTACT SUPERINTENDENT SHOULD DIFFICULTIES ARISE.
9. WHERE SERVICES COVERS ARE LOCATED WITHIN THE FOOTPATH & ROADWAYS, INFILL COVERS WITH A PAVEMENT SIMILAR TO THAT OF THE FOOTPATH OR ADJACENT ROADWAY PROVIDE CONCRETE INFILL WHERE COVERS ARE WITHIN LANDSCAPE.
10. ALL SERVICES COVERS TO BE PLACED AT FINISHED SURFACE LEVELS, ENSURE LONGITUDINAL AND CROSS FALL GRADES MATCH PROPOSED GRADES
11. ALL WATER AND SEWER TO BE INSTALLED IN ACCORDANCE WITH THE CURRENT SYDNEY WATER STANDARDS. CARE IS TO BE TAKEN WHEN INSTALLING HYDRANTS AND STOP VALVES IN THE FOOTPATH.

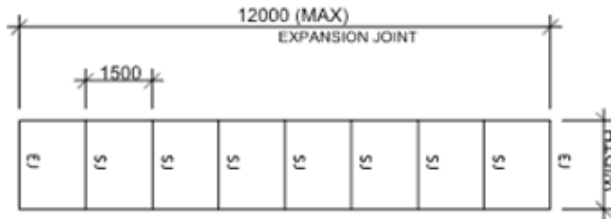
KERBING NOTES

1. ALL CONCRETE TO HAVE A MINIMUM COMPRESSIVE STRENGTH AS PER COUNCIL SPECIFICATIONS.
2. ALL KERBS, GUTTERS, DISH DRAINS AND CROSSINGS TO BE CONSTRUCTED AS PER COUNCIL SPECIFICATIONS AND STANDARDS.
3. EXPANSION JOINTS (E.J.) TO BE FORMED FROM 10mm COMPRESSIBLE CORK FILLER BOARD FOR THE FULL DEPTH OF THE SECTION AND CUT TO PROFILE. EXPANSION JOINTS TO BE LOCATED AT DRAINAGE PITS, ON TANGENT POINTS OF CURVES AND ELSEWHERE AT MAX 12m CENTRES EXCEPT FOR INTEGRAL KERBS WHERE THE EXPANSION JOINTS ARE TO MATCH THE JOINT LOCATIONS IN THE SLABS.
4. IN THE REPLACEMENT OF ROLLKERB AND GUTTER, EXISTING ROAD PAVEMENT IS TO BE SAWCUT 900mm U.N.O FROM THE LIP OF GUTTER. UPON COMPLETION OF THE NEW ROLLKERB AND GUTTER, NEW BASECOURSE AND SURFACE TO BE LAID 900mm WIDE U.N.O.
5. ALLOTMENT DRAINAGE PIPES CONNECTED TO THE ROLLKERB AND GUTTER SHALL CONSIST OF A RECTANGULAR HOLLOW SECTION (GALVANISED STEEL) FOR LOTS DRAINING TO THE FRONT ONLY. REFER TO COUNCIL'S SPECIFICATION FOR DETAILS
6. PRAM RAMP SHALL BE CONSTRUCTED AS PER COUNCIL STANDARD.
7. JOINTING SHALL BE AS PER COUNCIL SPECIFICATIONS AND STANDARDS
8. RAMPED AND VEHICULAR CROSSINGS SHALL HAVE A BROOMED FINISH WITH ALL OTHER KERBING OR DISH GUTTERS TO BE STEEL FLOAT FINISHED.
9. REFER TO COUNCIL SPECIFICATIONS AND STANDARDS FOR MORE DETAILS

PAVEMENTS AND ROAD WORKS NOTES:

PEDESTRIAN PAVEMENT JOINTS

1. ALL PEDESTRIAN PAVEMENTS ARE TO BE JOINTED AS FOLLOWS (U.N.O.)
2. EXPANSION JOINTS ARE TO BE LOCATED, WHERE POSSIBLE, AT TANGENT POINTS OF CURVES AND ELSEWHERE AT MAX. 1.2m CENTRES.
3. SAW JOINTS ARE TO BE LOCATED AT A MAX. SPACING OF 1.5m
4. JOINTS SHALL BE LOCATED TO MATCH KERBING AND OR ADJACENT PAVEMENT JOINTS WHERE POSSIBLE.
5. PEDESTRIAN PAVEMENT JOINTING DETAILS SHALL BE AS PER LCC



6. ALL VEHICULAR PAVEMENTS TO BE JOINTED AS PER THE DRAWINGS.
7. ALL FOOTPATHS TO HAVE S72 MESH.
8. VEHICULAR ACCESS IS TO BE MAINTAINED FOR ALL PROPERTIES DURING THE COURSE OF CONSTRUCTION.
9. THE CONTRACTOR SHALL CONTACT RESIDENTS/OWNERS WITHIN 48 HOURS PRIOR TO COMMENCEMENT OF WORKS UNLESS OTHERWISE DIRECTED.
10. ALL DRIVEWAY ADJUSTMENTS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE DRAWINGS
11. SUBSOIL FLUSHING POINTS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH DOH STANDARD DRAWING NO RM 14. THEY SHALL BE LOCATED AS DIRECTED
12. PROPOSED SERVICES WHICH CROSS THE EXISTING ROADS SHALL BE THURST BORED UNDER THE ROAD TO AVOID DAMAGING THE EXISTING SURFACE
13. ALL ROADS ARE TO BE TEMPORARILY SEALED WITH A 1 COAT SEAL. THE FINAL ASPHALT CONCRETE TO BE BONDED AND PLACED FOLLOWING APPROVAL FROM COUNCIL.

TELSTRA - DUTY OF CARE NOTE

TELSTRA'S PLANS SHOW ONLY THE PRESENCE OF CABLES AND PLANT. THEY ONLY SHOW THEIR POSITION RELATIVE TO ROAD BOUNDARIES, PROPERTY FENCES ETC. AT THE TIME OF INSTALLATION AND TELSTRA DOES NOT WARRANT OR HOLD OUT THAT SUCH PLANS ARE ACCURATE THEREAFTER DUE TO CHANGES THAT MAY OCCUR OVER TIME. DO NOT ASSUME DEPTH OR ALIGNMENT OF CABLES OR PLANT AS THESE VARY SIGNIFICANTLY. THE CONTRACTOR HAS A DUTY OF CARE WHEN EXCAVATING NEAR TELSTRA CABLES AND PLANT. BEFORE USING MACHINE EXCAVATORS TELSTRA PLANT MUST FIRST BE PHYSICALLY EXPOSED BY SOFT DIG POTHOLING TO IDENTIFY IT'S LOCATION. TELSTRA WILL SEEK COMPENSATION FOR DAMAGES CAUSED TO IT'S PROPERTY AND LOSSES CAUSED TO TELSTRA AND IT'S CUSTOMERS.

ALL NOTES ARE TO BE READ IN CONJUNCTION WITH THE LIVERPOOL CITY COUNCIL'S ENGINEERING CONSTRUCTION SPECIFICATION FOR CIVIL WORKS.

SITE PREPARATION NOTES

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNCIL REQUIREMENTS.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE PERIOD OF WORKS, INCLUDING REPAIR AND/OR REPLACEMENT OF DAMAGED SECTIONS. INSPECTIONS ARE TO BE MADE PERIODICALLY DURING PROLONGED RAINFALL EVENTS AND AFTER STORM EVENTS FOR DAMAGE.
3. ALL EXISTING TREES ON THE SITE ARE NOT TO BE DISTURBED OTHER THAN THOSE DESIGNATED ON THE PLANS FOR REMOVAL. THE SUPERINTENDENT IS TO APPROVE ALL TREES TO BE REMOVED. REMAINING TREES MUST BE PROTECTED AS PER THE ARBORIST'S ADVICE.
4. WHERE NOTED ON THE DRAWINGS THAT WORKS ARE TO BE CARRIED OUT BY OTHERS (EG. ADJUSTMENT OF SERVICES), COORDINATION OF THESE WORKS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

STORMWATER DRAINAGE NOTES:

1. STORMWATER DESIGN CRITERIA:
ROAD DRAINAGE
5 YEAR ARI MINOR STORM EVENT
100 YEAR ARI MAJOR STORM EVENT
2. PRECAST REINFORCED CONCRETE PIPES SHALL COMPLY WITH AS4058 AND SHALL BE OF THE CLASS AND SIZE AS SHOWN ON THE DRAWINGS.
3. JOINTS SHALL BE OF THE FLEXIBLE TYPE AND THE PIPES SHALL HAVE SPECIAL SOCKETS INCORPORATING RUBBER RING JOINTS COMPLYING WITH AS1646 AND AS RECOMMENDED BY THE MANUFACTURER
4. BEDDING SHALL BE IN ACCORDANCE WITH COUNCIL SPECIFICATION 221, AS3725 AND AS3725 SUPPLEMENT 1.
5. SUPPORT H2 SHALL BE USED FOR PIPE INSTALLATION NOT UNDER ROADWAY AND HS2 FOR PIPE INSTALLATION UNDER ROADWAY
6. REFER TO COUNCIL SPECIFICATION 221 FOR DETAILS OF OTHER REQUIREMENTS
7. CARE IS TO BE TAKEN WITH LEVELS OF STORMWATER LINES. GRADES SHOWN ARE NOT TO BE REDUCED WITHOUT APPROVAL.
8. GRATES AND COVERS SHALL CONFORM WITH THE LIVERPOOL CITY COUNCIL'S SPECIFICATION.
9. AT ALL TIMES DURING CONSTRUCTION OF STORMWATER PITS, ADEQUATE SAFETY PROCEDURES SHALL BE TAKEN TO ENSURE AGAINST THE POSSIBILITY OF PERSONNEL FALLING DOWN PITS.
10. BACKFILLING OF TRENCHES SHALL BE IN ACCORDANCE WITH THE LIVERPOOL CITY COUNCIL'S SPECIFICATIONS
11. REINFORCEMENT AND STEP IRONS ARE TO BE PLACED IN PITS GREATER THAN 1.2M DEEP IN ACCORDANCE WITH THE LIVERPOOL CITY COUNCIL'S REQUIREMENTS.
12. SUBSOIL DRAINS ARE TO BE PROVIDED BEHIND ALL KERBS AS DIRECTED.

BULK EARTHWORKS NOTES:

1. ORIGIN OF LEVELS: REFER TO SURVEY PLANS & NOTES.
2. STRIP ALL TOPSOIL/ORGANIC MATERIAL FROM CONSTRUCTION AREA AND REMOVE FROM SITE OR STOCKPILE AS DIRECTED BY THE SUPERINTENDENT.
3. COMPACTION, TESTING, FILING, STANDARD DRY DENSITIES & MOISTURE CONTENTS TO BE IN ACCORDANCE WITH COUNCIL'S SPECIFICATIONS
4. EARTHWORK COMPACTION SHALL BE IN ACCORDANCE WITH TEST METHOD AS PER AS 1289.5.3.1 OR AS 1289.5.1.1 AND CONTINUE UNTIL A 95% DRY DENSITY IS ACHIEVED FOR SITE FILLING, AND A DRY DENSITY OF 100% IS ACHIEVED FOR ROAD PAVEMENT SUBGRADES. EARTHWORK CONTROL TESTING SHALL BE IN ACCORDANCE WITH AS 3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS.' IF EARTHWORK COMPACTION USES A TEST METHOD AS PER AS 1289.5.8.1 TO DETERMINE FIELD DENSITY, RESULTS SHALL BE CONFIRMED USING A SAND REPLACEMENT METHOD
5. ALL FILLING SHALL BE THE RESPONSIBILITY OF A SUITABLE GEOTECHNICAL ENGINEER AND DEFINED BY APP. B OF AS 3789 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL. THE GEOTECHNICAL ENGINEER SHALL ENSURE AND CONFIRM, IN WRITING, THAT THE EARTHWORKS COMPLY WITH THE REQUIREMENTS OF THE DRAWINGS AND SPECIFICATION.

SURVEY NOTES:

1. ALL SITE SET OUT POINTS ARE TO BE CERTIFIED BY A REGISTERED SURVEYOR.
2. THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY THE REGISTERED SURVEYOR INNOVATIVE SURVEYING ASSOCIATES, PLAN NO. 310537, A DATED 20/07/2021. THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. INDESCO DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.
3. CONTACT SUPERINTENDENT IF DISCREPANCIES ARE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND FIELD DATA.

B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023
REV	REVISION	DRAWN	ENG	CHECK	DATE



137 Giba Road, Girrawan Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
 NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:

GENERAL NOTES

STATUS:

ISSUED FOR D.A. MOD
 NOT FOR CONSTRUCTION

SCALE:
 N.T.S

DRAWN:
 N.C.

ENGINEER:
 I.H.

DATE:
 12.06.24

SHEET NO:
 02

REVISION:
 B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Gilba Road, Girsaween Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2485 | F: 02 9689 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
 NORTH:



THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANTS' DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:

TREE REMOVAL & DEMOLITION PLAN

STATUS:

ISSUED FOR D.A. MOD
 NOT FOR CONSTRUCTION

SCALE:

N.T.S.

DRAWN:

N.C.

ENGINEER:

I.H.

DATE:

12.06.24

SHEET NO:

03

REVISION:

B



BULK EARTHWORKS VOLUME :
TOTAL CUT = -2380m³
TOTAL FILL = 626m³
EXCESS CUT OVER FILL = 1754m³

- NOTES :**
- VOLUME AND SHADING ARE BASED ON A COMPARISON BETWEEN THE DESIGN SURFACE AND THE SURVEYED SURFACE AND ARE INDICATIVE ONLY.
 - NO ALLOWANCE HAS BEEN MADE FOR:
 - TOPSOIL STRIP AND REPLACEMENT
 - SHRINKING & BULKING FACTORS
 - TRENCH & RETAINING WALL EXCAVATION OR BACKFILL
 - TREATMENT OR DISPOSAL OF ANY CONTAMINATION OR UNSUITABLE MATERIAL

REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla
137 Gilba Road, Gtswan Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2465 | F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:
[Signature]
DATUM: AHD
NORTH: [North Arrow]

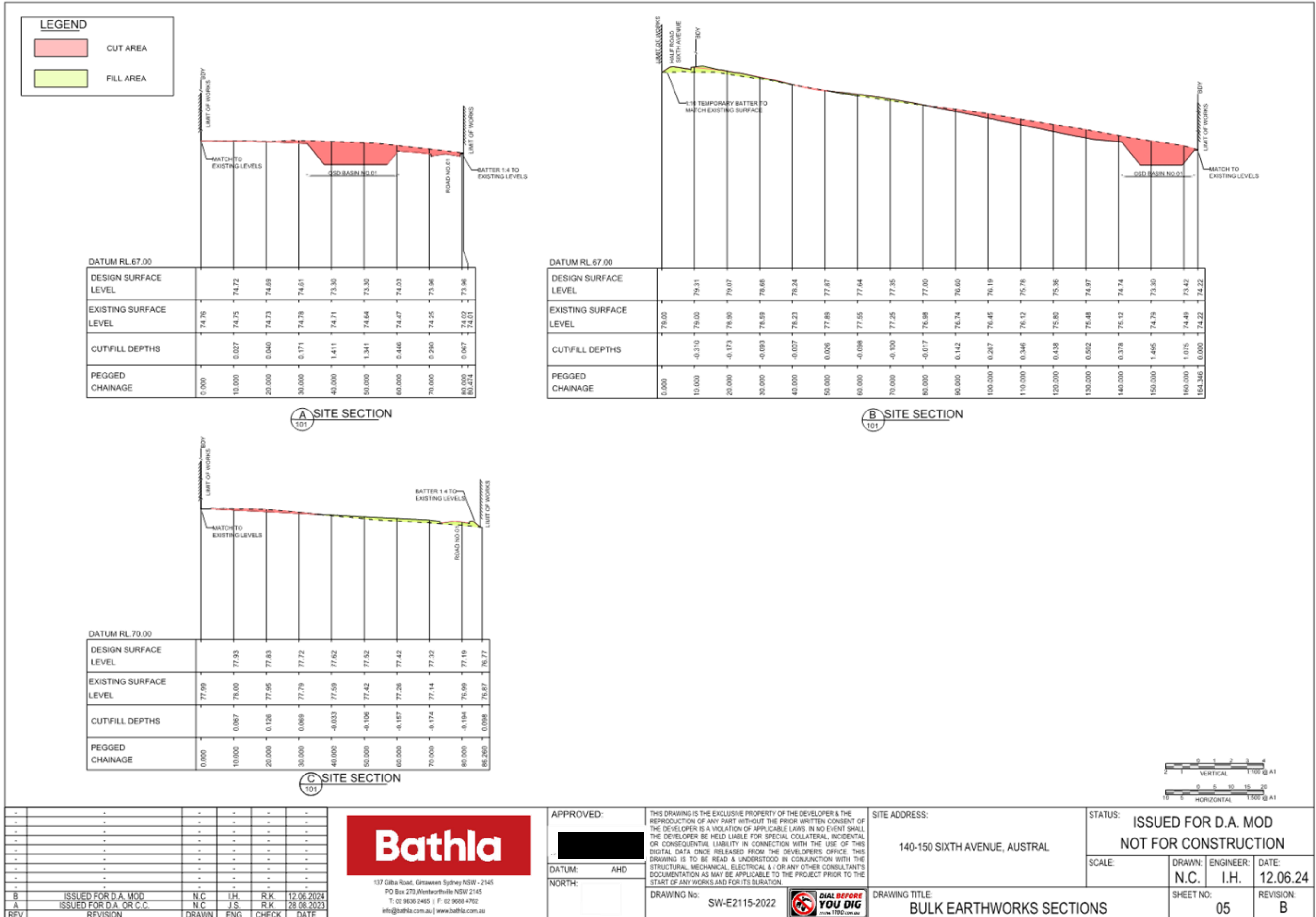
THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

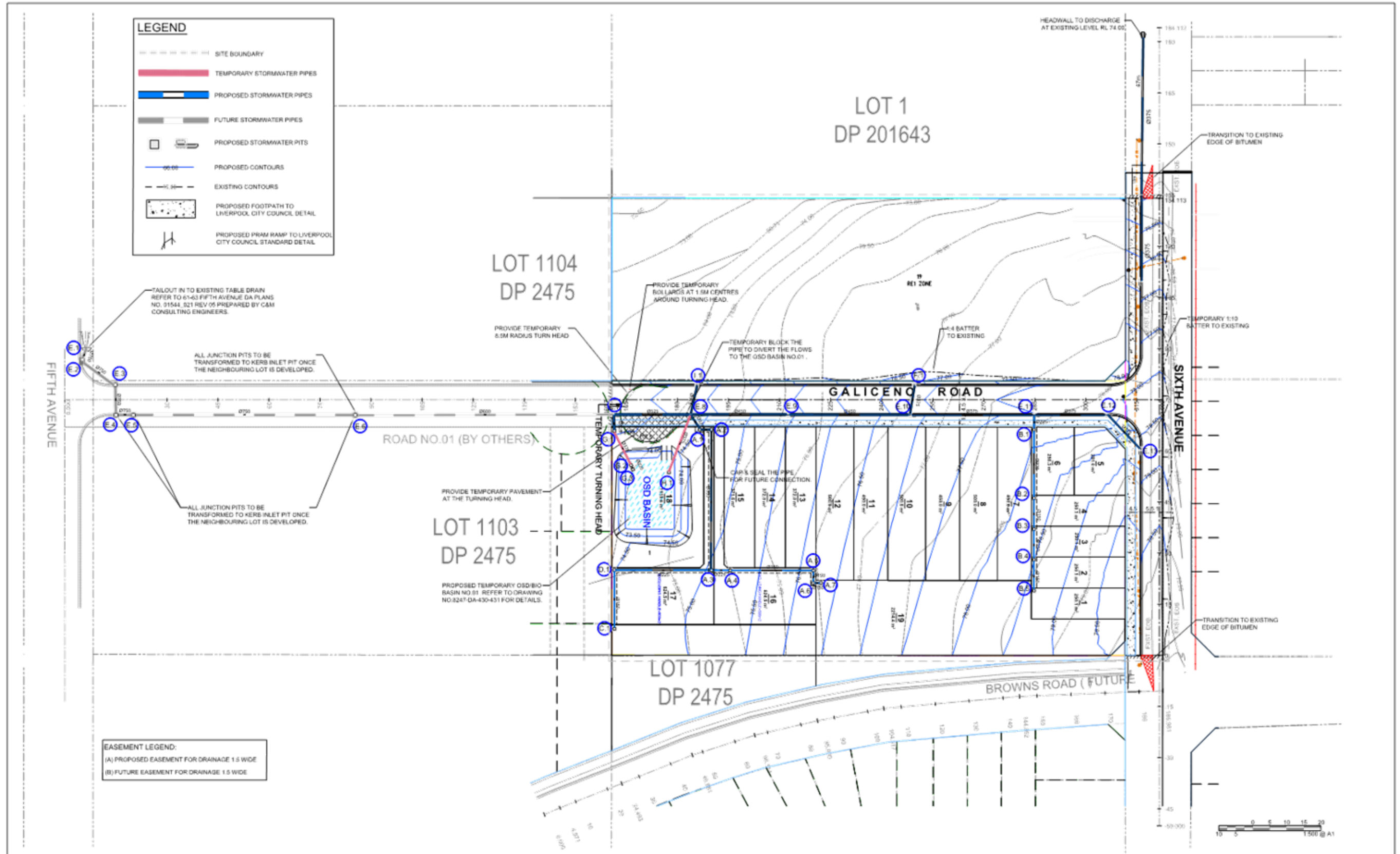
DRAWING No: SW-E2115-2022

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
BULK EARTHWORKS PLAN

STATUS: ISSUED FOR D.A. MOD NOT FOR CONSTRUCTION			
SCALE: N.T.S.	DRAWN: N.C.	ENGINEER: I.H.	DATE: 12.06.24
SHEET NO: 04		REVISION: B	





REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Gilba Road, Girraween Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2485 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
 NORTH:



THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

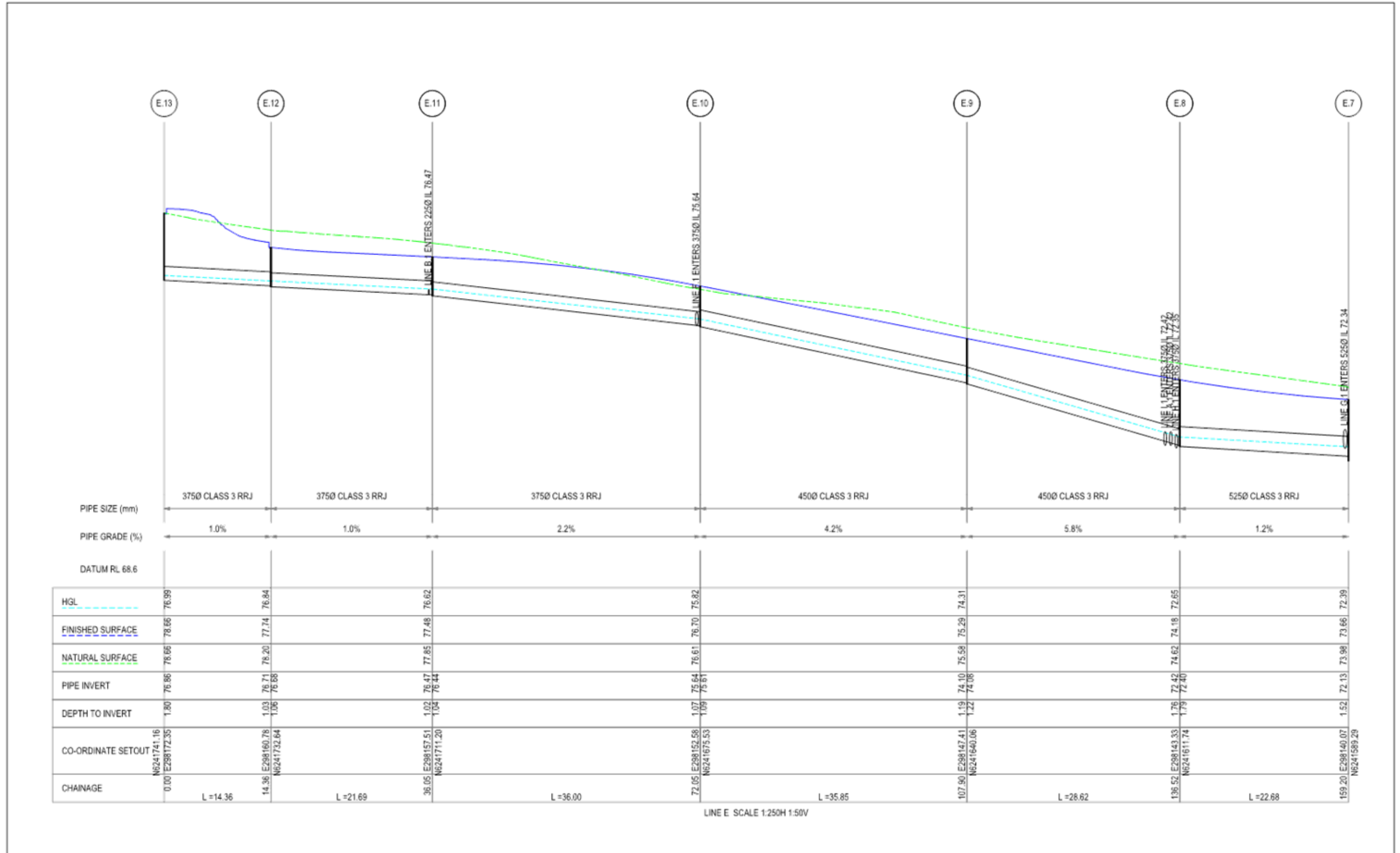
DRAWING TITLE:

ENGINEERING PLAN

STATUS: ISSUED FOR D.A. MOD
 NOT FOR CONSTRUCTION

SCALE: N.T.S. DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 06 REVISION: B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Giba Road, Girraween Sydney NSW - 2145
 PO Box 270, Westworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
 NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

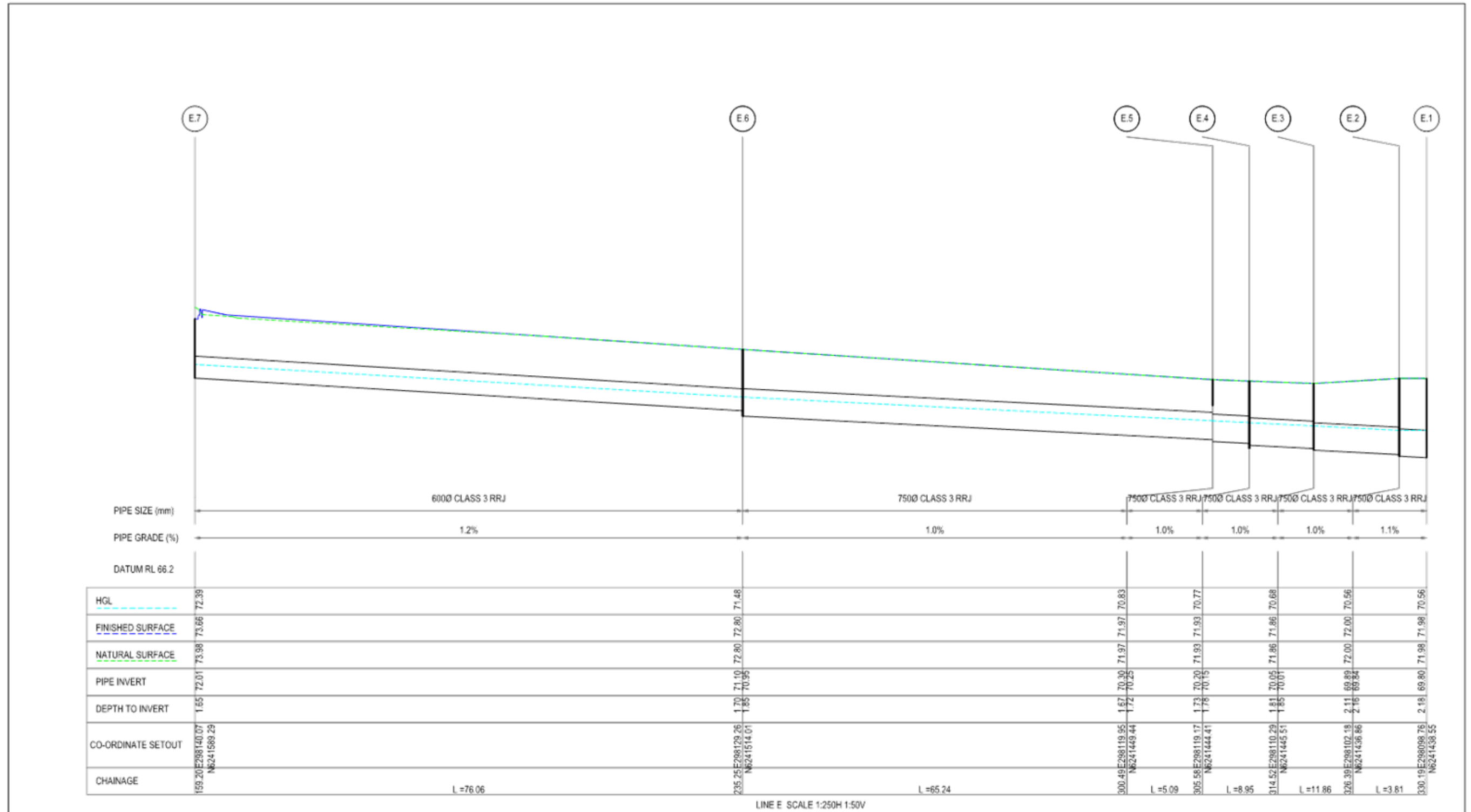
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE: STORMWATRE DRAINAGE LONGSECTION -1

STATUS: ISSUED FOR D.A. MOD
 NOT FOR CONSTRUCTION

SCALE: N.T.S. DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 07 REVISION: B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Gilba Road, Girsween Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2465 | F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

STATUS:

ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE:

N.T.S.

DRAWN:

N.C.

ENGINEER:

I.H.

DATE:

12.06.24

SHEET NO:

08

REVISION:

B

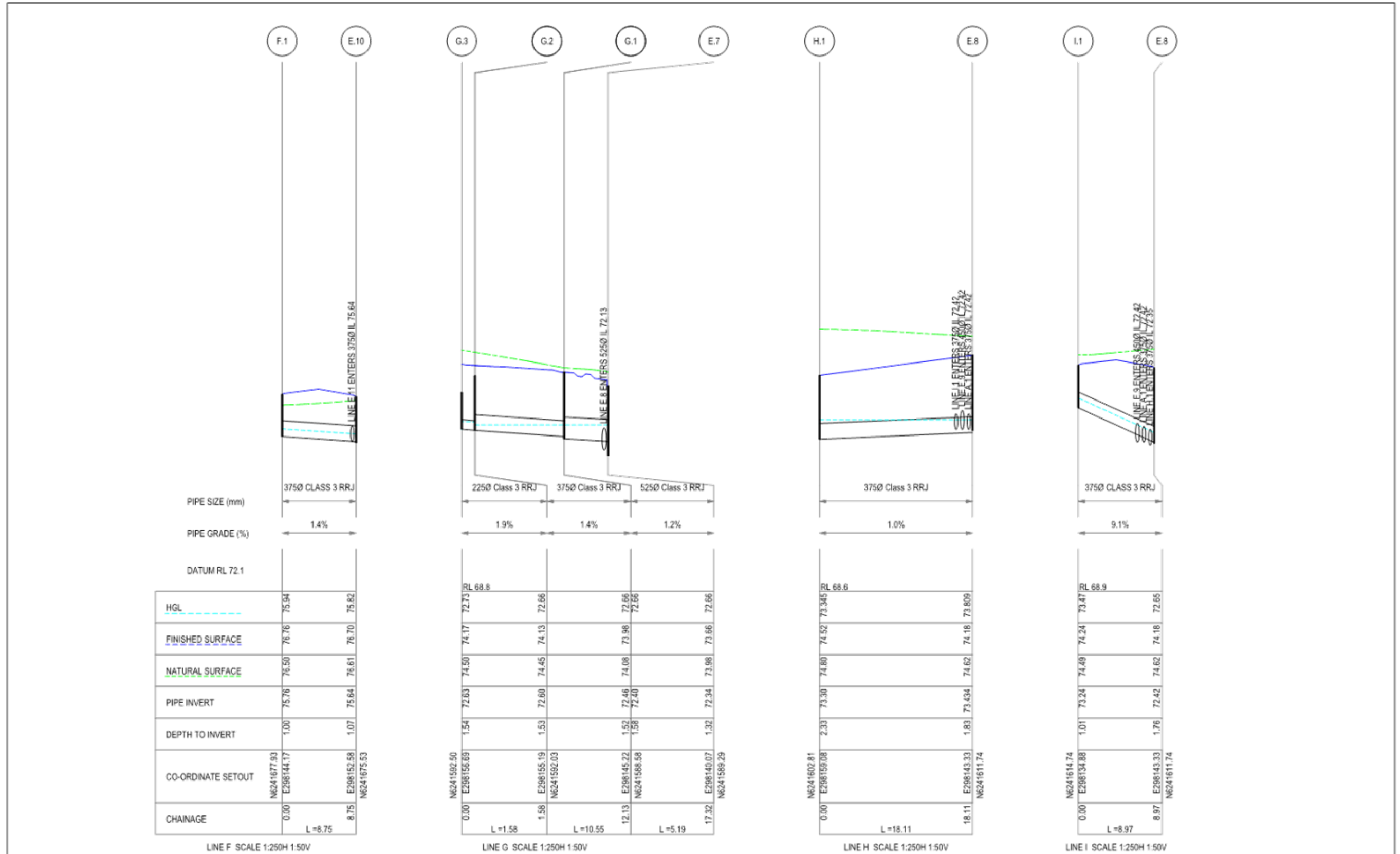
DRAWING No:

SW-E2115-2022



DRAWING TITLE:

STORMWATRE DRAINAGE LONGSECTION -2



ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024	
ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023	
REV	REVISION	DRAWN	ENG	CHECK	DATE



137 Gilbe Road, Girraween Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2495 | F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD
NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING NO: SW-E2115-2022



SITE ADDRESS:

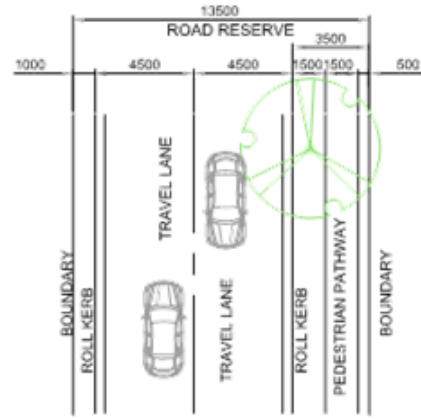
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE: STORMWATRE DRAINAGE LONGSECTION -3

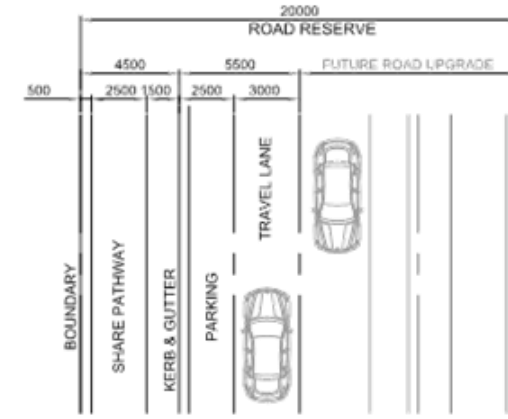
STATUS: ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE: N.T.S. DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

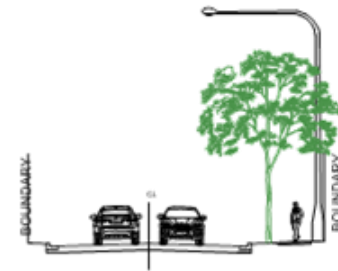
SHEET NO: 09 REVISION: B



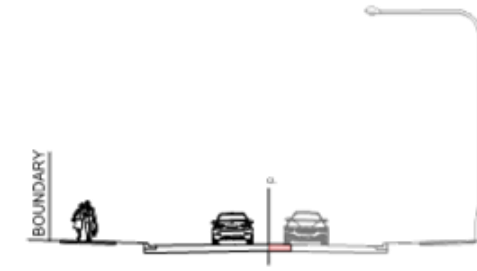
PROPOSED ROAD NO.01 PLAN



PROPOSED HALF ROAD SIXTH AVENUE PLAN



TYPICAL DETAIL SECTION
PROPOSED ROAD NO.01
AS SHOWN



TYPICAL DETAIL SECTION HALF ROAD
SIXTH AVENUE
AS SHOWN



REV	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023
	REVISION	DRAWN	ENG	CHECK	DATE



137 Gibba Road, Glebe NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2465 | F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD

NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



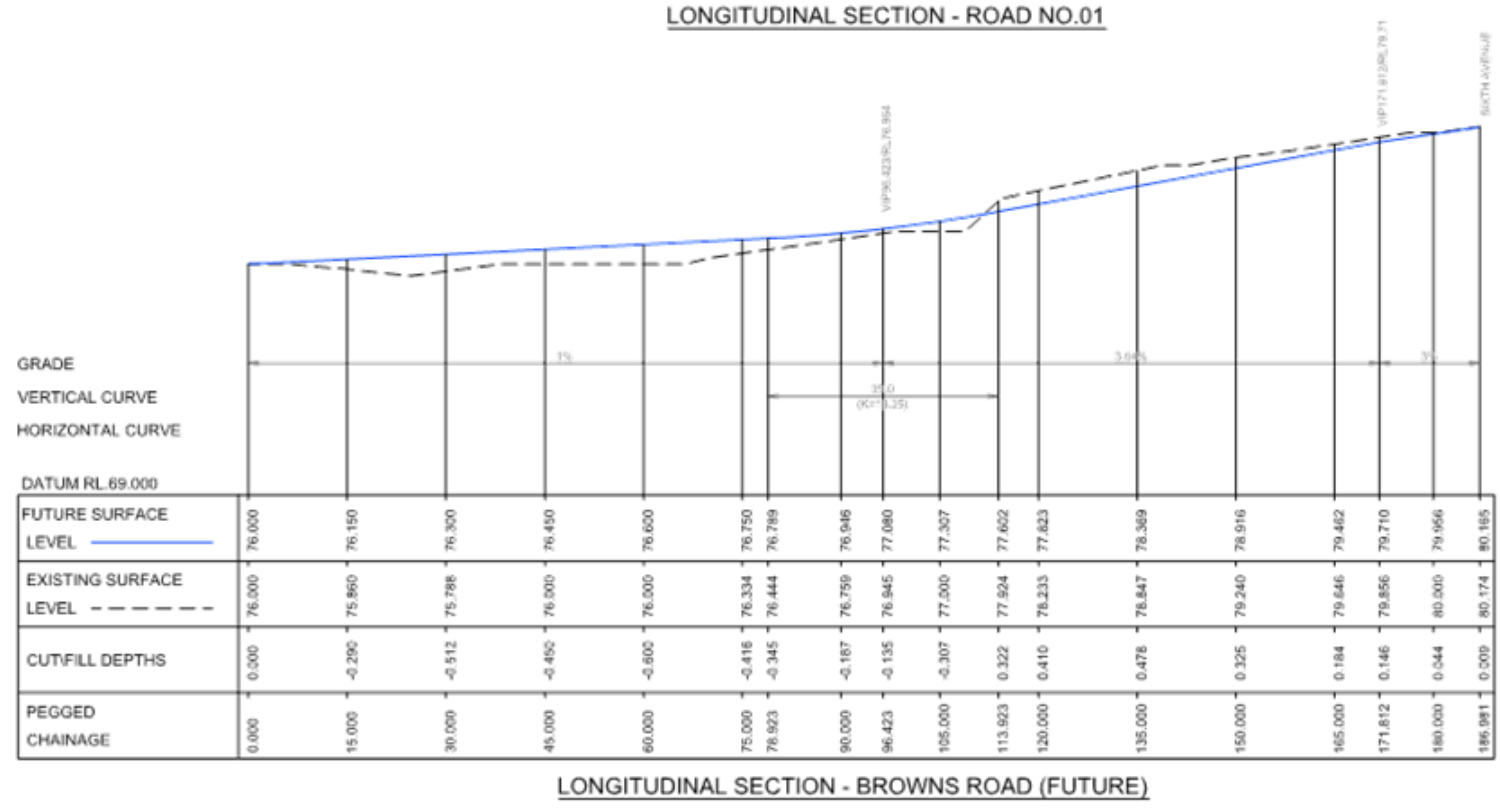
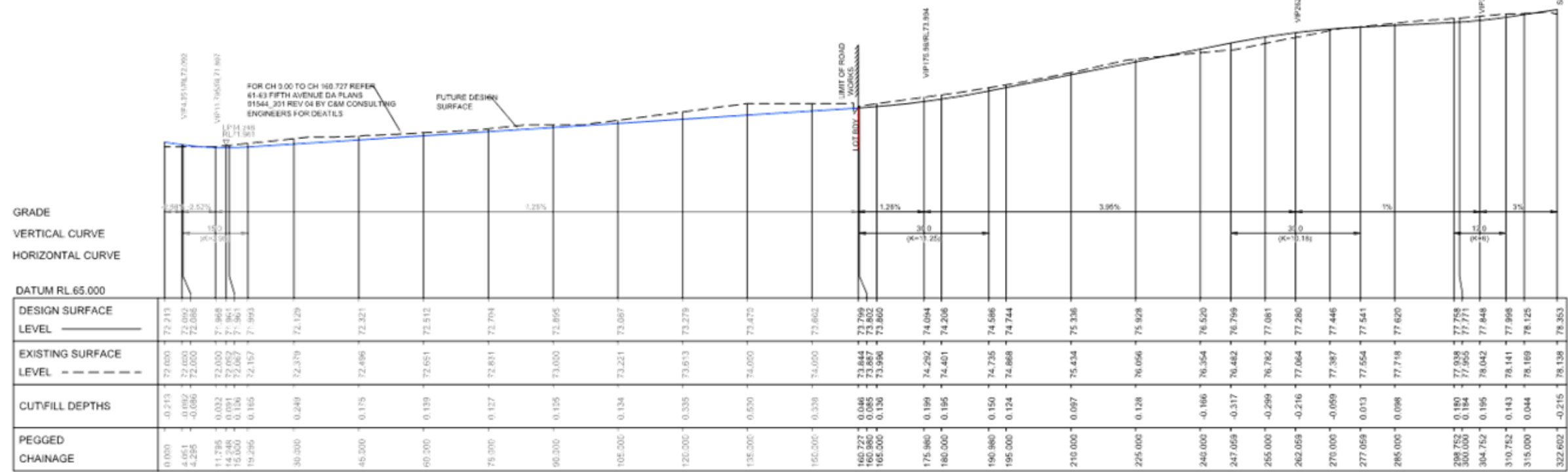
SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
ROAD TYPICAL CROSS SECTIONS

STATUS:
ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE: N.T.S. DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 10 REVISION: B



REV	ISSUED FOR D.A. MOD	N.C	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C	N.C	J.S	R.K.	28.08.2023
REV	REVISION	DRAWN	ENG	CHECK	DATE

Bathla

117 Giba Road, Granville Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4782
 info@bathla.com.au | www.bathla.com.au

APPROVED: [Signature]

DATUM: AHD

NORTH: [Arrow]

DRAWING No: SW-E2115-2022

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
ROAD LONGITUDINAL SECTIONS SHEET 01

STATUS:
ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE:
N.T.S.

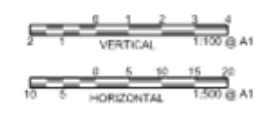
DRAWN:
N.C.

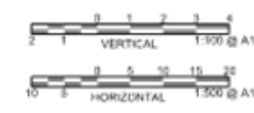
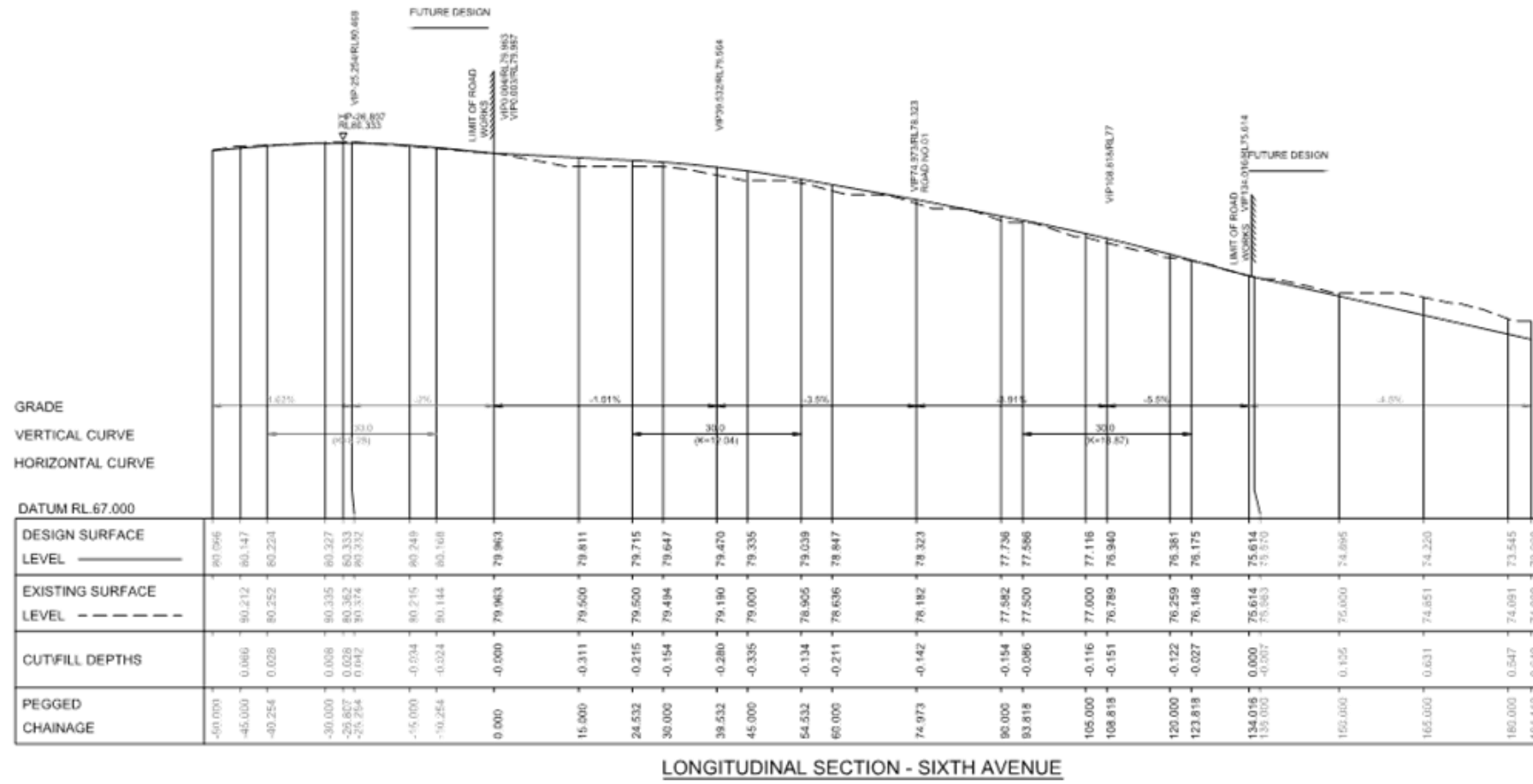
ENGINEER:
I.H.

DATE:
12.06.24

SHEET NO:
11

REVISION:
B





REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla
 137 Giba Road, Girraween Sydney NSW - 2145
 PO Box 270, Westworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED: [Signature]

DATUM: AHD
NORTH:

SITE ADDRESS: 140-150 SIXTH AVENUE, AUSTRAL

STATUS: ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE: N.T.S. **DRAWN:** N.C. **ENGINEER:** I.H. **DATE:** 12.06.24

DRAWING No: SW-E2115-2022 **DRAWING TITLE:** ROAD LONGITUDINAL SECTIONS SHEET 02

SHEET NO: 12 **REVISION:** B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Gilba Road, Girsawen Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED: [Redacted Signature]

DATUM: AHD

NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

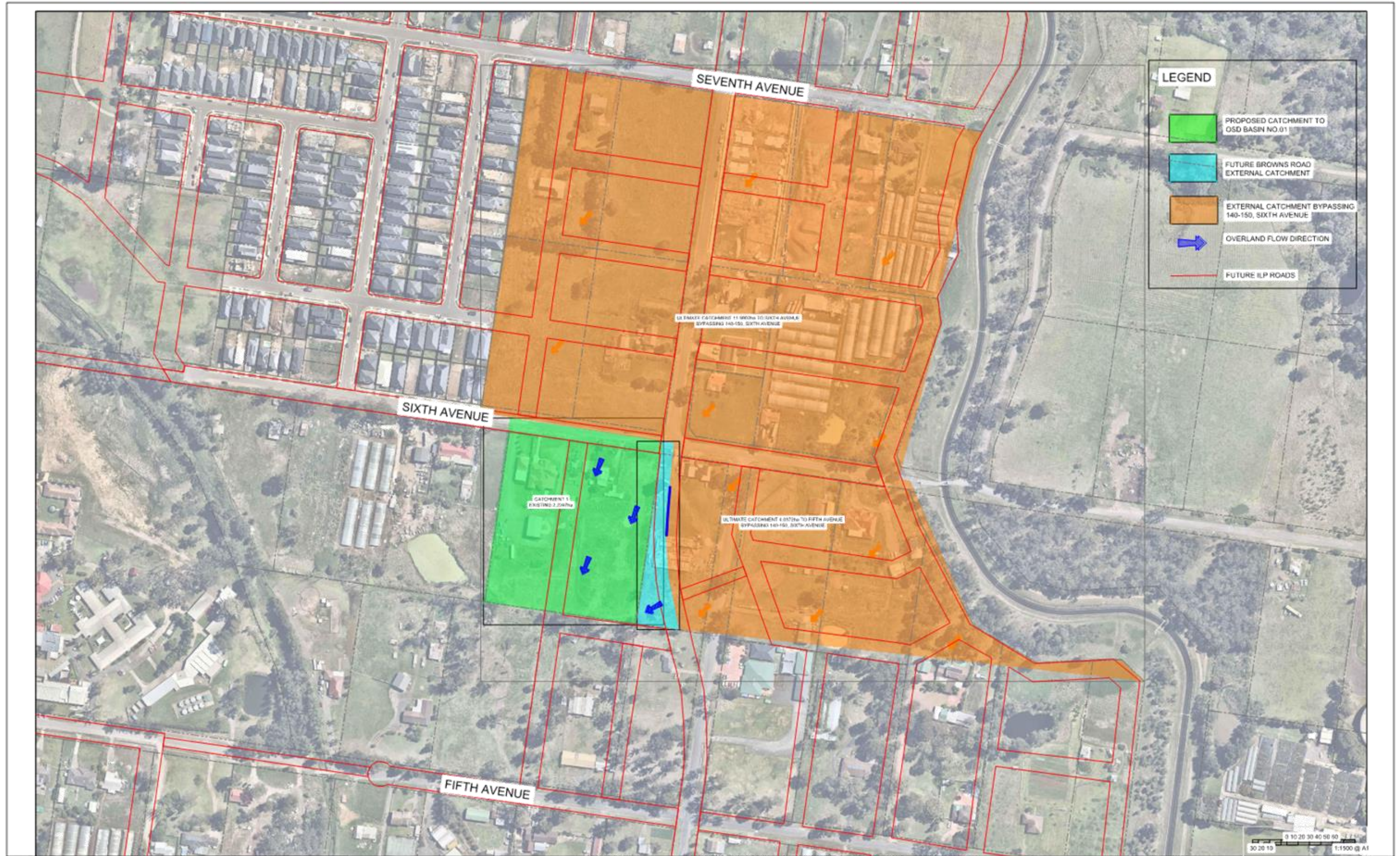
DRAWING TITLE:
CATCHMENT PLAN PRE-DEVELOPMENT

STATUS:
ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE: N.T.S.

DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 13 REVISION: B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023



137 Gibba Road, Girraween Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2465 | F: 02 9689 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD

NORTH:



THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:

CATCHMENT PLAN ULTIMATE

STATUS:

ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE:

N.T.S

DRAWN:

N.C.

ENGINEER:

I.H.

DATE:






12.06.24

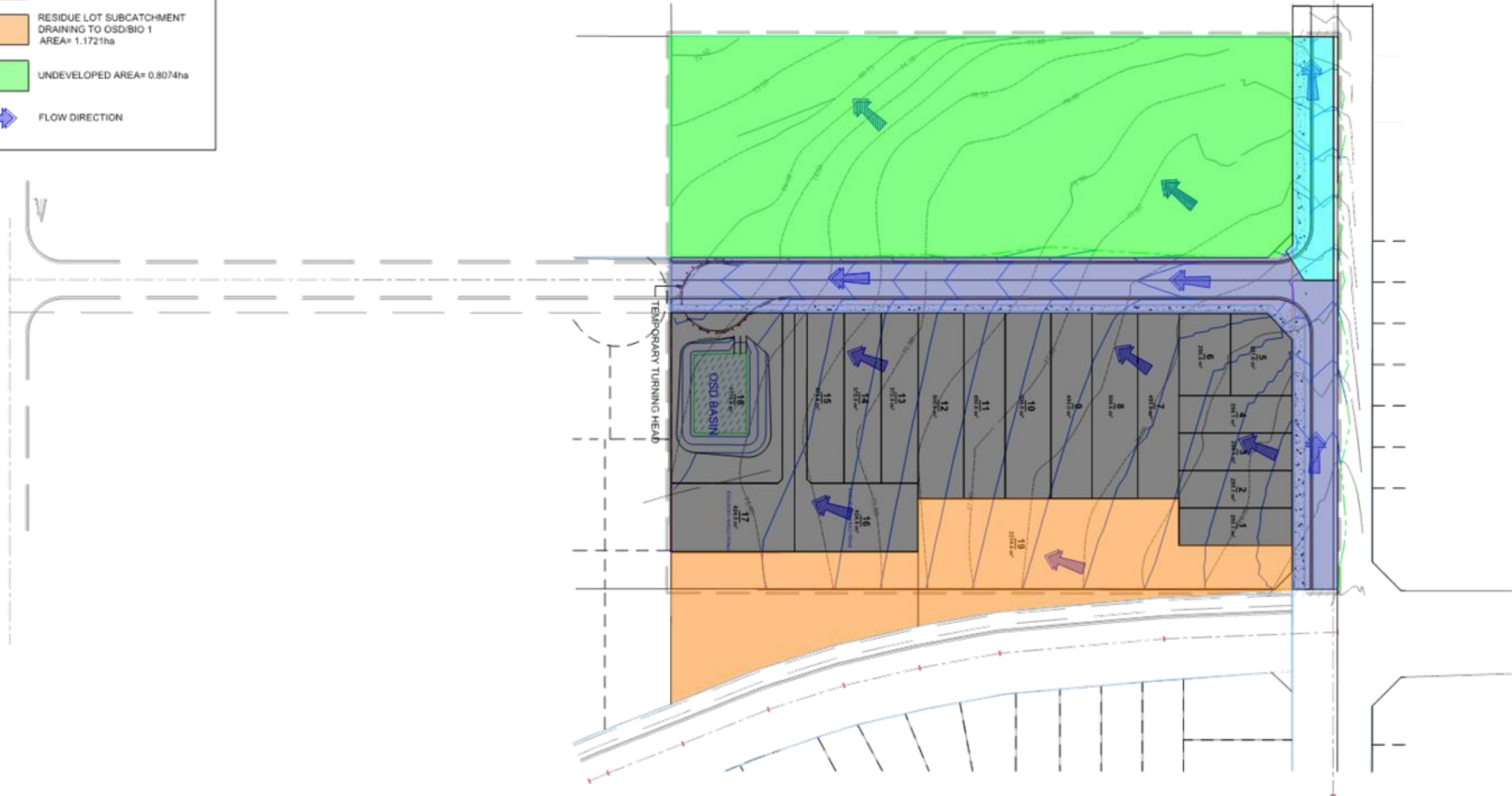
SHEET NO:

14

REVISION:



B

LEGEND	
	LOT SUBCATCHMENT DRAINAGE TO OSD / BIO1 AREA= 0.6428ha
	ROAD SUBCATCHMENT BYPASS OSD/BIO 1 AREA= 0.0653ha
	ROAD SUBCATCHMENT DRAINING TO OSD/BIO 1 AREA= 0.2905ha
	RESIDUE LOT SUBCATCHMENT DRAINING TO OSD/BIO 1 AREA= 1.1721ha
	UNDEVELOPED AREA= 0.8074ha
	FLOW DIRECTION



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla
 137 Giba Road, Glenside Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:

 DATUM: AHD
 NORTH: 

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022 

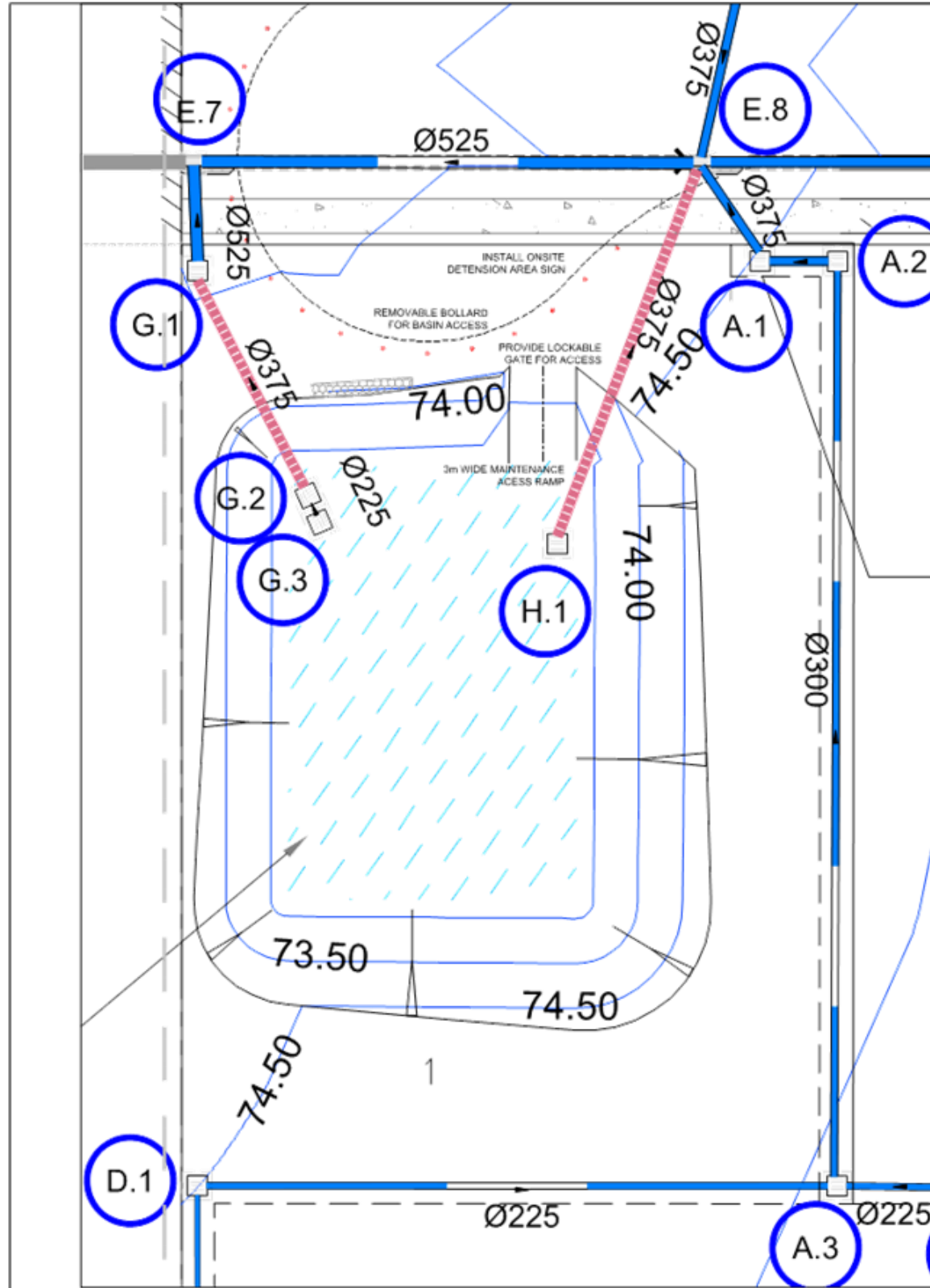
SITE ADDRESS:
 140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
 MUSIC AND OSD CATCHMENT PLAN

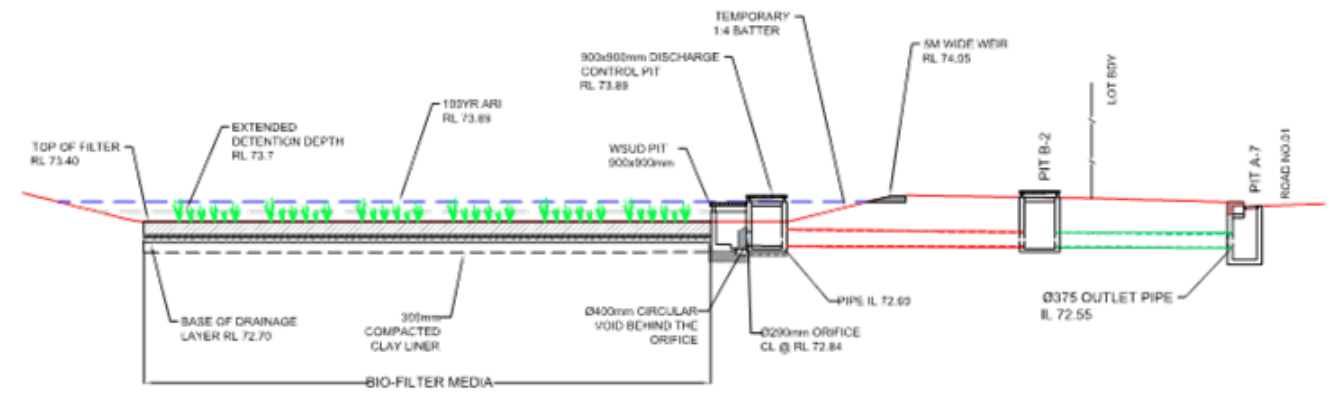
STATUS: ISSUED FOR D.A. MOD
 NOT FOR CONSTRUCTION

SCALE: N.T.S. DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 15 REVISION: B



OSD BASIN NO.01 PLAN
SCALE 1:100



OSD BASIN NO.01 - SECTION A
SCALE 1:100



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla
137 Gita Road, Girraween Sydney NSW - 2145
PO Box 270, Wentworthville NSW 2145
T: 02 9636 2455 | F: 02 9658 4752
info@bathla.com.au | www.bathla.com.au

APPROVED: [Signature]
DATUM: AHD
NORTH: [Symbol]

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
OSD BASIN 01 PLAN & SECTION

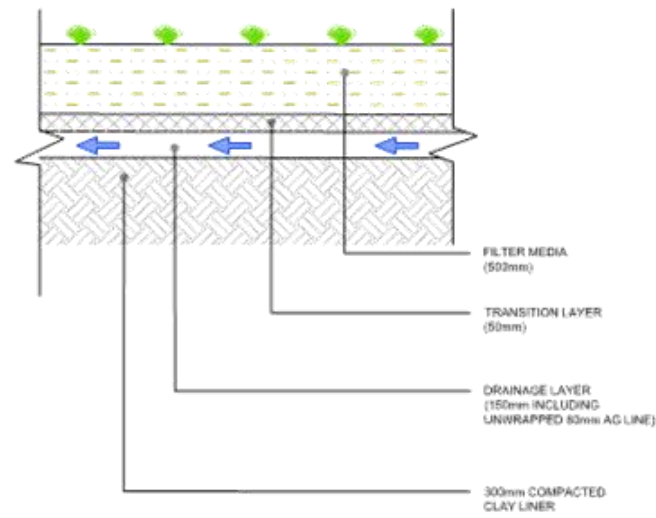
STATUS: ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE: N.T.S.

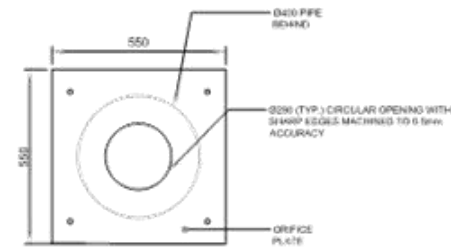
DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 16 REVISION: B

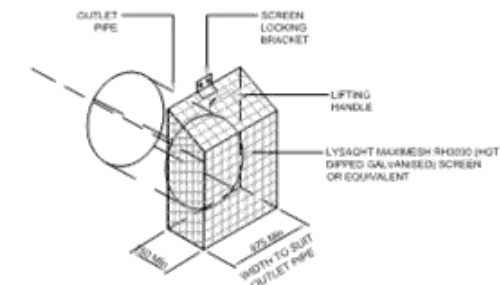




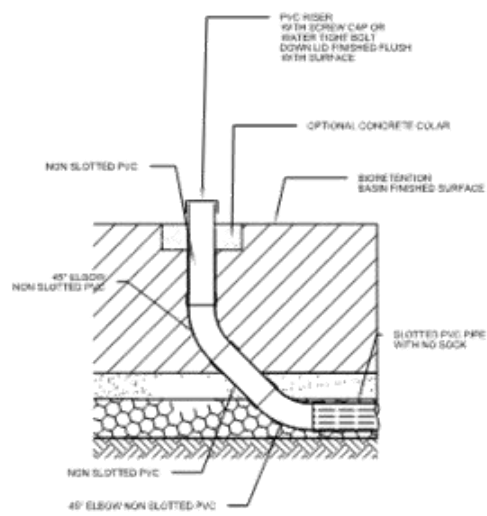
BIO RETENTION TYPICAL SECTION
SCALE: N.T.S



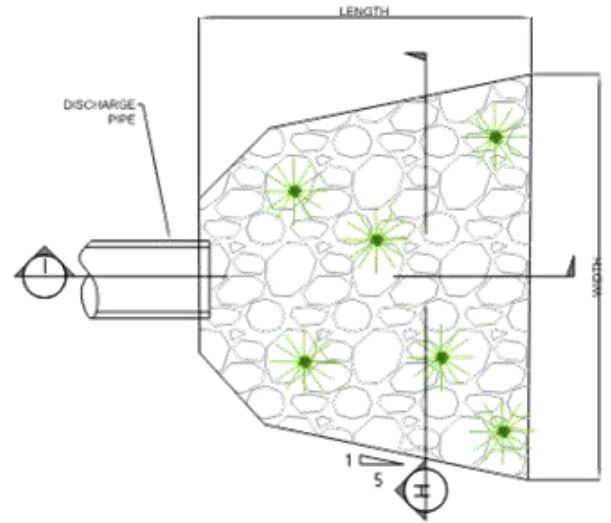
ORIFICE PLATE DETAIL
SCALE: 1:20



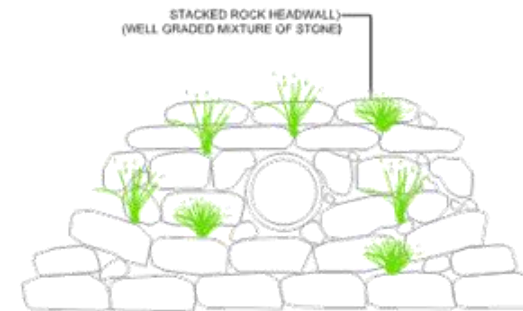
ORIFICE SCREEN DETAIL
SCALE: N.T.S



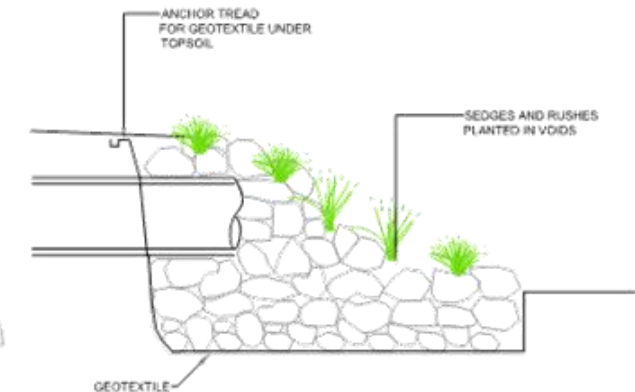
TYPICAL FLUSHING POINT AND SUBSOIL DRAIN (SECTION - E)
SCALE: 1:20



PLAN VIEW (TYPICAL STACKED ROCK HEADWALL)
SCALE: N.T.S



SECTION
N.T.S



SECTION
N.T.S

REV	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023
	REVISION	DRAWN	ENG	CHECK	DATE



137 Gilba Road, Gurraveen Sydney NSW - 2145
PO Box 270, Westworthville NSW 2145
T: 02 9636 2485 | F: 02 9688 4782
info@bathla.com.au | www.bathla.com.au

APPROVED:



DATUM: AHD

NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022



SITE ADDRESS:

140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:

OSD BASIN DETAILS

STATUS:

ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION

SCALE:

N.T.S.

DRAWN:

N.C.

ENGINEER:

I.H.

DATE:

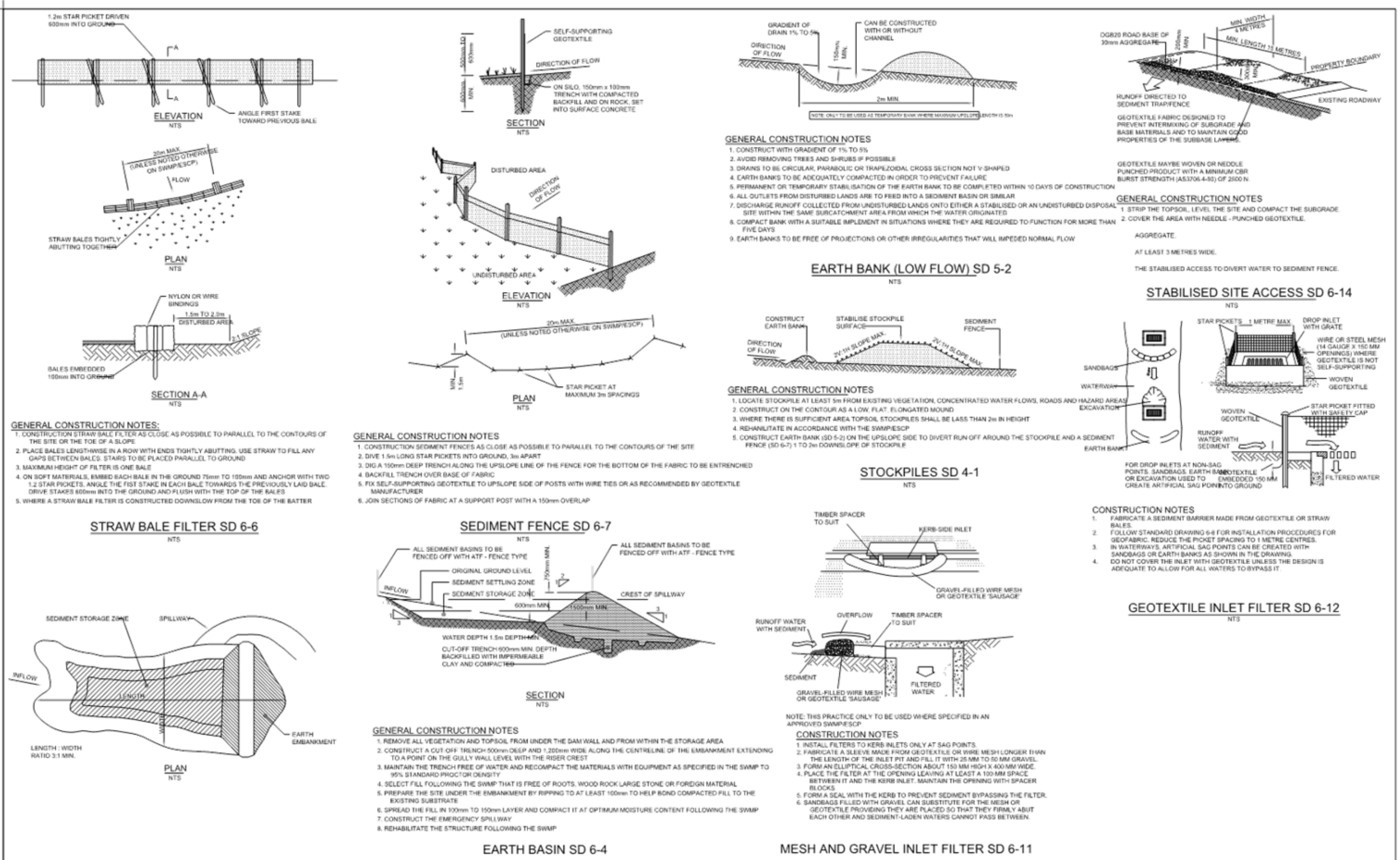
12.06.24

SHEET NO:

17

REVISION:

B



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla

137 Giba Road, Girraween Sydney NSW - 2145
PO Box 270 Wentworthville NSW 2145
T: 02 9636 2465 | F: 02 9638 4762
info@bathla.com.au | www.bathla.com.au

APPROVED:

DATUM: AHD

NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THIRD REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

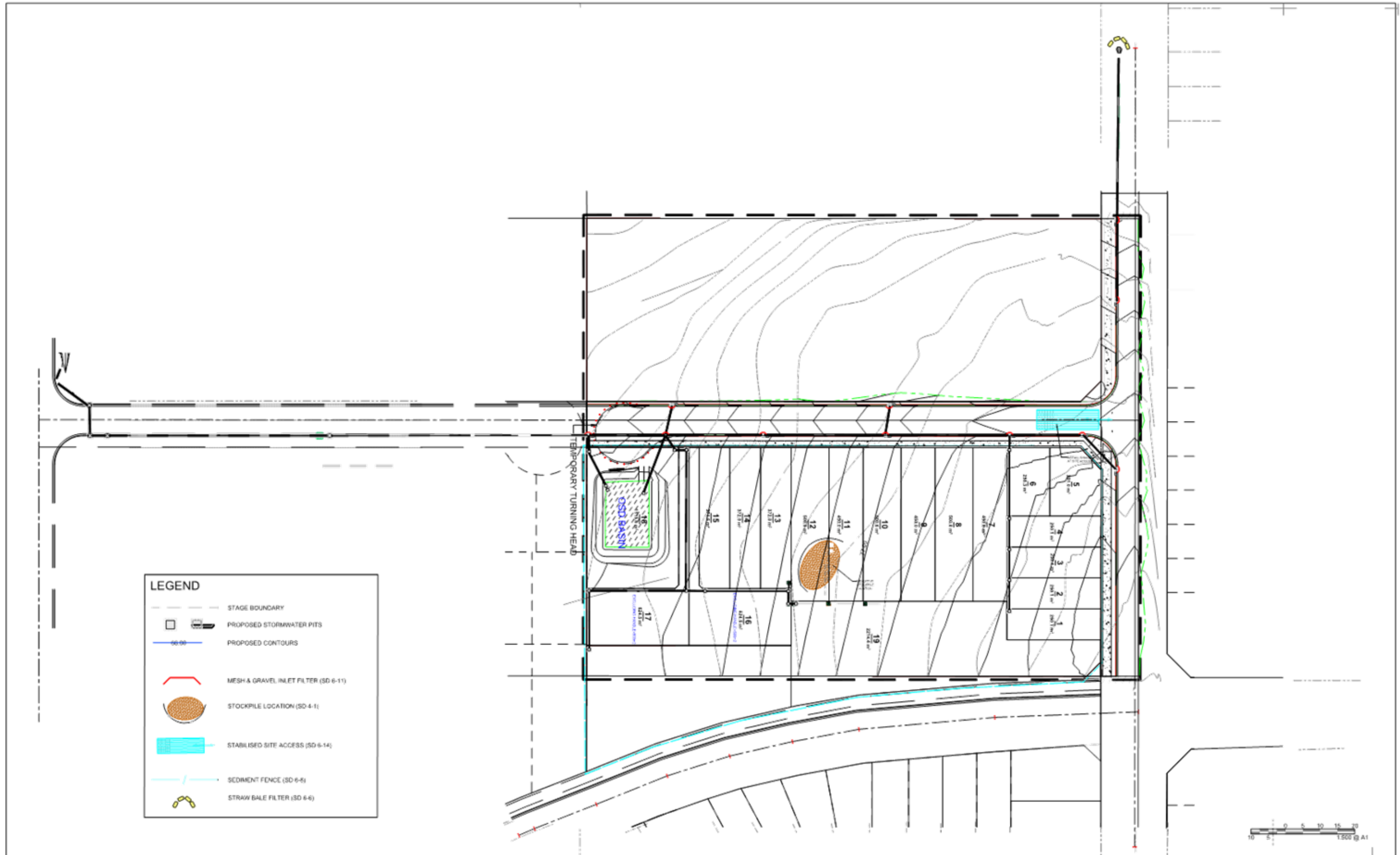
DRAWING No: SW-E2115-2022

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
EROSION & SEDIMENT CONTROL DETAILS

STATUS:	ISSUED FOR D.A. MOD NOT FOR CONSTRUCTION			
SCALE:	N.T.S.	DRAWN:	ENGINEER:	DATE:
	N.T.S.	N.C.	I.H.	12.06.24
SHEET NO:	18	REVISION:	B	





LEGEND

- STAGE BOUNDARY
- PROPOSED STORMWATER PITS
- PROPOSED CONTOURS
- MESH & GRAVEL INLET FILTER (SD 6-11)
- STOCKPILE LOCATION (SD 4-1)
- STABILISED SITE ACCESS (SD 6-14)
- SEDIMENT FENCE (SD 6-5)
- STRAW BALE FILTER (SD 6-4)



REV	REVISION	DRAWN	ENG	CHECK	DATE
B	ISSUED FOR D.A. MOD	N.C.	I.H.	R.K.	12.06.2024
A	ISSUED FOR D.A. OR C.C.	N.C.	J.S.	R.K.	28.08.2023

Bathla

137 Gibbe Road, Girraween Sydney NSW - 2145
 PO Box 270, Wentworthville NSW 2145
 T: 02 9636 2465 | F: 02 9688 4762
 info@bathla.com.au | www.bathla.com.au

APPROVED:

DATUM: AHD

NORTH:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

DRAWING No: SW-E2115-2022

SITE ADDRESS:
140-150 SIXTH AVENUE, AUSTRAL

DRAWING TITLE:
EROSION & SEDIMENT CONTROL PLAN

STATUS: **ISSUED FOR D.A. MOD
NOT FOR CONSTRUCTION**

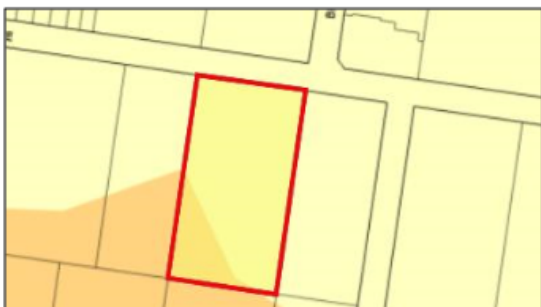
SCALE: N.T.S.

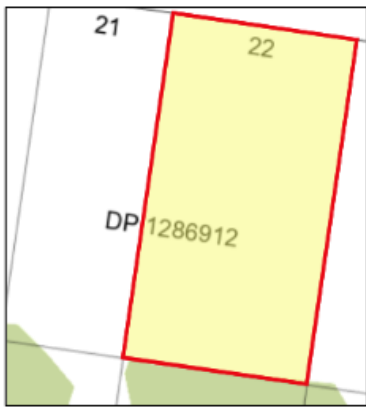
DRAWN: N.C. ENGINEER: I.H. DATE: 12.06.24

SHEET NO: 19 REVISION: B

Attachment 2:

(Liverpool Growth Centre Precincts Development Control Plan (DCP) 2021- Part 2: Precinct Planning Outcomes (compliance table) for DA-

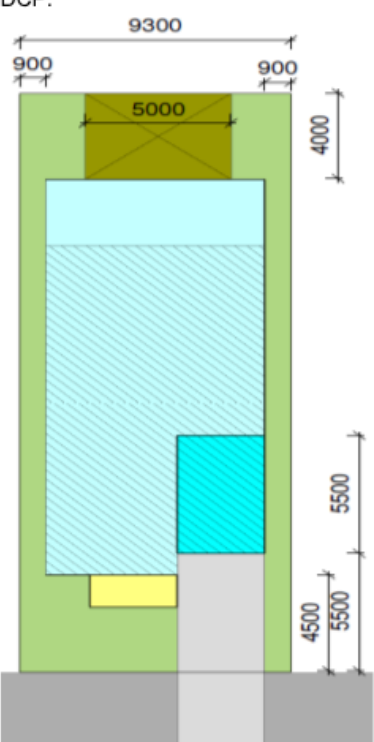
Control	Requirement	Complies/Comment
2 Precinct Planning Outcomes		
2.2 Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan.	Complies The proposal is in accordance Indicative Layout Plan (ILP).
2.3.1 Flooding	Flood affection of a property to be considered.	Complies The site is largely identified as within the 1 in 100 year mainstream flooding area and also affected by overland flow. Council's Flooding Engineer has supported the application subject to conditions.
2.3.2 Water Cycle Management	Consideration of stormwater and drainage.	Complies Council's Engineer has reviewed the proposed drainage and supports the application subject to conditions.
2.3.3 Salinity and Soil Management	To manage and mitigate the impacts of Salinity and Sodicity on the Environment.	N/A The site is mapped in as an area of potential salinity risk. A Soil Salinity Report was submitted and has adequately addressed salinity with original application. No further assessment or conditions is required for this modification.
		
<i>Council mapping system showing site is affected by high and moderate salinity potential</i>		
2.3.4 Aboriginal and European Heritage	To manage Aboriginal heritage values to ensure enduring conservation outcomes.	N/A No changes proposed.
2.3.5 Native Vegetation and Ecology	To conserve and rehabilitate the remaining native vegetation and trees within the relevant Precinct.	N/A This aspect of assessment has been completed during original approval.

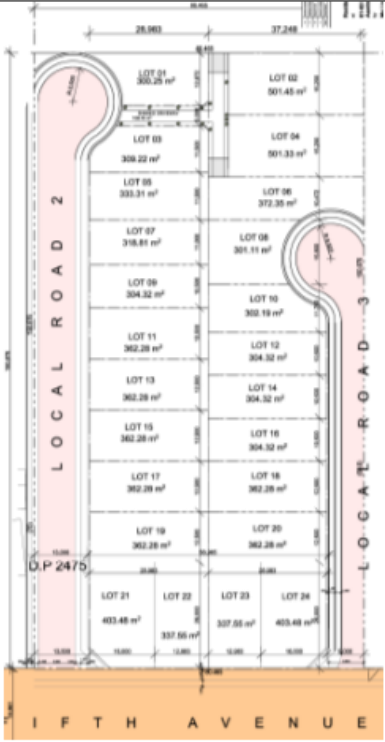
		 <p>Council mapping system showing south-eastern portion is marginally affected by Terrestrial Biodiversity.</p>
2.3.6 Bushfire Hazard Management	Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006.	N/A The site is not mapped as Bushfire prone land.
2.3.7 Contamination	Minimise the risks to human health and the environment from the development of potentially contaminated land.	Complies This aspect of assessment has been completed during original DA. Conditions of consent for DA-470/2022 includes for site remediation works.
2.3.8 Development on or Adjacent to Electricity and Gas Easements	Subdivision of land that is affected by easements and land adjacent to easements.	N/A The site is not affected by Electricity or Gas easements.
2.3.9 Noise	To minimise the impacts of noise from major transport infrastructure, industrial and employment areas on residential amenity.	N/A The site is not close approximate to Classified Road or rail Noise impacted area.
2.3.10 Odour Assessment and Control	Odour management is subject to the Protection of the Environment Operations Act 1997.	Complies The site is not within the vicinity of any odour generating uses.
2.4 Demolition	All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures.	Complies A demolition works plan has been approved under DA-457/2022. No changes proposed.

2.5 Crime Prevention through Environmental Design	To ensure that the siting and design of buildings and spaces, through casual surveillance, decreases opportunities for crime.	Complies The development as proposed has sufficiently responded to the principles of CPTED as relevant to a subdivision.
2.6 Earthworks	To minimise cut and fill through site sensitive subdivision, road layout, infrastructure and building design	Complies Council's Development Engineer has reviewed the original proposal as well as this modification and does not raise concerns with the proposed earthworks to facilitate the subdivision.

(Liverpool Growth Centre Precincts Development Control Plan (DCP) 2021- Part 2: Precinct Planning Outcomes compliance table

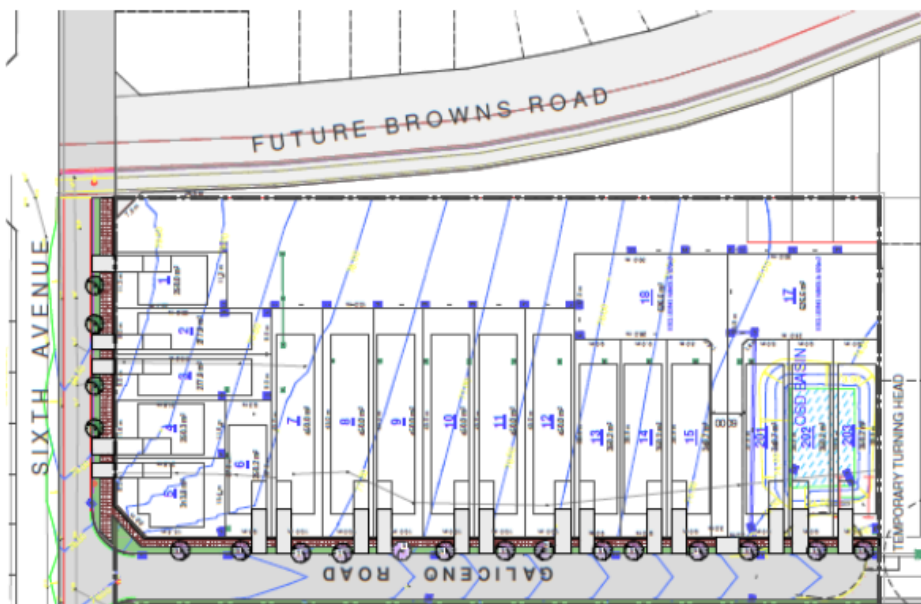
Control	Requirement	Complies/Comment
3.0 Neighbourhood and Subdivision Design		
3.1.1 Residential Density	<p>All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.</p> <p>Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.</p>	<p>As above</p> <p>Complies The subdivision is capable of creating a streetscape that is relatively consistent with the residential structure, being predominantly detached dwellings houses, semi-detached dwellings and dual occupancies.</p>
3.1.2 Block and Lot Layout	Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 3-2.	Complies Where lots proposed are 250-300m ² , a BEP has been proposed in accordance with Clause 4.1AA of the Growth Centres SEPP. The BEPs proposed for lots 1,2,3,4,5,and 6 and Setbacks are shown compliance under Part 4 of the

	<p>Minimum lot frontages applying to each density band will comply with Table 3-3.</p> <p>In density bands $\leq 20dw/Ha$ no more than 40% of the total residential lots proposed in a street block may have frontage of less than 10m wide.</p>	<p>DCP.</p>  <p>Submitted BEP</p> <p>Complies The minimum lot frontage of 9m is achieved for all proposed lots.</p> <p>Complies Four (4) of the proposed lots have a frontage width of <10m (Lots 1, 2, 3, and 4) Which are in between Future Brown Roads and Galiceno Road. Equal to 16.0%.</p> <p>Six (6) of the proposed lots have frontage width of <10m (Lots 13,14,15,201,202,203 and 204). DA-152/2016 been approved to develop 61 Fifth Avenue (Lot 1103 DP2475) with all lots greater than 10m in width. Therefore, Out of 25 lots in the street block 12 lots, will be less than 10m between Fifth Avenue and Sixth Avenue, which is 24%</p>
--	---	---

	<p>A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.</p> <p>Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.</p> <p>Where residential development adjoins land zoned RE1 Public Recreation or SP2</p>	 <p>Approved DA-152/2016 to develop 61 Fifth Avenue</p> <p>Complies A range of lot sizes and widths are proposed – from 250m² to 450.1m² and 9m to 12.5m.</p> <p>Complies All lots are generally rectangular, with irregularities arising only due to the corner lots. The lots remain satisfactory to accommodate dwellings to achieve the DCP controls.</p> <p>Complies RE1 land is separated by Galiceno Road.</p>
--	---	---

	<p>Drainage, subdivision is to create lots for the dwelling and main residential entry to front the public space.</p> <p>On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.</p> <p>Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling.</p> <p>Shallow lots (typical depth 14-18m, typical area intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the requirements of the DCP. For lots over 225m² where development is not Integrated Assessment, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied</p>	<p>N/A No Zero lot proposed.</p> <p>N/A No Zero lot proposed.</p> <p>Complies All lots proposed, are not less than 12.5m.</p>
<p>3.1.4 Corner Lots</p>	<p>Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.</p> <p>Corner lots are to be designed to allow dwellings to positively address both street frontages.</p>	<p>Complies Council's Land Development Engineers have reviewed the application and support the driveway location and splays.</p> <p>Complies The two proposed corner lots are sufficiently sized to allow for dwellings to positively address both streets.</p>

	<p>Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.</p>	<p>N/A Substations is not proposed. Hence, no location for substation shown on the plan. This application was refer to End. Energy and received supportive comment.</p>
<p>3.2 Subdivision Approval Process</p>	<p>The land subdivision approval process is to be consistent with the requirements of Table 3-4.</p> <p>Subdivision applications that create lots smaller than 300m² and larger than or equal to 225m² must be accompanied by a Building Envelope Plan (BEP). An example of a BEP is included at Figure 3-9.</p> <p>Applications for subdivision using approval pathways A2, B1 and B2 require a Public Domain Plan (PDP) to be submitted as part of the application.</p>	<p>Complies BEPs have been provided for Lot less than 300m². These are lots are satisfactory under the Part 4.0 Residential Development controls.</p> <p>Complies A landscape plan was submitted which identifies street trees and driveway locations.</p>



Submitted Street tree plan.

<p>3.3.1 Street Network Layout and Design</p>	<p>The design and construction of streets is to be consistent with the relevant typical designs in Figure 3-11 to Figure 3-18, Council's Engineering</p>	<p>N/A No changes to the street network layout and design proposed with this application.</p>
--	--	--

	Specifications and Austroads.	
3.3.2 Street Furniture	Street trees are required for all streets. Lots >9-13m front loaded: 1 tree per lot	Complies Lot >9-13 front loaded are proposed with a tree to plant on the verge is proposed.
3.3.6 Pedestrian and Cycle Network	To provide a convenient, efficient and safe network of pedestrian and cycleway paths for the use of the community, within and beyond the site.	N/A No changes than previously approved proposed.
3.3.7 Temporary Vehicular Access	Where necessary to ensure that access to residential properties is provided in the early stages of development, Council may consent to the construction and operation of temporary access roads.	N/A No changes proposed.
3.4 Construction Environmental Management	A Construction Environmental Management Plan (CEMP) is to be submitted to Council or the accredited certifier prior to the issue of a construction certification for subdivision.	N/A A CEMP is conditioned with the original approval.



Our Ref: DA-470/2022/A
Contact: Pradip Adhikari
Ph: 02 8711 7412
Date: 30 May 2024

AUSTRAL NORTH NOMINEE PTY LTD
4.04 12 CENTURY CIRC
NORWEST NSW 2153

SECTION 4.56 MODIFICATION OF DEVELOPMENT CONSENT

(In accordance with the provisions under Section 4.55 of the EP&A Act 1979)

ADDRESS: 140 SIXTH AVENUE, AUSTRAL NSW 2179
LOT 22 DP 1286912

DESCRIPTION: *Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 2 residue lot and to remove to construct 12 dwellings that was approved originally.*

The development will be in following stages:

Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.

Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.

Reference is made to Modification Application DA-470/2022/A which seeks amendment to Development Consent DA-470/2022 issued for "Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages."

Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 2 residue lot



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170 **DX** 5030 Liverpool
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au
Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

and to remove to construct 12 dwellings that were approved originally.

The development will be in following stages:

Stage 1 - *Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.*

Stage 2: *Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.*

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, Council grants approval for the modifications sought. Accordingly, Development Consent DA-470/2022/A has been amended as follows (deletions struck through and new conditions in **red, bold and italic**):

The following conditions of Development Consent DA-470/2022 have been amended to read as follows:

STAGED APPROVAL

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

Stage	Development Works	Part Reference	Condition Reference
1	<p>Torrens Title subdivision of Lot 22 DP1286912 approved under DA-1166/2015, into 17 residential lots, construction of eight (8) dwellings (in 4 semi-detached built forms), four (4) residue lots (Lots 18-21) over which is to be located a temporary on-site detention basin (OSD) and temporary turning head, one (1) residue super lot (Lot 22) set aside for future development, and site remediation, construction of roads and associated civil works.</p> <p><i>Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 16 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works.</i></p>	All Parts	All conditions as relevant to the stage

2	<p>Decommissioning of the temporary turning and temporary OSD over Lots 18,19,20 & 21, rehabilitation of the land for residential purposes, and construction of four (4) dwellings (in 2 semi-detached built forms).</p> <p>Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed lot 16 to create 3 residential lots.</p>	All Parts	All Condition as relevant to the stage
---	--	-----------	--

1. CONDITION 1 IS AMENDED AS FOLLOWS:

Approved Plans

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

Plan Name	Ref No.	Date	Revision	Prepared By
Subdivision Plan	DA02	22.03.23	4	The Bathla Group
Subdivision Plan-Stage 1	S4.56-01	28/05/2024	7	The Bathla Group
Subdivision Plan – Stage 2	S4.56-02	28/05/2024	7	The Bathla Group
Building Envelope Plan	DA04	20.02.23	4	The Bathla Group
Building Envelope Plan	S4.56-03	28/05/2024	7	The Bathla Group
Typical Lot 7.2 Site Plan	DA06	20.02.23	4	The Bathla Group
Typical Lot 7.2 Floor Plans	DA07	20.02.23	4	The Bathla Group
Typical Lot 7.2 Elevations, Sections, and Shadow Analysis	DA08	20.02.23	4	The Bathla Group
Typical Lot 10,11,16,17 Wide Floors Option 1	A2002	20.02.23	4	The Bathla Group
Typical Lot 10,11,16,17 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group
Typical Lot 12,13,18,19 Wide Floors Option 2	A2002	20.02.23	-	The Bathla Group
Typical Lot 12,13,18,19 Wide Elevations Option 2	A1312	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Floors Option 1	A2002	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group

Colour Schedule	-	24.02.22	-	The Bathla Group
Typical Landscape Plan	<i>LP-01</i>	27.02.23	-	The Bathla Group
Street Tree Plan	LP-01	04.06.2024	2	Bathla
Civil Engineering Design	8247-DA-000 to 8247-DA-501	11.02.22	A	Indesco
Civil Engineering Plan	Drawing No. SW-E2115-2022 Sheet 1 to 19	12.06.2024	B	Bathla

Report Name	Date	Reference	Prepared By
Aboriginal Due Diligence Assessment	17 November 2021	-	APEX Archaeology
BASIX Certificate	01 March 2023	1376874M	es2 design
DA Acoustic Assessment	22 March 2022	20220248.1/22 03A/R0/PF	Acoustic Logic
Preliminary Tree Assessment	8 October 2021	Job No. 5744	Monaco Designs PL
Geotechnical Site Investigation Report	4 April 2022	NE1032	Geotesta
Level 3 Odour Impact Assessment	24 February 2022	-	Environodour Australia Pty Ltd
Stormwater Management Report	11 February 2022	Project No: 8247	Indesco
Traffic and Parking Assessment Report	7 March 2022	Ref: 21824	Varga Traffic Planning Pty Ltd

2. CONDITION 4 IS AMENDED AS FOLLOWS:

Stages of Consent

4. This consent approves site remediation works *and* subdivision works, ~~and construction of dwellings~~ in the following manner;
 - a. The remediation and/or validation confirming that the subject land is not contaminated prior to any subdivision ~~and dwelling construction~~ works on the developable land the subject of this DA-470/2022 *and DA-470/2022/A*
 - b. The issue of a Subdivision Works Certificate ~~and Construction Certificates~~, and substantial works commencing for the Stage 1 subdivision works ~~and dwelling construction~~ at any time within the 5 year lapse date of this consent.

- ~~e. The issue of a Subdivision certificate for Lots 1-21 upon Stage 1 Subdivision works (including temporary OSD over lots 18-21) and dwelling construction works being completed up to the first floor slab for Lots 10-17.~~
- ~~d. The issue of Occupation Certificates for Lots 10-17 only upon issue of a Subdivision Certificate for these lots.~~
- e. Stage 2 works relating to the decommissioning of the temporary on-site detention basin and temporary turning head, and rehabilitation of that land prior to any subdivision works ~~and dwelling construction~~, and the issue of any Subdivision Certificate, being able to occur, only once down-stream drainage works and adjoining land road construction are complete and associated restrictions over the site removed.
- f. The issue of Construction **Subdivision work** Certificates for the Stage 2 dwelling construction over Lots 201-203 only when decommissioning of the temporary on-site detention basin and temporary turning head has been completed.
- ~~g. The issue of Occupation Certificates for the dwellings on Lot 18-21 when dwelling construction on those lots has been completed.~~

3. The following condition have been Deleted as no dwelling construction is required:

▪

Prescribed condition (General)

~~9. In accordance with Section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 98 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).~~

Commencement of building works (Prior to works commencing)

~~10. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.~~

Products banned under the Building Products (Safety) Act 2017

~~11. 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.~~

~~13. 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 for Subdivision Works

~~20. Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans are amended to match the approved Subdivision Plan, Building Envelope Plan, and Architecturals, yielding consistent stormwater water management, water quality, and road construction outcomes, with the approved concept plan/s prepared by Indesco, reference number 8247-DA, Revision A, dated 11 February 2022, and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.~~

~~The amended plans are specifically required to show;~~

- ~~• Amendment to approved Road 1 typical sections to comply with the Liverpool Growth Centres Precinct DCP dated June 18 2021. Refer to figure 3-15, Typical Local Street.~~
- ~~• Road drainage systems designed to accommodate the flows from upstream catchment to the site. Details shall be provided on the plans accompanying with a construction certificate.~~
- ~~• A Public Domain Plan indicating location of Council Street Trees in front of each allotment, except Lots 10-21 where the street trees are to be located between the driveway crossings.~~

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

- ~~• Public and private roads~~
- ~~• Stormwater drainage including water quantity and quality treatment measures~~
- ~~• Inter-allotment drainage~~
- ~~• Private access driveways~~
- ~~• Sediment and erosion control measures~~
- ~~• Overland flow paths~~
- ~~• Flood control measures~~
- ~~• Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.~~
- ~~• Earthworks~~
- ~~• Bridges, culverts, retaining walls and other structures~~
- ~~• Landscaping and embellishment works~~
- ~~• All works required for conversion of the proposed sediment basin to a bio retention function~~
- ~~• All works required for the decommissioning temporary OSD systems~~

39. ~~Prior to the commencement of any building works, the following requirements must be complied with:~~
- ~~a. Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.~~
 - ~~b. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 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.~~

Residential Home Building Work

45. ~~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 following information:~~
- ~~(a) In the case of work for which a principal contractor is required to be appointed:

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

 - ~~i. the name of the owner-builder, and~~
 - ~~ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,~~~~

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

Building Compliance

57. ~~The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.~~
59. ~~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.~~

Liverpool City Council clearance – Roads Act/ Local Government Act

~~123. 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.~~

Building Compliance

~~124. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.~~

~~125. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate~~

~~126. In accordance with the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2021, in relation to residential building work, the requirements of the Home Building Act 1989 must be complied with:~~

~~Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.~~

Registration of Lots 801-809

~~127. Prior to the issue of an Occupation Certificate for any of the dwellings, evidence is to be submitted to the PCA indicating the registration of approved Lots 10-21 with the LRS, on which the dwellings were approved, as shown on approved plans.~~

Landscaping

~~128. 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.~~

BASIX

~~129. 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.~~

Mechanical Ventilation Certification

~~130. Prior to the issue of an Occupation Certificate (Interim or Final), a certificate shall be submitted to the Principal Certifying Authority, certifying that:~~

- ~~a. The mechanical ventilation exhaust systems have been installed in accordance with Australian Standard AS1668 Part 1 and 2.~~
- ~~b. The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics — Description and Measurement of Environmental Noise).~~

Garbage Services

~~131. The owner/developer of the site is to contact Liverpool City Council — Sustainable Environment section to determine the required number of waste/garbage bins for the dwellings as well as serving requirements. These waste/garbage bins are to be kept within the curtilage of each dwelling, except before and after collection days.~~

Landscaping

~~132. 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. Waste Storage Area~~

~~133. Waste bins must be kept within the curtilage of each dwelling. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.~~

4. THE FOLLOWING CONDITION HAVE BEEN AMENDED;**On-Site Detention**

~~23. On-Site Detention shall be provided generally in accordance with the concept plan/s prepared by Indesco, reference number 8247-DA, revision A, dated 11 February 2022, prepared by BATHLA, reference number **Drawing No. SW-E2115-2022**, revision B, dated 12.06.2024, which are amended to satisfy Condition 20 of this consent, to match the approved Subdivision Plan.~~

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

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

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

Flood related conditions

30. Following conditions shall be satisfied prior to the construction certificate:

a) A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall align with the Concept Engineering Plan for 140-150 Sixth Avenue, Austral, Rev A **B**, dated 1/2022 **02.06.2024 and** Concept Stormwater Management Report for 140-150 Sixth Avenue, Austral, Rev A, dated 11/02/2022 prepared by INDESCO (which is required to be amended to satisfy Condition 17, to match the approved Subdivision Plan), and shall include all engineering details for collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades and water quality treatment trains. The design shall consider the following:

- Provision of capturing fully developed upstream catchment flows from the eastern side of the development site and conveyed to the point of discharge,
- Demonstrate that the site discharge can be discharged to the nominated point of discharge by gravity,
- Provision of energy dissipation and scour protection work at the the outlet of tailout drain.

b) The temporary on-site detention (OSD) basin shall provide adequate flow attenuation to ensure that the peak post-development flow do not exceed peak predevelopment flow for the 20%, 5% and 1% storm events. The OSD basin shall not be removed without Council's written consent.

c) The stormwater design shall incorporate interim streetscape silt trap devices in accordance with the Liverpool Growth Centre Precincts Development Control Plan, June 2021. The DCP can be downloaded from the link below. https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/mastertest/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Main+Body+June+2021+S-3453.PDF Schedule 1 of the DCP can be downloaded from the link below. https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/mastertest/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Schedule+1+June+2021_S-3453.pdf

The detailed design of interim streetscape silt trap devices can be obtained from council upon request.

d) Interim on-site water quality treatment system shall be provided and maintained. Water quality treatment system shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.

- e) Temporary on-site detention and water quality treatment basin shall be provided and maintained until regional Basin 16 and their associated trunk drainage systems are constructed. Temporary basin shall not be removed without Council's written consent.
- f) Written consent from property owner of Lot 1103 DP 2475 (61 Fifth Avenue) shall be obtained to undertake any necessary work as indicated in the concept stormwater plan.

Restriction as to User and Positive Covenant

106. Prior to the issue of the Subdivision Certificate, the final plan of subdivision must be supported by an 88B Instrument, agreed to by Council. The 88B Instrument must burden Lots 1-5, 7, & 8 **Lots 1-6** with a restriction pertaining to the approved Building Envelope Plans for future dwelling construction ~~and must burden Lots 10-21 with a restriction as to user that the dwellings to be erected on each lot and all associated site works, including any retaining walls and finished levels to be sited and constructed, in accordance with approved plans for this Development Application No. 470/2022.~~ Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.
107. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 19 with a restriction such that the lot shall not be developed until such time Browns Avenue is constructed on the adjoining site to the east, and that any such development shall result in a minimum of **5 6** dwellings/allotments, and will likely require the payment of contributions, works in the road reserve, and connection to services.

5. CONDITION 98 IS AMENDED AS FOLLOWS:

SECTION 7.11 PAYMENT - Liverpool Contributions Plan 2014 Austral & Leppington North

98. *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 above Liverpool Contributions Plan 2014 Austral & Leppington North as amended.*

*The total contribution is **\$576,251** and will be adjusted at the time of payment in accordance with the contributions plan.*

Stage 1 – \$480,000 (Stage 1 remain no change)
Stage 2 – \$96,251

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.

6. All other conditions of Development Consent DA-470/2022 and Modification Application DA-470/2022/A remain unchanged including any changes to easements.

Note: This determination notice is strictly for changes sought under Modification Application DA-470/2022/A. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (a) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification 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.
- (b) The Section 4.56 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (c) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Pradip Adhikari on the abovementioned contact details.

Yours faithfully

William Attard
MANAGER
DEVELOPMENT ASSESSMENT

ATTACHMENT 2 – Section 7.11 Payment Forms

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 Liverpool Contribution Plan 2014 Austral and Leppington North

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

APPLICATION NO: DA-470/2022/A

APPLICANT: Austral North Nominees Pty Ltd

PROPERTY: 47 AND 53 SEVENTEENTH AVENUE, AUSTRAL
Lot A in DP 373652 and Lot 217 in DP 2475

PROPOSAL: Modification to Development Consent DA-470/2022 under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 2 residue lot and to remove to construct 12 dwellings that was approved originally.

The development will be in following stages:

Stage 1 - Torrens Title subdivision of 17 residential lots and two residue lots, one lot for OSD to further subdivide into 3 lots in stage 2 and one (1) residue Superlot that is set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works.

Stage 2 - Decommission of OSD and Torrens Title subdivision of 3 residential lots.

Note: Stage 1 number of lots remain unchanged so the contribution amount remains the same.

Stage 2

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2014 ALN		
Local Community Facilities - Land	\$1,989	GL.3011210001870.10190
Local Recreation - Land	\$69,259	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$21,315	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194

Local Drainage Facilities - Land	\$0	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$3,688	GL.3011210001872.10197
<u>TOTAL</u>	<u>\$96,251</u>	

----- OFFICE USE ONLY -----
RECORD OF PAYMENT
Total Amount paid: _____ Date: _____
Receipt No.: _____ Cashier: _____



THE BATHLA GROUP

137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

Monday, 18th September 2023

Liverpool City Council
33 Moore Street
Liverpool NSW 2170

Subject: S4.56 Modification Application Request
DA-470/2022

Property: 140-150 Sixth Avenue, Austral
(Lot 21&22 DP1286912)

Statement of Environmental Effects Submission

INTRODUCTION:

This Statement of Environmental Effects has been prepared by Universal Property Group Pty Ltd to accompany a Section 4.56 Modification Application to amend DA-470/2022 as it relates to Lot 2 DP 201643 commonly described as 140-150 Sixth Avenue, Austral.

Development Consent (470/2022) was granted by The Land and Environment Court (Case Number: 2022/299477) on 19th April 2023 for the subdivision to create 21 residential lots including road works, dam dewatering and associated civil works over two stages as follows:

Outcome Date: 19 Apr 2023	
UPG 245 Pty Ltd v Liverpool City Council	LEC No: 2022/299477
Annexure A	
DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT	
Development Application No:	DA-470/2022
Development:	Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages.
Site:	140 Sixth Avenue, Austral, NSW, 2179 (Lot 22 in Deposited Plan 1286912)
The above development application has been determined by the granting of consent subject to the conditions specified in this consent.	
Date of determination:	19 April 2023
Date from which consent takes effect:	Date of determination.

Figure 1: Approved Development Description & Consent (DA-470/2022)



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

THE PROPOSED MODIFICATION:

Approval (470/2022) has been granted for the subdivision of the site into Torrens Title lots in two stages, along with the necessary site works encompassed in the the Engineering Concept Design prepared by Indesco engineering consultants.

This modification application seeks approval for the following proposed amendments:

1) Reconfiguration of Lot Profiles and Net Reduction of One Torrens Title Lot:

The approved subdivision plan (DA 470/2022) included a total of 22 lots, consisting of 21 Torrens Title lots with construction of 12 dwellings and 1 Residue Superlot.

The proposed modification aims to optimise the lot layout, particularly along Galiceno Road. The proposed reconfiguration will result in deeper lots with wider frontages, providing enhanced flexibility for future dwellings with varied façade treatments.

As a result, this reconfiguration will reduce the total lot yield by one lot. Therefore, the total lot yield with revised subdivision plan entails **20 residential lots and 1 residue lot**.

For the reference, **Figure 1** illustrates a side-by-side comparison of the approved and proposed subdivision layout.

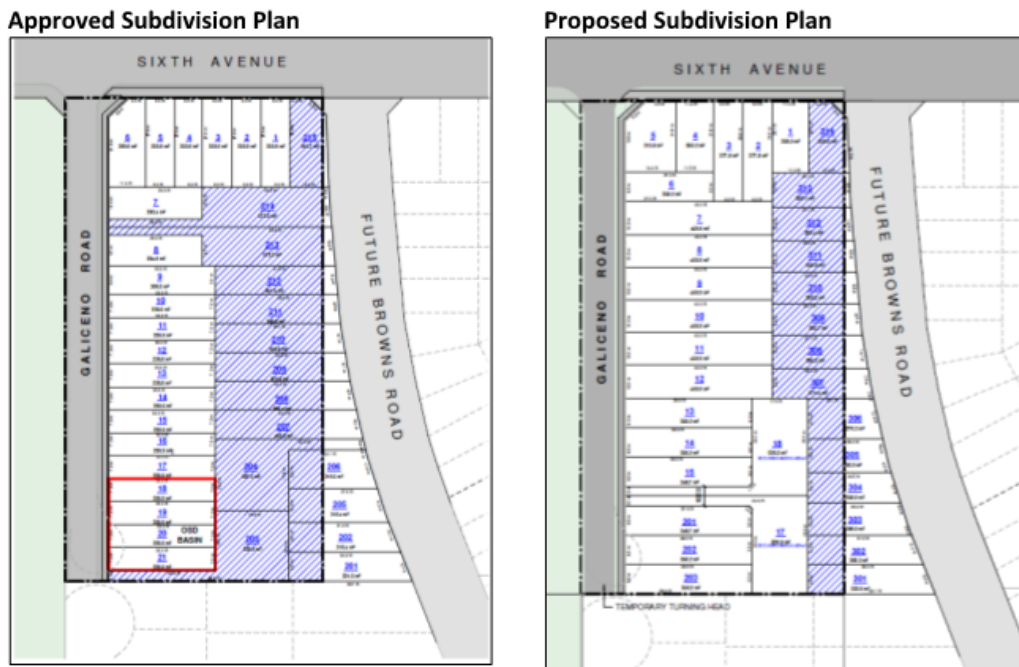


Figure 1: Subdivision Plan (Approved Vs Proposed) prepared by the Bathla Group



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

All the proposed Torrens Title lots will have lot sizes ranging from 250sqm to 450sqm, with a minimum frontage of 9m. A Building Envelope Plan has been prepared for Lots No. 1, 2, 3, 4, and 6, which have an area less than 300 sqm but not less than 250sqm. Figure 2 below demonstrates the building envelope plan for the specified Lots.

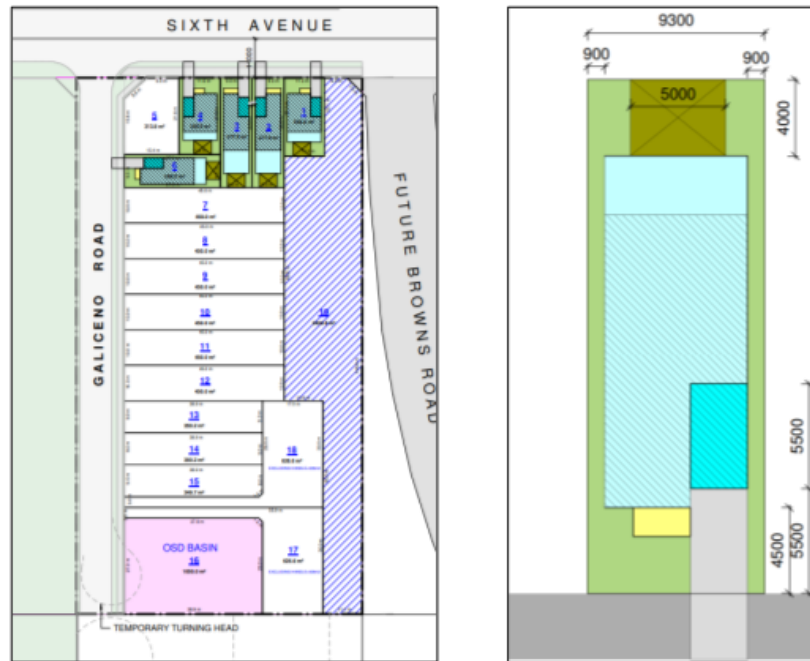


Figure 2: Building Envelope Plan

2) Removal of Construction of 12 Dwellings

In conjunction with the lot reconfiguration, this modification application seeks approval to remove the construction of 12 dwellings as initially outlined in the approved development.

The DA (470/2022) was approved for the Torrens Title subdivision with construction of 12 dwellings (Semi-detached form) over the lots having frontage less than 9metres.

Due to the proposed changes, all the Torrens title lots now boast a minimum frontage of 9m, making them suitable for detached dwellings with ample space and a variety of façade options.

Therefore, this modification request seeks approval to remove the construction of dwelling from the scope of the approved development.

Figure 3 below provides the approved Torrens Title Lot configuration versus proposed Lot configuration.



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

DA APPROVED			S4.56		
PROPOSED LOT SUMMARY			PROPOSED LOT SUMMARY		
LOT FRONTAGE	LOT SIZE	NO. OF LOTS	LOT FRONTAGE	LOT SIZE	NO. OF LOTS
7.0M OR LESS THAN 9.0M	239m ²	12	7.0M OR LESS THAN 9.0M	-	-
9.0M OR LESS THAN 10.0M	250-285m ²	7	9.0M OR LESS THAN 10.0M	250-320m ²	9
10.0M OR MORE	290-300m ²	2	10.0M OR MORE	250-450m ²	9
BATTLE AXE LOTS	-	-	BATTLE AXE LOTS	-	2
RESIDUE LOT	LOT 22	1	RESIDUE LOT	-	1
TOTAL LOTS=22 TOTAL RESIDENTIAL LOTS=21			TOTAL LOTS=21 TOTAL RESIDENTIAL LOTS=20		

Figure 3: Lots Configuration Statistics (Approved Vs Proposed)

The Proposed Development Description after the amendments:

*“Subdivision of Lot 22 into approved under DA (1166/2015) into a **Torrens Title subdivision of 20 residential lots and one (1) residue Superlot** set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over (2) stages”*

3) Conditions to be Amended/Deleted:

In light of the aforementioned proposed alterations, we request council to amend/delete the Consent Conditions.

Following are the Consent Conditions be amended to be reflect the proposed subdivision:

- Condition 1: (Staged Approval & Approved Plans)
- Condition 98: Contribution (Prior to Issue of SC)
- Condition 104: Restriction/Positive Covenant (Prior to Issue of SC)
- Condition 106: Restriction/Positive Covenant (Prior to Issue of SC)
- Condition 107: Restriction/Positive Covenant (Prior to Issue of SC)

Additionally, this modification seeks approval for the deletion of the following consent condition due to a consequence of the proposed development (Removal of Construction of Dwellings):

- Conditions 123-133: (Prior to Issue of OC)

Furthermore, we request Council to take the necessary steps to modify any other pertinent conditions that align with and support the proposed amendments effectively.

As a result of the amendments, there will be a net reduction in the quantum of residual land as indicated by the blue shading in Figure 1, which illustrates the comparison between the approved and the proposed subdivision modification.

The logo for Bathla, featuring the word "Bathla" in white, bold, sans-serif font on a red rectangular background.

THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

It is noteworthy point that the proposed Lots 201, 202 and 203 will form the temporary basin area, and are subject to Stage 2 of the development. These lots will be subdivided once the stormwater infrastructure is established and the temporary OSD Basin is no longer required.

It is important to highlight that the proposed development is still considered 'substantially the same development' as the originally approved project, as there are no other changes proposed beyond the modifications mentioned above.

Following list of additional documents have been provided for Council's Consideration:

- Revised Subdivision Plans prepared by the Bathla Group
- Revised Stormwater Engineering Plans prepared by the Bathla Group
- Street Tree Plan (Public Domain) prepared by the Bathla Group
- Owner Consent and Company ASIC Extract



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

SECTION 4.56 – MODIFICATION BY CONSENT AUTHORITIES OF CONSENTS GRANTED BY THE COURT

Section 4.56 of the EP&A Act provides that a consent authority may, in certain circumstances, grant consent to an application that seeks to modify a development consent granted by the Court. In this circumstance, it warrants the application being requested under section 4.56 as follows.

<p>4.56 Modification by consent authorities of consents granted by the Court (of previous s 95AA)</p> <p>(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—</p> <p>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</p> <p>(b) it has notified the application in accordance with—</p> <p>(i) the regulations, if the regulations so require, and</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</p> <p>(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and</p> <p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p> <p>(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</p> <p>(1B) (Repealed)</p> <p>(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</p> <p>(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.</p> <p>(3) The regulations may make provision for or with respect to the following—</p> <p>(a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,</p> <p>(b) the effect of any such deemed determination on the power of a consent authority to determine any such application,</p> <p>(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.</p> <p>(4) (Repealed)</p>

The proposed modification is considered to be substantially the same development for the following reasons:

- The extent of changes is relatively minor as the proposed modification includes lot boundary reconfiguration to reduce the lot yield by one residential allotment and reduce the residual lot area.
- The modification does not change the purpose for which the development is being carried out, that being a residential subdivision.
- The modification does not alter compliance with the provision cited in SEPP (Precincts–Western Parkland City) 2021 and The Liverpool Growth Centre Precincts Development Control Plan 2021;
- The scale of the proposed development remains the same as envisaged in the original approval, with the street layout, land dedication and future streetscape all remaining substantially the same as originally approved;
- The approved development (Residential Subdivision) and proposed changes sought to ensure that the proposed development will be significantly the same as approved by way of the notice of determination (DA-470/2022).
- Preliminary discussions with Council staff supported a Modification Application approach for the subject amendments.



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

SECTION 4.15 - EVALUATION - STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.15 of the Environmental Planning and Assessment Act 1979 contains matters that need to be considered for any development application. Section 4.15 reads as;

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The development will continue to satisfy the key matters for consideration against Section 4.15 despite the proposed amendment as:

- The amendment does not affect the proposal's compliance with any environmental planning instruments, including the SEPP (Precincts- Western Parkland City) 2021 as all lots still have a compliant lot size and where lots are below 300m² suitable Building Envelope Plans have been provided to detail that a sufficient dwelling can be constructed on site. All lots will be able to accommodate future dwellings.
- The amendment does not affect the proposal's compliance with the Liverpool Growth Centre Development Control Plan 2021 as the proposed road alignment and hierarchy is still in accordance with the ILP, the minimum lot width and envisaged streetscape is maintained;
- There are no draft environmental planning instruments that relate to the subject land;
- There are no planning agreements that apply to the subject land;
- There will be no changes in any potential impacts arising as a result of the proposed amendment. If any occur, they are considered to be minimal;
- The site will continue to be suitable for the approved use after the amendments are made; and
- The public interest will not be diminished as a result of the application.



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

The following table provides an evaluation of the proposed modifications being sought in relation to key issues generally addressed through an assessment of a development proposal under Section 4.15 of the EP&A Act.

TABLE 1: Environmental Planning Assessment – Section 4.56 Review of Factors

Key Matters of Consideration		
4.1 Context and Setting	Yes	No
Is the proposal visually prominent in the surrounding area?		<input checked="" type="checkbox"/>
Is the proposal consistent with the proposed or existing streetscape?	<input checked="" type="checkbox"/>	
Is the proposal consistent with Council's setback policies?	<input checked="" type="checkbox"/>	
Will the proposal be in character with the surrounding area?	<input checked="" type="checkbox"/>	
4.2 Access, Traffic and Utilities	Yes	No
Is legal and practical access available to the proposal?	<input checked="" type="checkbox"/>	
Will the proposal increase local traffic movement/volume?	<input checked="" type="checkbox"/>	
Are additional access points to the road network required?		<input checked="" type="checkbox"/>
Has vehicle manoeuvring and onsite parking been addressed?	<input checked="" type="checkbox"/>	
Are all services readily available to the site?	<input checked="" type="checkbox"/>	
4.3 Environmental Impacts	Yes	No
Is the proposal likely to result in any form of air pollution?		<input checked="" type="checkbox"/>
Does the proposal result in any form of water pollution?		<input checked="" type="checkbox"/>
Will the proposal have any noise impact above background noise levels?		<input checked="" type="checkbox"/>
Does the proposal involve any significant excavation or filling?		<input checked="" type="checkbox"/>
Can the proposal involve any significant erosion or runoff?		<input checked="" type="checkbox"/>
Is the development considered to be environmentally sustainable?	<input checked="" type="checkbox"/>	
Is a BASIX certificate provided?		<input checked="" type="checkbox"/>
Will the proposal have any impact on aboriginal artefacts or relics?		<input checked="" type="checkbox"/>
4.4 Flora & Fauna Impacts	Yes	No
Will the development result in removal of vegetation from the site?		<input checked="" type="checkbox"/>
Will the proposal have any impact on threatened species?		<input checked="" type="checkbox"/>
4.5 Natural Hazards	Yes	No
Is the proposal subject to any Natural Hazards?		<input checked="" type="checkbox"/>
	Flooding	<input checked="" type="checkbox"/>
	Bushfire	<input checked="" type="checkbox"/>
	Landslip	<input checked="" type="checkbox"/>
4.6 Storm Water	Yes	No



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

Is the storm water disposed of via street drainage?		<input checked="" type="checkbox"/>
Does the disposal storm water rely on an easement and/or Inter allotment arrangements?		<input checked="" type="checkbox"/>
4.7 Social and Economic Impacts	Yes	No
Will the proposal have a positive economic impact on the area?	<input checked="" type="checkbox"/>	
Will the proposal have any overshadowing impacts?		<input checked="" type="checkbox"/>
Will the proposal have any loss of privacy impacts?		<input checked="" type="checkbox"/>
Will the proposal have any impact on a Heritage Item?		<input checked="" type="checkbox"/>
4.8 Contamination	Yes	No
Does the site require a Contamination report?		<input checked="" type="checkbox"/>

CONCLUSION

The proposed amendment is considered to be substantially the same development as consent was previously granted to and will have minimal no impact in relation to how the site will function or potential impact on the locality. Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome and therefore the proposed modification is considered worthy of support.

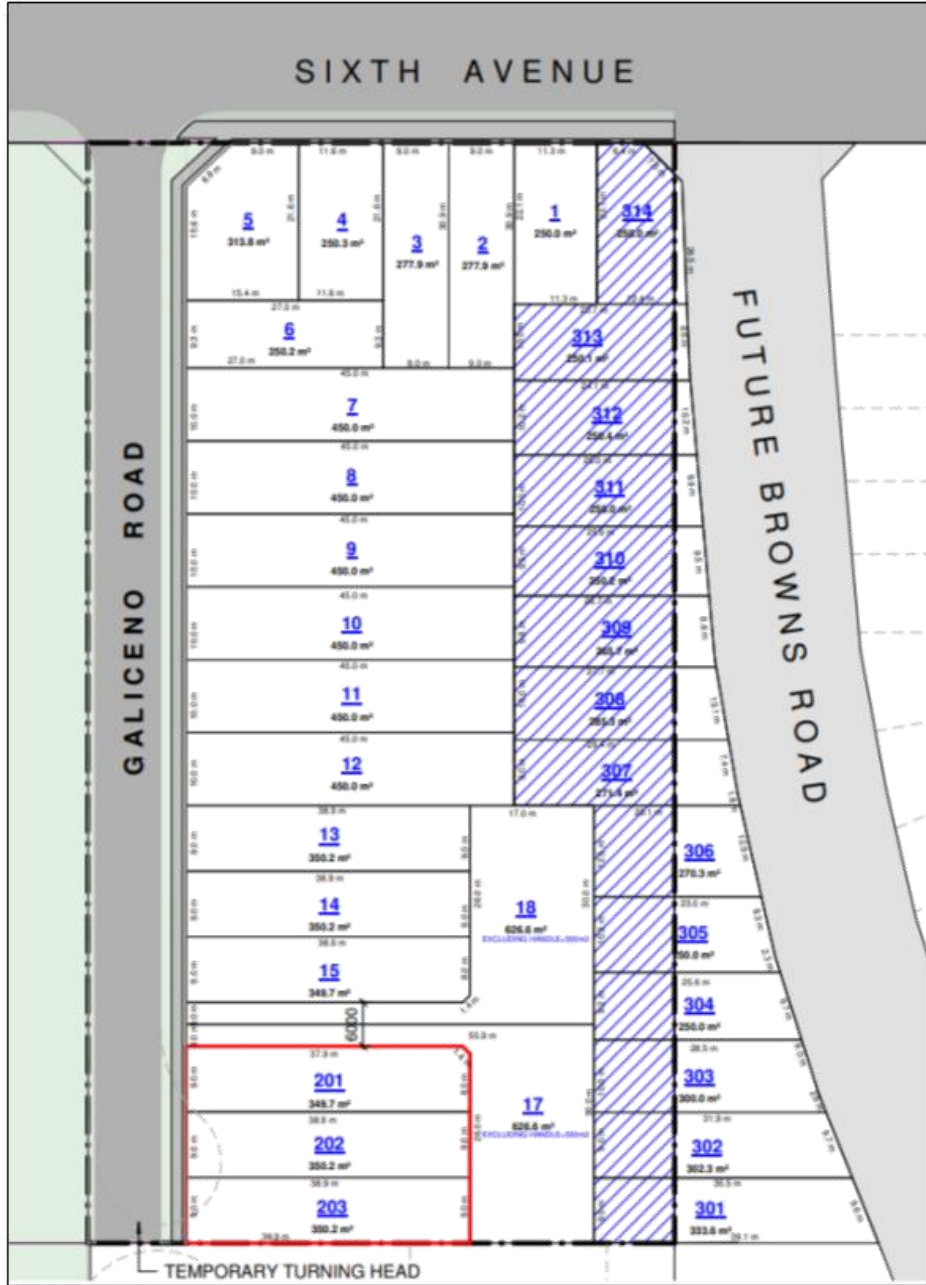
If you require any further information, please do not hesitate to contact us.

UNIVERSAL PROPERTY GROUP PTY LTD
September 2023



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

APPENDIX A: PROPOSED SUBDIVISION PLAN



macpherson kelley.

1800 888 966
info@mk.com.au
mk.com.au

new south wales
sydney

queensland
brisbane

victoria
melbourne
dandenong

macpherson kelley pty ltd
acn 122 450 337

sydney
level 21
20 bond street
sydney nsw 2000

t: +61 2 8298 9533
f: +61 2 8298 9599

Our Ref: EFF:311792

11 April 2023

Chris Campbell
Liverpool City Council
33 Moore Street
Liverpool NSW 2170

Dear Chris

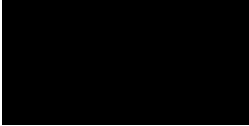
**UPG 245 PTY LTD V LIVERPOOL CITY COUNCIL
LEC PROCEEDINGS 2022/299477
PROPERTY: 140-150 SIXTH AVENUE, AUSTRAL**

We refer to the above proceedings.

Please find **enclosed** a copy of the following documents for your records:

1. Amended material as per the s.34 agreement filed 28 March 2023; and
2. Clause 4.6 Written Request filed 6 April 2023.

Yours faithfully



macpherson kelley
Emma Fleming
Principal Lawyer

t: (02) 8298 9534 | f: (02) 8298 9599
e: [REDACTED]

Encl.

ENTERED
20 APR 2023
BY: [REDACTED]

CONFIDENTIALITY
This message together with any attachment is intended for the use of the person to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, or the employee or agent responsible for its delivery to the intended recipient, you are hereby notified that any dissemination, distribution or copying of it is strictly prohibited. Please notify us if you have received it in error, and otherwise take all necessary steps to delete it from any transient or permanent storage device or medium.

Liability limited by a Scheme approved under Professional Standards Legislation.
Macpherson Kelley Pty Ltd is a member of the NSW Scheme.

3448-4387-2034v1

Form A (version 2)
UCPR [enter UCPR rule]



CLAUSE 4.6 WRITTEN REQUEST

COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Case number	2022/299477

TITLE OF PROCEEDINGS

Applicant	UPG 245 Pty Ltd.
Respondent	Liverpool City Council

FILING DETAILS

Filed for	UPG 245 Pty Ltd, Applicant
Legal representative	Emma Fleming, Macpherson Kelley
Legal representative reference	EFF: 311792
Contact name and telephone	Emma Fleming; (02) 8298 9534
Contact email	emma.fleming@mk.com.au

5 April 2023

CLAUSE 4.6 REQUEST TO VARY A DEVELOPMENT STANDARD: DENSITY

Property: 140 Sixth Avenue Austral
Lot 22 in Deposited Plan 1286912 (formerly Lot 2 DP 20164)

Development: Torrens Title Subdivision of the site into twenty two (22) Lots to facilitate the first stage of the development of the parcel; with proposed Lot 22 being a residue lot pending construction of Brown Road immediately to the east of the subject site

The plan of subdivision is shown in Figure 1 below:-

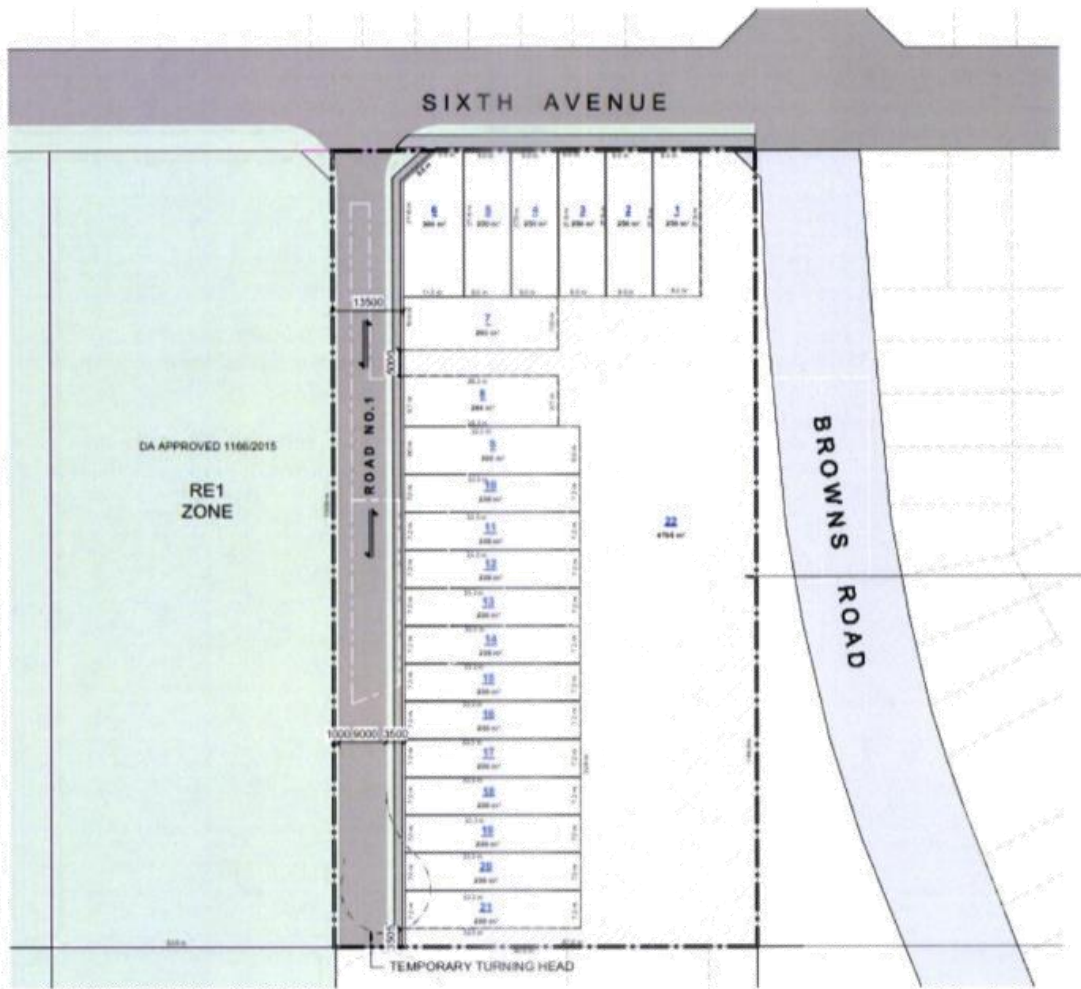


Figure 1: Proposed Twenty Two Lot subdivision

Proposed Lot 22 would be subject to 88B restriction preventing any development until further consolidation takes with R2 zoned portion of land on adjoining properties to the east, between the future alignment of Browns Road and the subject sites eastern boundary

140 Sixth Avenue Austral (Lot 2 DP 20164) has a site area of 12,141m².

Standard: Clause 4.1B of State Environmental Planning Policy (Precincts-Western Parkland City) 2021 - Appendix 4 states:-

4.1B Residential density

- (1) The objectives of this section are—
 - (a) to establish minimum density requirements for residential development, and
 - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
 - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
- (2) This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC that—
 - (a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
 - (b) requires development consent, and
 - (c) is carried out after the commencement of this Precinct Plan.
- (3) The density of any residential development to which this section applies is not to be less than the density shown on the Residential Density Map in relation to that land.
- (4) In this section—

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

The minimum dwelling density per hectare is 20 dwellings per hectare.

Proposed Variation of Standard:

Based on definition of Net Developable area there are potential two way to calculate the NDA – whether the “residue Lot 22” is included or excluded from the NDA calculation for the subject Application.

Option 1	Site Area	–	12,141m ²
	Sixth Avenue Half Road	-	782m ²
	Total NDA	-	12,923m ²

Minimum Dwellings 1.2923 x 20 **25.8 dwellings**

Option 2	Site Area	-	12,141m ²
	Sixth Avenue Half Road	-	782m ²
	Total NDA	-	12,923m ²
	Less Residue Lot		4,786m ²
	Revised NDA		8047m ²

Minimum Dwellings 0.8047 x 20 **16.0 dwellings**

Twenty two lots are proposed which would mean that there are insufficient dwellings to meet the minimum density based on **Option 1** calculation of NDA and a surplus of dwellings based on **Option 2** calculation of NDA.

The exclusion of the residue lot 22 with a suitable restrictions via and 88B instrument stipulating that land must be developed for a minimum of 5 dwellings would overcome the shortfall below the minimum dwelling density.

The Clause 4.6 variation request has been prepared for abundant caution and argues the non-compliance with the minimum dwelling yield of 25.8 dwellings is justified in the circumstances of the case as Lot 22 will be further developed as a further stage of the subdivision in order to ensure the orderly and economic development of the subject site and the adjoining property to the east.

The variation request has been prepared to address the non-compliance with the minimum dwelling density standard contained within **State Environmental Planning Policy (Precincts-Western Parkland City) 2021** and to seek a 14.7% variation of the standard and facilitate the creation of Lot 22 in the proposed subdivision (Figure 1) as a residue Lot only with suitable 88b restrictions that require further consolidation with adjoining properties.

The variation is considered justifiable in this instance because:

- It facilitates a development that is consistent with the objectives of the standard and the intent of the R2 zoning under the SEPP.
- The form and scale of the proposed development provides appropriate relationship with the approved and likely future development adjacent each boundary of the site.
- The site is capable of achieving and exceeding, the mapped residential density once super Lot 22 is developed.

This request for variation to the residential density outlines the justification for the contravention having regard to the circumstances of the case and demonstrates that it is in the public interest.

Justification of the Departure

The variation request has been prepared with regard to the following considerations:

- "Varying Development Standards: A Guide" published by the Department of Planning and Infrastructure (August 2011).
- The objectives of Clause 4.1B of **State Environmental Planning Policy (Precincts-Western Parkland City) 2021 – Appendix 4**, being the development standard to which a variation is sought;
- Relevant case law specifically addressing the considerations for assessing development standards set out by Preston CJ in *Wehbe v. Pittwater Council* [2007] NSWLEC 827 and *Four2Five v Ashfield Council* [2015] NSWLEC 1009.

The variation request provides an assessment of the development standard and the extent of variation proposed to the standard.

The variation is then assessed in accordance with the principles set out in the *Wehbe* and *Four2Five* judgments.

The Development Standard

Clause 4.1B of **State Environmental Planning Policy (Precincts-Western Parkland City) 2021 – Appendix 4** specifies the following:

- (1) The objectives of this section are—
 - (a) to establish minimum density requirements for residential development, and
 - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
 - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

In this case, the relevant Dwelling Density Map nominates a minimum dwelling Density per Hectare of 20.

As outlined above and below at various points the non-compliance with the standard arises from the staging of the application and the approval of a preliminary subdivision which can be progressed while approvals are sought for subsequent development on Lot 22 together with consolidated land to the east.

The non-compliance is one of timing not a permanent departure from the minimum Dwelling Density requirement of the SEPP.

The noncompliance facilitates the orderly and economic development of the site; indeed the ultimate outcome of consolidation can only be achieved, due the prevailing pattern of ownership, through Council's support of this objection.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 provides flexibility to vary the development standards specified within the SEPP2021 where it can be demonstrated that the development standard is unreasonable or unnecessary in the circumstances of the case, and where there are sufficient environmental grounds to justify the departure.

Clause 4.6 states the following:

4.6 Exceptions to development standards

- (1) The objectives of this section are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
 - (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).
- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning

*Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) section 5.4.*

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of a number of criteria.

It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case, the absence of any environmental impact is of considerable merit.

Accordingly, justification is set out in following assessment for the departure from the minimum Dwelling Density control applicable under the SEPP2021.

The purpose of the information provided is to demonstrate that strict compliance with the minimum lot size under the SEPP2021 is unreasonable or unnecessary in the circumstances of this particular case.

It also demonstrates that there are sufficient environmental planning grounds for the departure from the minimum Dwelling Density controls specified in the SEPP2021.

Nsw Land and Environment Court Principles

The proposed variation from the development standard is assessed against the required tests in Clause 4.6.

In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs. Pittwater Council (2007) LEC 827* are considered.

In the decision of *Wehbe vs. Pittwater Council (2007) LEC 827*, Preston CJ summarized the five (5) different ways in which an objection under SEPP2021 has been well founded and that approval of the objection may be consistent with the aims of the policy.

The five possible ways are as set out below:

First	<p><i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i></p> <p><i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i></p>
Second	<p><i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i></p>
Third	<p><i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i></p>

Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

Relevantly, the Chief Judge of Land and Environment Court clarified the appropriate test for consideration of a request to contravene a development standard in accordance with clause 4.6 in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018].

This decision confirmed that the five ways to be satisfied about whether to invoke clause 4.6 as outlined above in the *Wehbe* are not exhaustive (merely the most common invoked ways); it may be sufficient to establish only one way.

The written request must be "sufficient" to justify contravening the development standard, and it is not necessary for a non-compliant development to have a neutral or beneficial effect relative to a compliant development.

In respect of the minimum Dwelling Density standard, this written request to contravene the minimum Dwelling Density argues that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, for the reasons set out below.

Secondly, *Four2Five v Ashfield Council* [2015] NSWLEC 1009 established that Clause 4.6(3)(b) requires an applicant for development consent to show that environmental planning grounds exist particular to the circumstances of the proposed development on the subject site, to justify contravening the development standard.

This finding was upheld by Pain, J in the subsequent appeal *Four2Five v Ashfield Council* [2015] NSWLEC 90. The decision of Pain J was subsequently appealed to the NSW Court of Appeal, however leave was not granted to hear the appeal.

Assessment of Clause 4.6 Variation

Clause 4.6 of SEPP2021 requires an assessment as to whether compliance with the minimum Dwelling Density standard can be considered unreasonable or unnecessary in this particular case, and whether there are sufficient environmental planning grounds to justify contravening the development standard.

The assessment is structured in accordance with the three matters for consideration identified in the *Wehbe* Land and Environment Court judgment, namely:

1. *"The applicant must satisfy the consent authority that "the objection is well founded," and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
2. *The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be*

unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s5(a)i(i) and (ii) of the Environmental Planning & Assessment Act 1979; and

3. It is also important to consider:

- a. Whether non-compliance with the development standard raises any matter of significance for State or regional planning; and
- b. The public benefit of maintain the planning controls adopted by the environmental planning instrument."

In addressing Clause 4.6(3)(b), this assessment also identifies the environmental planning grounds particular to the circumstances of the site as established in the Four2Five judgement.

Compliance is unreasonable or unnecessary and the Objection is well founded

Clause 4.6(3)(a) requires demonstration that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Further, as outlined above, in the Wehbe judgement, Preston CJ set out five ways in which a strict application of a development standard can be deemed unreasonable or unnecessary.

In this instance the first of the means identified by his Honour is of relevance, that is it can be demonstrated that the objectives of the minimum Dwelling Density standard can be achieved notwithstanding non-compliance.

The compliance of the proposed development and minimum Dwelling Density variation with the objectives of the principal development standards in Clause 4.1 of the SEPP2021 is demonstrated below.

Clause 4.1B of SEPP2021 specifies the following:

- (1) The objectives of this section are—
 - (a) to establish minimum density requirements for residential development, and
 - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
 - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

All of these objectives are directly relevant to the subject application with objective (b) & (c) being the most relevant; and the objective infers an "orderly and economic" development objective

Adequate Environmental Planning grounds for contravening the Development Standard

Clause 4.6(3)(b) requires the applicant to demonstrate that there are sufficient environmental planning grounds to contravene the development standard. Further, the judgement handed down in the Four2Five case requires that the applicant demonstrate this in light of environmental planning grounds particular to the circumstances of the site.

In this instance, the following environmental planning grounds particular to the site support of the minimum Dwelling Density variation:

- It is clear that proposed under Option 1 will not achieve the minimum Dwelling Density and the compliance with this minimum standard will only be achieved with subsequent approvals and

consolidation with adjoining properties; a process which we would argue is envisaged by Clause 4.1B of the SEPP.

While the numerical variation sought is 14.7% reduction in the minimum dwelling density, the proposal involves the creation of a residue lot with restrictions, making development on the residue lot itself impossible until the lot is consolidated with adjoining lands.

- Due to the underlying cost of the land it is clear that future development will take place and indeed to be economically viable will likely exceed the minimum standard specified for the site by way of Clause 4.1B of the SEPP2021. Simply the commercial imperative of the land value of the residue lot (22) ensures its consolidation with adjoining lands.
- The proposal seeks to vary minimum Dwelling Density standard applicable to the subject site on a "staged" or interim basis with the commitment that the standard will be met by subsequent approvals and consolidation with adjoining properties.

The non-compliance is one of timing not a permanent departure. This position is guaranteed with the proposed restrictions associated with the creation of Lot 22 as a residue Lot.

The noncompliance facilitates the orderly and economic development of the site and will achieve the objective of the standard highlighted above.

It is considered that these environmental planning grounds are particular to the circumstances of the site and support the proposed variation to the minimum Dwelling Density standard on this occasion, subject to the title restrictions highlighted throughout.

The Public Interest

Clause 4.6(4)(a)(ii) requires that the consent authority to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the zone in which the development is proposed to be carried out.

It is considered that the proposed variation will not be contrary to the public interest.

The section above demonstrates that the proposal is consistent with the objectives of the minimum Dwelling Density standard and outlines the pathway to compliance with the "standard" or consolidation of properties that maximises the available zoned Land and reduces the variation from the development standard.

The proposal aims to realise an optimal outcome for the site and adjoining land consolidation with the minimum Dwelling Density standard achieved through subsequent approvals on the site and adjoining property.

Further, it is considered that the development proposal will remain consistent with the objectives of the R2 zone, highlighted throughout.

On the basis of an assessment of the objectives for the R2 Zone under the SEPP2021 – Appendix 4, it is considered that the proposed development is compatible with these objectives with the current application to be viewed as transitional with no adverse environmental impacts.

To ensure that the subdivision proposal is transitional, it is recommended that a condition of approval be imposed to require that no further development to be contemplated for the site until consolidation of

140 Sixth Avenue Austral

proposed Lot 22 occurs with the R2 zoned portion of the lands which will become residue upon construction of the proposed Browns Road deviation.

The transition to the Minimum Dwelling Density standard can be controlled by way of consent condition or future restrictions on title as foreshadowed above.

Concurrence of The Secretary

Clause 4.6(4)(b) requires that the concurrence of the Secretary has been obtained. Further, Clause 4.6(5) provides that, in deciding whether to grant concurrence, the Secretary must consider:

- (a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) The public benefit of maintaining the standard; and*
- (c) Any other matters required to be taken into consideration by the Secretary before granting concurrence.*

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been granted.

Matters of State or Regional Planning Significance

The noncompliance is to be viewed as a transition to complying with the standard and that the phasing of the development is consistent with the objectives of the Act.

Therefore the non-compliance will not raise any matter of State or Regional planning significance.

Public Benefit of Maintaining the Standard

While the proposal results in a variation to the minimum Dwelling Density standard, it is considered that strict compliance with the standard would not in itself result in a public benefit.

The efficient development of the site and the staging of development on the site is deemed to be in the public interest and also fundamentally meets the orderly and economic objectives of the Act. As such, there will be no discernible public benefit by maintaining the standard and hence blocking the transition of the site to achieve and indeed exceed the minimum Dwelling Density standard.

Conclusion

A variation to the strict application of the minimum Dwelling Density standard in Clause 4.1 of SEPP2021 – Appendix 4 is considered appropriate for the proposed development – Figure 1.

The proposal will meet the intent of Council's minimum Dwelling Density standard and in accordance with Clause 4.6, the submission demonstrates that the development standard is unreasonable and unnecessary in this case.

As such, the proposed variation should be supported as part of the assessment of this development application, with the acknowledgement that the variation to the standard will in fact allow the transition of the site to achieve land consolidation and compliance with the development standard in the future.

Form A (version 2)
UCPR [enter UCPR rule]**Amended material as per the s34 agreement****COURT DETAILS**

Court	Land and Environment Court of New South Wales
Class	1
Case number	2022/299477

TITLE OF PROCEEDINGS

Applicant	UPG 245 Pty Ltd
Respondent	Liverpool City Council

FILING DETAILS

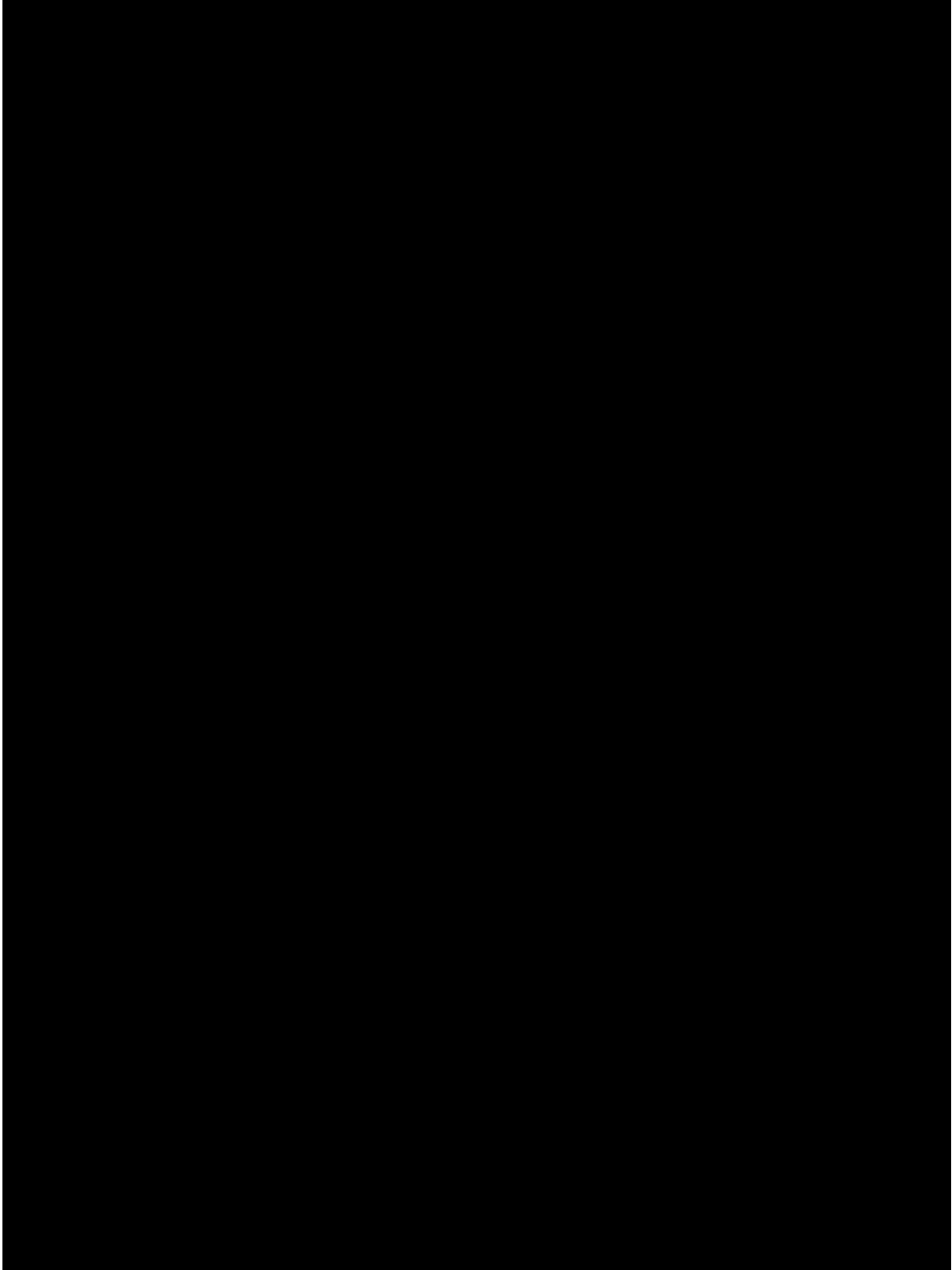
Filed for	UPG 245 Pty Ltd, Applicant
Legal representative	Emma Fleming, Macpherson Kelley
Legal representative reference	EFF: 311792
Contact name and telephone	Emma Fleming, 8298 9534;
Contact email	emma.fleming@mk.com.au ;

Proposed Lot 22

(1) Proposed Lot 22

Proposed Lot 22 shall be developed for residential purposes with no less than [No.] proposed lots, subject to obtaining development consent. No further subdivision of proposed Lot 22 is permitted other than the subdivision of the land for future residential development comprising a minimum [No.] residential lots.

(2) Lot 22 is to be burdened by a positive covenant under Section 88B of the Conveyancing Act 1919 that it is to be developed for a minimum of [No.] lots.



BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1376874M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Wednesday, 01 March 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,
Industry &
Environment

Project summary		
Project name	140-150 Sixth Avenue	
Street address	140-150 Sixth Avenue Austral 2179	
Local Government Area	Liverpool City Council	
Plan type and plan number	deposited 201643	
Lot no.	2	
Section no.	-	
No. of residential flat buildings	0	
No. of units in residential flat buildings	0	
No. of multi-dwelling houses	12	
No. of single dwelling houses	0	
Project score		
Water	✓ 42	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 50	Target 50

Certificate Prepared by
Name / Company Name: es2 design
ABN (if applicable): 32645188432

Description of project

Project address	
Project name	140-150 Sixth Avenue
Street address	140-150 Sixth Avenue Austral 2179
Local Government Area	Liverpool City Council
Plan type and plan number	deposited 201643
Lot no.	2
Section no.	-
Project type	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	12
No. of single dwelling houses	0
Site details	
Site area (m ²)	2868
Roof area (m ²)	1860
Non-residential floor area (m ²)	-
Residential car spaces	24
Non-residential car spaces	-
Common area landscape	
Common area lawn (m ²)	0.0
Common area garden (m ²)	0.0
Area of indigenous or low water use species (m ²)	-
Assessor details	
Assessor number	101559
Certificate number	L4T0CGMD80
Climate zone	28
Ceiling fan in at least one bedroom	No
Ceiling fan in at least one living room or other conditioned area	No
Project score	
Water	✓ 42 Target 40
Thermal Comfort	✓ Pass Target Pass
Energy	✓ 50 Target 50

Description of project

The tables below describe the dwellings and common areas within the project

Multi-dwelling houses

Dwelling no.	No. of bedrooms	Conditioned floor area (m ²)	Unconditioned floor area (m ²)	Area of garden & lawn (m ²)	Indigenous species (min area m ²)
10	4 or more bedrooms	190.8	7.1	63.5	-
15	4 or more bedrooms	190.8	7.1	63.5	-
20	4 or more bedrooms	190.8	7.1	63.5	-
11	4 or more bedrooms	190.8	7.1	63.5	-
16	4 or more bedrooms	190.8	7.1	63.5	-
21	4 or more bedrooms	190.8	7.1	63.5	-
12	4 or more bedrooms	190.8	7.1	63.5	-
17	4 or more bedrooms	190.8	7.1	63.5	-
13	4 or more bedrooms	190.8	7.1	63.5	-
18	4 or more bedrooms	190.8	7.1	63.5	-
14	4 or more bedrooms	190.8	7.1	63.5	-
19	4 or more bedrooms	190.8	7.1	63.5	-

No common areas specified.

Schedule of BASIX commitments

1. Commitments for multi-dwelling houses
 - (a) Dwellings
 - (i) Water
 - (ii) Energy
 - (iii) Thermal Comfort
2. Commitments for single dwelling houses
3. Commitments for common areas and central systems/facilities for the development (non-building specific)
 - (i) Water
 - (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for multi-dwelling houses

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓



Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 4.5 but <= 6 L/min)	3 star	3 star	3 star	no	-	-	-	-	-	-	-	-	-

Alternative water source								
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	individual water tank (no. 1)	Tank size (min) 1500.0 litres	To collect run-off from at least: 108.0 square metres of roof area;	yes	yes	no	no	-
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓ ✓	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓ ✓ ✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 5.5 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

Dwelling no.	Cooling			Heating			Artificial lighting					Natural lighting	
	living areas	bedroom areas	bedroom areas	living areas	bedroom areas	bedroom areas	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
All dwellings	1-phase airconditioning 5 star (average zone)	1-phase airconditioning 5 star (average zone)	1-phase airconditioning 5 star (average zone)	1-phase airconditioning 5 star (average zone)	1-phase airconditioning 5 star (average zone)	4	3	yes	yes	yes	yes	3	no
Appliances & other efficiency measures													
Dwelling no.	Individual pool			Individual spa			Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven								
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	-	-	-	-	-	-
Alternative energy													
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)												
All dwellings	-												
(iii) Thermal Comfort													
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.													
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.													

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in MJ/m ² /yr)	Area adjusted cooling load (in MJ/m ² /yr)
10	55.0	46.7
11	55.3	48.6
12	46.7	54.3
13	49.4	56.1
14	55.3	44.9
15	55.7	47.5
16	54.8	47.3
17	55.1	49.0

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
18	46.6	53.7
19	50.3	56.1
20	55.5	46.3
All other dwellings	55.7	48.3

Construction of floors and walls					
Dwelling no.	Concrete slab on ground(m ²)	Suspended floor with open subfloor (m ²)	Suspended floor with enclosed subfloor (m ²)	Suspended floor above garage (m ²)	Primarily rammed earth or mudbrick walls
All dwellings	89	-	-	110	No

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✓" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

Nationwide House Energy Rating Scheme — Class 1 summary

NatHERS Certificate No. L4T0CGMD80

Generated on 1 Mar 2023 using FirstRate5 v5.3.2b

Property

Address 140-150 Sixth Avenue, Austral, NSW,
2179

Lot/DP

NatHERS climate zone

Accredited assessor



Vandana Vandana

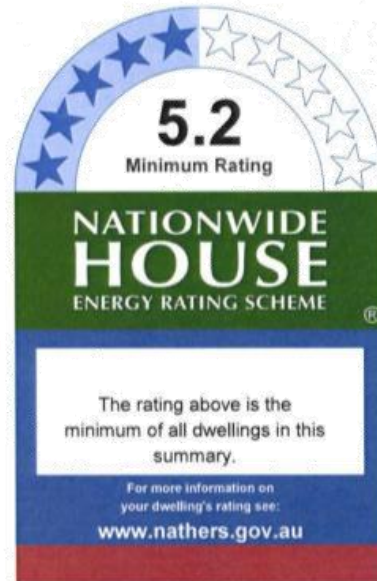
es2 design

vandana@es2design.com.au

+61431514526

Accreditation No. 101559

Assessor Accrediting Organisation ABSA



Verification

To verify this certificate, scan the QR code or visit

<https://www.fr5.com.au/QRCodeLanding?PublicId=L4T0CGMD80&GrpCert=1> When using either link, ensure you are visiting www.fr5.com.au.

Summary of all dwellings

Certificate number and link	Unit number	Heating load (MJ/m ² /p.a.)	Cooling load (MJ/m ² /p.a.)	Total load (MJ/m ² /p.a.)	Star rating
22AQ4JQV11	10	55.0000000000	46.7000000000	101.7000000000	5.4
BPYV5H8VRD	11	55.3000000000	48.6000000000	103.9000000000	5.3
AZGXPP9BB0	12	46.7000000000	54.3000000000	101.0000000000	5.4
KX9AJJ2FVK	13	49.4000000000	56.1000000000	105.5000000000	5.2
W4P1FMP5TG	14	55.3000000000	44.9000000000	100.2000000000	5.4
BUPVXNDJ2M	15	55.7000000000	47.5000000000	103.2000000000	5.3
5XEGBTXRDG	16	54.8000000000	47.3000000000	102.1000000000	5.4

Continued over

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements.

The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply.

L4T0CGMD80 NatHERS Certificate



Summary of and links to all dwellings (continued)

Certificate number and link	Unit number	Heating load (MJ/m ² /p.a.)	Cooling load (MJ/m ² /p.a.)	Total load (MJ/m ² /p.a.)	Star rating
39Z9JP02Y9	17	55.1000000000	49.0000000000	104.1000000000	5.3
RTJKUP0HWE	18	46.6000000000	53.7000000000	100.3000000000	5.4
IRMBNWEPRZ	19	50.3000000000	56.1000000000	106.4000000000	5.2
VWHUU78Q0J	20	55.5000000000	46.3000000000	101.8000000000	5.4
5LX74J0PO4	21	55.7000000000	48.3000000000	104.0000000000	5.3

L4T0CGMD80 NatHERS Certificate

**Explanatory notes****About this report**

This is a summary of ratings of all NCC Class 1 dwellings in a development. The individual dwellings' ratings are a comprehensive, dynamic computer modelling evaluation of a home, using the floorplans, elevations and specifications to estimate the energy load. It addresses the building layout, orientation and fabric (i.e. walls, windows, floors, roofs and ceilings), but does not cover the water or energy use of appliances, or energy production of solar panels. For more details about an individual dwelling's assessment, refer to the individual dwelling's NatHERS Certificate (accessible via link).

Accredited Assessors

To ensure the NatHERS Certificate is of a high quality, always use an accredited or licenced assessor. NatHERS accredited assessors are members of a professional body called an Assessor Accrediting Organisation (AAO). AAOs have specific quality assurance processes in place, and continuing professional development requirements, to maintain a high and consistent standard of assessments across the country.

Any questions or concerns about this report should be directed to the assessor in the first instance. If the assessor is unable to address these questions or concerns, the AAO specified on the front of this certificate should be contacted.

Disclaimer

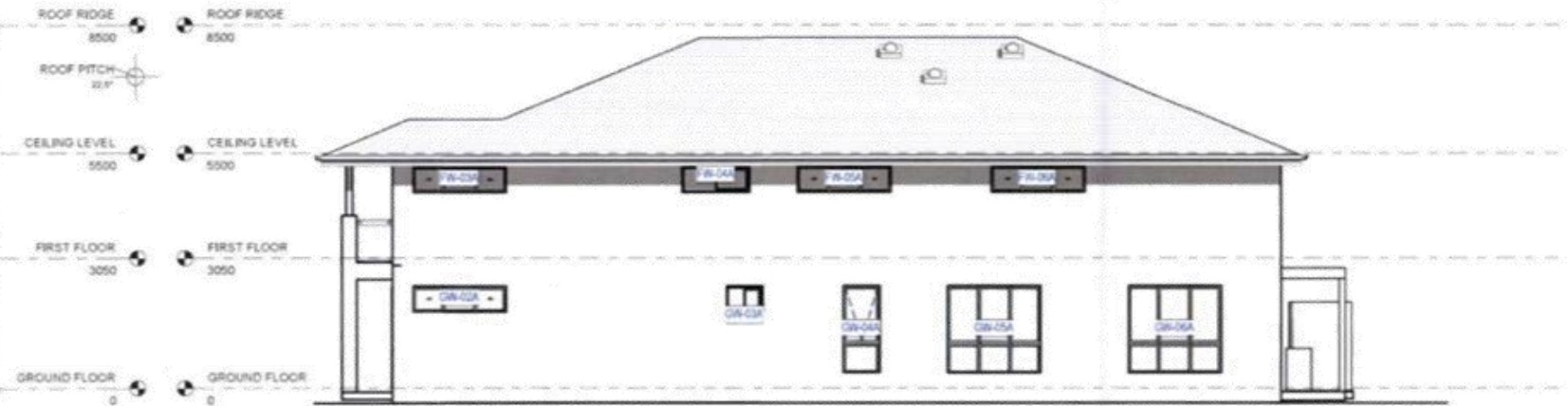
The format of the NatHERS Certificate was developed by the NatHERS Administrator. However the content, input and creation of the NatHERS Certificate is by the assessor. It is the responsibility of the assessor who prepared this certificate to use NatHERS accredited software correctly and follow the NatHERS Technical Notes to produce a NatHERS Certificate.

GENERAL NOTES:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.



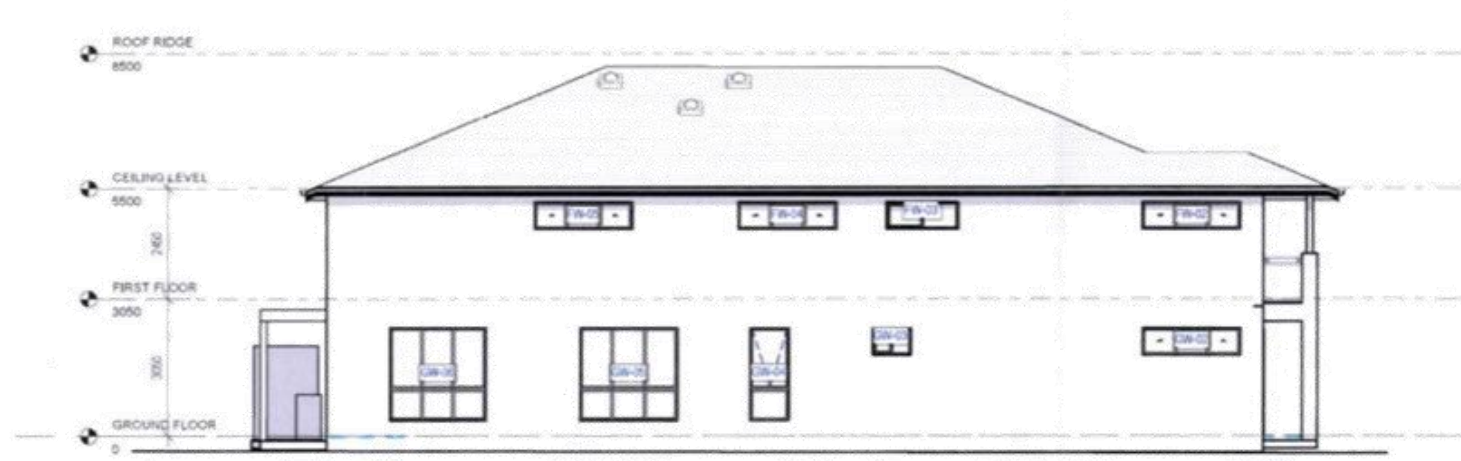
1 STREET FRONT ELEVATION
A1312 1 : 100



3 SOUTH ELEVATION
A1312 1 : 100

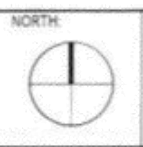


2 EAST ELEVATION
A1312 1 : 100



4 NORTH ELEVATION
A1312 1 : 100

ISSUE	DATE	REVISION	BY



The Bathla Group
 137 Gille Road, Gortree Sydney NSW - 2145
 PO Box 272 Westmead NSW 2145
 T: 02 9638 2400 F: 02 9688 4702
 info@bathla.com.au | www.bathla.com.au

PROJECT:
140-150 SIXTH AVE
AUSTRAL (LOT10,11,16,17)

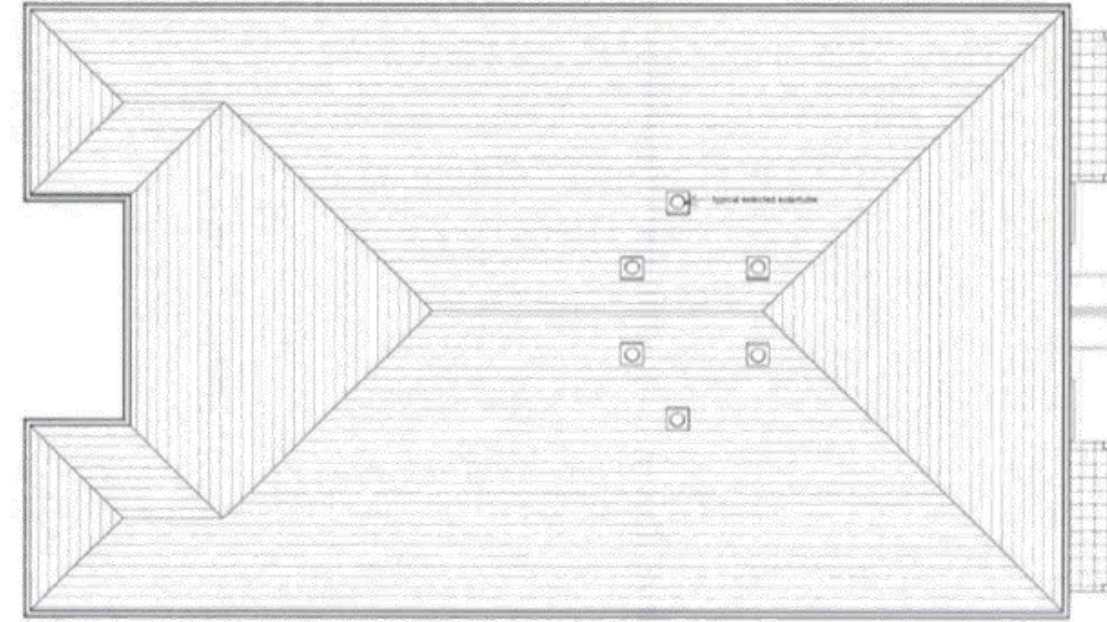
DRAWING TITLE:
TYPICAL LOT 7.1 WIDE -
ELEVATIONS OPTION 1

PROJECT No.	DATE	DRAWING No.	REV.
	20.02.23	A1312	
DRAWN BY	SCALE		
Author	1 : 100		

Z:\Projects - Current\Sixth Avenue 140-150 Austral\03
DA\ARCHITECTURAL REV\PROJECT LINKS\REV LINK ROAD TYPICAL
ATTACHED LOT 7.1 WIDE OPTION 1.rvt

GENERAL NOTES:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.



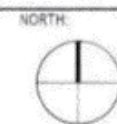
3
A2002
ROOF PLAN
1 : 100

SITE CALCULATIONS: TYPICAL LOT 7.2 WIDE

A. GROUND FLOOR AREA	107.83 m ²	G. FIRST FLOOR AREA	119.50 m ²	TOTAL BULKING AREA (E+G)	245.28 m ²
B. GARAGE AREA	18.93 m ²	H. BALCONY	- m ²	SITE COVERAGE (E+I)	32.96%
C. PORCH AREA	4.79 m ²	I. TOTAL FIRST FLOOR AREA (G+H)	119.50 m ²	SITE COVERAGE FIRST FLOOR	30%
D. PATIO AREA	4.98 m ²	J. DRIVEWAY AREA	17.79 m ²	LANDSCAPED AREA (F+J)	26.97%
E. TOTAL GROUND FLOOR AREA (A+D)	125.86 m ²	K. ROOF AREA	154.96 m ²	PAVING AREA	23.82%
F. LANDSCAPED AREA	43.51 m ²	L. SITE AREA	239 m ²		

1
A2002
GROUND FLOOR 100
1 : 100

ISSUE	DATE	REVISION	BY



137 O'Leary Road, Greenwich Sydney, NSW - 2243
PO Box 270, Waplesbury NSW 2245
T: 02 9636 2400 | F: 02 9688 4702
info@bathla.com.au | www.bathla.com.au

PROJECT
140-150 SIXTH AVE AUSTRAL (LOT10,11,16,17)

DRAWING TITLE
TYPICAL LOT 7.1 WIDE - FLOORS OPTION 1

PROJECT NO.	DATE	DRAWING NO.	REV.
	20.02.23	A2002	
DRAWN BY:	SCALE		
Author	1 : 100		

Z:\Projects - Current\Sixth Avenue 140-150 Austral\03 DA\ARCHITECTURAL\REVIT\PROJECT LINKS\REVIT LINK ROAD TYPICAL ATTACHED LOT 7.1 WIDE OPTION 1.rvt

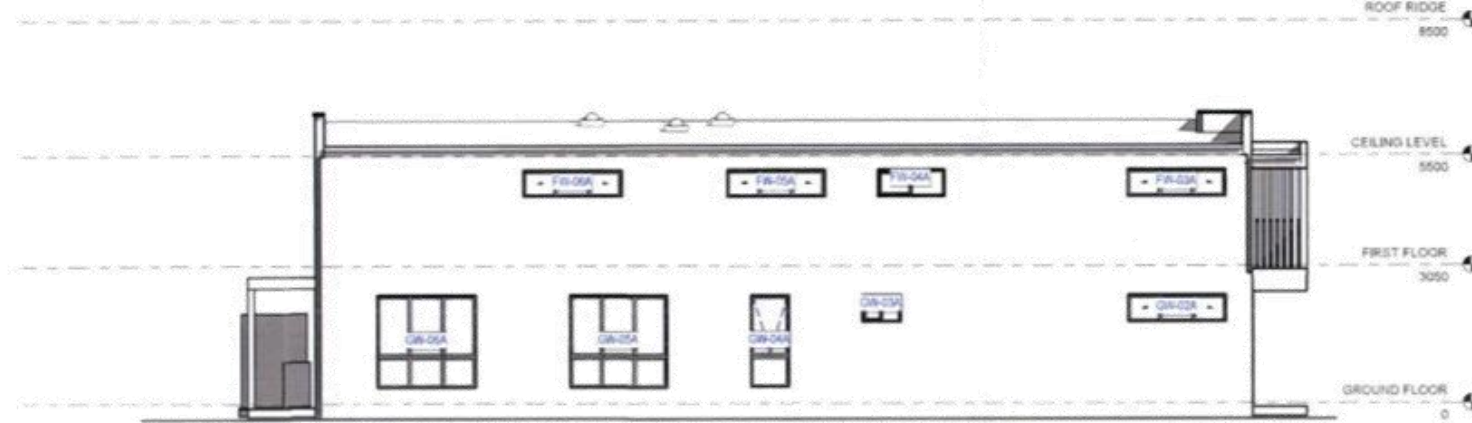
SITE CALCULATIONS - TYPICAL LOT 7.2 WIDE			
A. GROUND FLOOR AREA	107.83 m ²	C. FIRST FLOOR AREA	119.52 m ²
B. GARAGE AREA	19.03 m ²	H. BALCONY	- m ²
C. PORCH AREA	4.73 m ²	I. TOTAL FIRST FLOOR AREA (D+H)	119.52 m ²
D. PATIO AREA	4.38 m ²	J. DRIVEWAY AREA	17.79 m ²
E. TOTAL GROUND FLOOR AREA (A+B+C+D)	135.97 m ²	K. ROOF AREA	154.88 m ²
F. LANDSCAPED AREA	83.51 m ²	L. SITE AREA	239 m ²
		TOTAL BUILDING AREA (D+E)	245.36 m ²
		SITE COVERAGE E/F/L	10.28%
		SITE COVERAGE FIRST FLOOR	50%
		LANDSCAPED AREA F/L	26.57%
		PAVED AREA	0.32%

GENERAL NOTES:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANTS' DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.



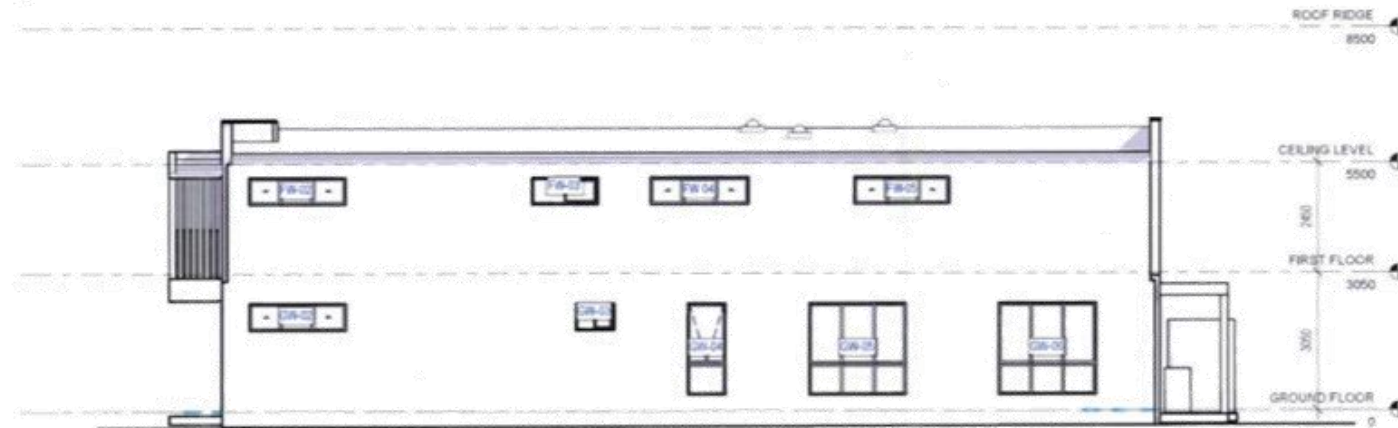
1 STREET FRONT ELEVATION
A1312 1:100



3 NORTH ELEVATION
A1312 1:100

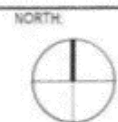


2 EAST ELEVATION
A1312 1:100



4 SOUTH ELEVATION
A1312 1:100

ISSUE	DATE	REVISION	BY



137 Giza Road, Greenway Sydney NSW 2145
PO Box 212, Westworthing NSW 2145
T: 02 9636 2423 F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

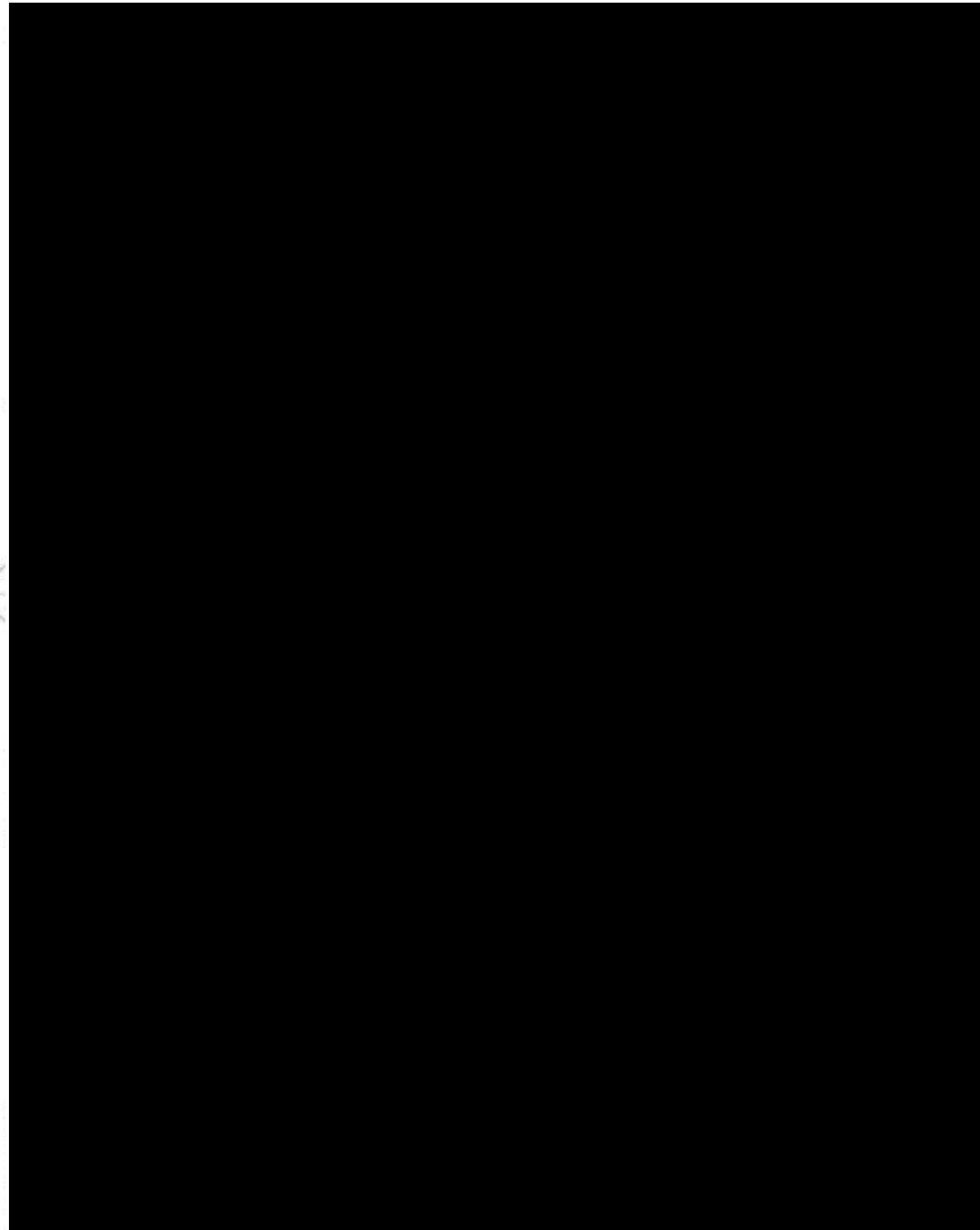
PROJECT
140-150 SIXTH AVE AUSTRAL (LOT 12, 13, 18, 19)

DRAWING TITLE
TYPICAL LOT 7.1 WIDE - ELEVATIONS OPTION 2

PROJECT NO.	DATE	DRAWING NO.	SEL.
	20.02.23	A1312	
DRAWN BY	SCALE		
Author	1:100		

Z:\Projects\Current\Sixth Avenue 140-150 Austral\03 DA\ARCHITECTURAL\REVIT\PROJECT LINKS\REVIT LINK ROAD TYPICAL ATTACHED LOT 7.1 WIDE OPTION 2.rvt

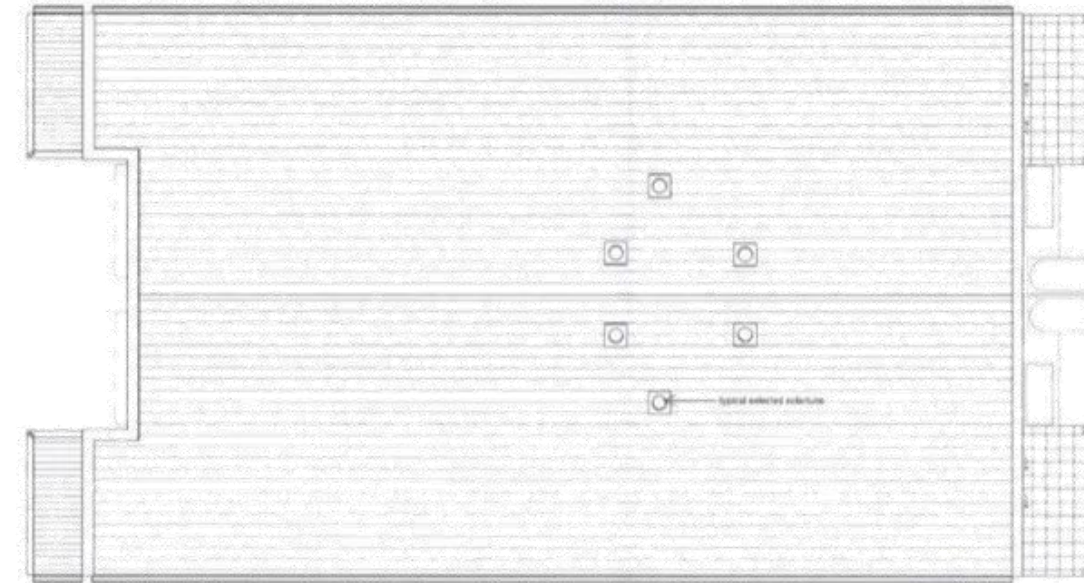
28/02/2023 1:46:45 PM
A2



1
A2002
GROUND FLOOR 100
1 : 100

GENERAL NOTES:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.

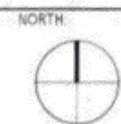


3
A2002
ROOF PLAN
1 : 100

WINDOW SCHEDULE						
Mark	Level	Width	Height	Sill Height	Head Height	Comments
GROUND FLOOR						
GW-01	GROUND FLOOR	850	2040	360	2400	AWNING AND FIXED
GW-01A	GROUND FLOOR	850	2040	360	2400	AWNING AND FIXED
GW-02	GROUND FLOOR	2170	600	180	2400	AWNING AND FIXED
GW-02A	GROUND FLOOR	2170	600	180	2400	AWNING AND FIXED
GW-03	GROUND FLOOR	850	600	180	2400	SLEUNG (C/S)
GW-03A	GROUND FLOOR	850	600	180	2400	SLEUNG (C/S)
GW-04	GROUND FLOOR	850	2040	360	2400	AWNING AND FIXED
GW-04A	GROUND FLOOR	850	2040	360	2400	AWNING AND FIXED
GW-05	GROUND FLOOR	2150	2050	360	2400	SLEUNG AND FIXED
GW-05A	GROUND FLOOR	2150	2050	360	2400	SLEUNG AND FIXED
GW-06	GROUND FLOOR	2150	2050	360	2400	SLEUNG AND FIXED
GW-06A	GROUND FLOOR	2150	2050	360	2400	SLEUNG AND FIXED
GW-07	GROUND FLOOR	1570	1210	100	2400	SLEUNG
GW-07A	GROUND FLOOR	1570	1210	100	2400	SLEUNG
FIRST FLOOR						
FW-04	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-01	FIRST FLOOR	2170	1800	340	2140	SLEUNG AND FIXED
FW-01A	FIRST FLOOR	850	1800	340	2140	SLEUNG AND FIXED
FW-02	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-02A	FIRST FLOOR	850	1800	340	2140	AWNING AND FIXED
FW-03	FIRST FLOOR	1470	600	150	2140	SLEUNG

WINDOW SCHEDULE						
Mark	Level	Width	Height	Sill Height	Head Height	Comments
FW-04	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-04A	FIRST FLOOR	1470	600	150	2140	SLEUNG
FW-05	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-05A	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-06	FIRST FLOOR	2170	1200	340	2140	SLEUNG AND FIXED
FW-06A	FIRST FLOOR	2170	600	150	2140	FIXED AND SLEUNG
FW-07	FIRST FLOOR	850	1200	340	2140	AWNING
FW-07A	FIRST FLOOR	2170	1200	340	2140	SLEUNG AND FIXED
FW-08A	FIRST FLOOR	850	1200	340	2140	AWNING

ISSUE	DATE	REVISION	BY



The Bathla Group
137 Glen Road, Goswami Springs NSW - 2145
PO Box 270, Westworthville NSW 2145
T: 61 8338 2463 | F: 61 8338 4762
info@bathla.com.au | www.bathla.com.au

PROJECT:
140-150 SIXTH AVE
AUSTRAL (LOT 12,13,18,19)

DRAWING TITLE:
TYPICAL LOT 7.1 WIDE -
FLOORS OPTION 2

PROJECT NO.	DATE	DRAWING NO.	REL.
	20.02.23	A2002	
DRAWN BY	SCALE		
Author	1 : 100		

Z:\Projects- Current\Bath Avenue 140-150 Austral 03
DA\ARCHITECTURAL\REVIT\PROJECT LINKS\REVIT LINK R04 TYPICAL
ATTACHED LOT 7.1 WIDE OPTION 2.rvt

28/02/2023 1:46:46 PM

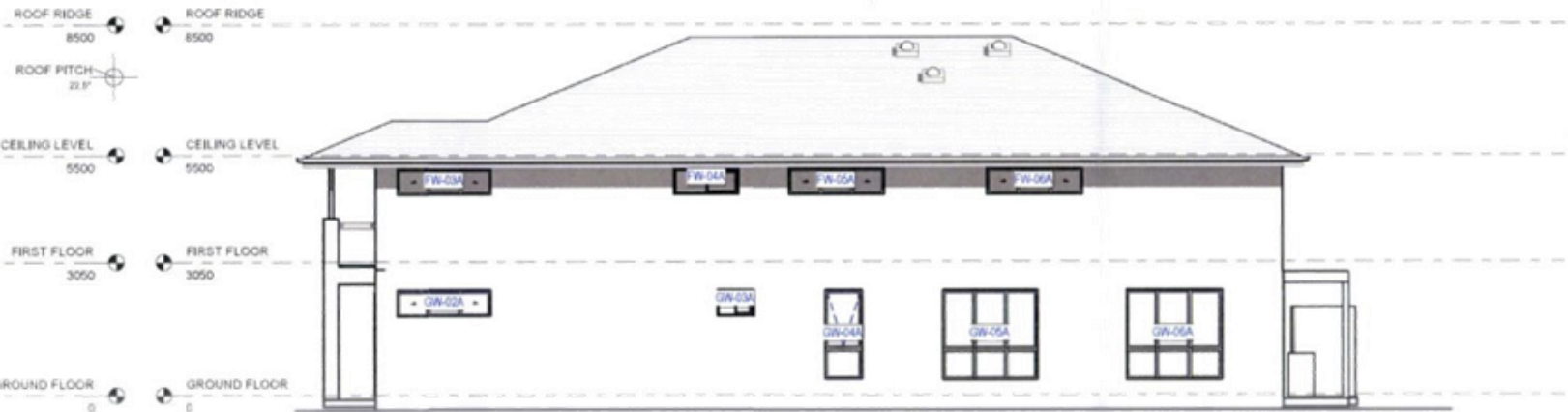
SITE CALCULATIONS: TYPICAL LOT 7.2 WIDE			
A. GROUND FLOOR AREA	107.83 m ²	G. FIRST FLOOR AREA	119.50 m ²
B. GARAGE AREA	18.03 m ²	H. BALCONY	- m ²
C. PORCH AREA	4.79 m ²	I. TOTAL FIRST FLOOR AREA (G+H)	119.50 m ²
D. PATIO AREA	4.98 m ²	J. DRIVEWAY AREA	17.79 m ²
E. TOTAL GROUND FLOOR AREA (A+B+C+D)	125.86 m ²	K. ROOF AREA	154.86 m ²
F. LANDSCAPED AREA	43.51 m ²	L. SITE AREA	239 m ²
		TOTAL BUILDING AREA (I+K)	245.36 m ²
		SITE COVERAGE E / L	10.28%
		SITE COVERAGE FIRST FLOOR	50%
		LANDSCAPED AREA F / L	18.62%
		PAVER AREA	0.382%

GENERAL NOTES:

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.



1 STREET FRONT ELEVATION
A1312 1 : 100



3 SOUTH ELEVATION
A1312 1 : 100

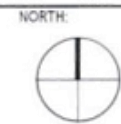


2 EAST ELEVATION
A1312 1 : 100



4 NORTH ELEVATION
A1312 1 : 100

ISSUE	DATE	REVISION	BY



137 Gibba Road, Girraween Sydney NSW - 2145
PO Box 270, Westworthe NSW 2145
T: 02 9636 2463 | F: 02 9688 4762
info@bathla.com.au | www.bathla.com.au

PROJECT:
140-150 SIXTH AVE AUSTRAL (LOT 14, 15, 20, 21)

DRAWING TITLE:
TYPICAL LOT 7.1 WIDE - ELEVATIONS OPTION 1

PROJECT No.	DATE	DRAWING No.	REV.
	20.02.23	A1312	
DRAWN BY Author	SCALE 1 : 100		

Z:\Projects-Current\Sixth Avenue 140-150 Austral\03 DA\ARCHITECTURAL\REVIT\PROJECT\LINKS\REVIT LINK ROAD TYPICAL ATTACHED LOT 7.1 WIDE OPTION 3.rvt



PROPOSED DEVELOPMENT AT

140 - 150 SIXTH AVENUE | AUSTRAL



- NOTES:**
- 1. For cladding orientation (horizontal/vertical), refer to elevation sheets on CD Drawings.
 - 2. Refer soil assessment report to check for any special requirements for bricks, especially pertaining to salinity. Consult with designers, if conflicts encounter.
 - 3. Colours used may vary from the original brushout.



PROPOSED DEVELOPMENT AT

140 - 150 SIXTH AVENUE | AUSTRAL

	CS1A	CS1B	CS2A	CS2B
UNITS	10, 11	18, 19	20, 21	12, 13
ROOF (ROOF TILES) (TRADITIONAL)	Material :Concrete Tile Finish :Elabana Colour :Barramundi	N/A	Material :Concrete Tile Finish :Elabana Colour :Babylon	N/A
ROOF (COLORBOND)	N/A	Material :Colorbond steel Finish :Colorbond Colour :Shale Grey	N/A	Material :Colorbond steel Finish :Colorbond Colour :Shale Grey
GUTTER / FASCIA	Material :Colorbond steel Finish :Colorbond Colour :Monument	Material :Colorbond steel Finish :Colorbond Colour :Monument	Material :Colorbond steel Finish :Colorbond Colour :Monument	Material :Colorbond steel Finish :Colorbond Colour :Monument
DOWN PIPE	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall
RENDER 1	Material :Cement Render Finish :Dulux Paint Colour :Vivid White	Material :Cement Render Finish :Dulux Paint Colour :Vivid White	Material :Cement Render Finish :Dulux Paint Colour :Casper White Quarter	Material :Cement Render Finish :Dulux Paint Colour :Casper White Quarter
RENDER 2	Material :Cement Render Finish :Dulux Paint Colour :Timeless Grey	Material :Cement Render Finish :Dulux Paint Colour :Timeless Grey	Material :Cement Render Finish :Dulux Paint Colour :Warm Neutral	Material :Cement Render Finish :Dulux Paint Colour :Warm Neutral
RENDER 3	Material :Cement Render Finish :Dulux Paint Colour :Raku	Material :Cement Render Finish :Dulux Paint Colour :Raku	N/A	N/A
VERTICAL POSTS	Material :Colorbond steel Finish :Colorbond Colour :Jasper	Material :Colorbond steel Finish :Colorbond Colour :Jasper	Material :Colorbond steel Finish :Colorbond Colour :Jasper	Material :Colorbond steel Finish :Colorbond Colour :Monument
CLADDING 1	Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Gol Duhn	Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Gol Duhn	Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Smoked 2	Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Smoked 2
MAIN DOOR	Material :Selected Door Finish :Timber (Stain) Colour :Cedar	Material :Selected Door Finish :Timber (Stain) Colour :Cedar	Material :Selected Door Finish :Timber (Stain) Colour :Smokey Haze	Material :Selected Door Finish :Timber (Stain) Colour :Smokey Haze
GARAGE DOOR	Material :Colorbond steel Finish :Colorbond Colour :Monument	Material :Colorbond steel Finish :Colorbond Colour :Monument	Material :Colorbond steel Finish :Colorbond Colour :Woodland Grey	Material :Colorbond steel Finish :Colorbond Colour :Woodland Grey
WINDOW FRAMES	Material :Aluminum Colour :Black Satin	Material :Aluminum Colour :Black Satin	Material :Aluminum Colour :Black Satin	Material :Aluminum Colour :Black Satin

NOTES:
1. For cladding orientation (horizontal/vertical), refer to elevation sheets on CD Drawings.
2. Refer soil assessment report to check for any special requirements for bricks, especially pertaining to salinity. Consult with designers, if conflicts encounter.
3. Colours used may vary from the original brushout.



PROPOSED DEVELOPMENT AT

140 - 150 SIXTH AVENUE | AUSTRAL

	CS3	CS4
UNITS	16, 17	14, 15
ROOF (ROOF TILES) (TRADITIONAL)	 Material :Concrete Tile Finish :Elabana Colour :Barramundi	 Material :Concrete Tile Finish :Elabana Colour :Babylon
ROOF (COLORBOND)	N/A	N/A
GUTTER / FASCIA	 Material :Colorbond steel Finish :Colorbond Colour :Monument	 Material :Colorbond steel Finish :Colorbond Colour :Basalt
DOWN PIPE	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall	Material :PVC Finish :Dulux Paint Colour :To match adjacent wall
RENDER 1	Material :Cement Render Finish :Dulux Paint Colour :Vivid White	Material :Cement Render Finish :Dulux Paint Colour :Natural White
RENDER 2	 Material :Cement Render Finish :Dulux Paint Colour :Timeless Grey	 Material :Cement Render Finish :Dulux Paint Colour :Feather Soft
RENDER 3	 Material :Cement Render Finish :Dulux Paint Colour :Raku	 Material :Cement Render Finish :Dulux Paint Colour :Beige Royal
VERTICAL POSTS	 Material :Colorbond steel Finish :Colorbond Colour :Monument	 Material :Colorbond steel Finish :Colorbond Colour :Jasper
CLADDING 1	 Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Black Parquet	 Material :James Hardie Axon Grained Cladding Finish :Ecotone Panelwood Colour :Grey Powder
MAIN DOOR	 Material :Selected Door Finish :Timber (Stain) Colour :Black	 Material :Selected Door Finish :Timber (Paint) Colour :Ancient Ruin
GARAGE DOOR	 Material :Colorbond steel Finish :Colorbond Colour :Monument	 Material :Colorbond steel Finish :Colorbond Colour :Dune
WINDOW FRAMES	 Material :Aluminum Colour :Black Satin	 Material :Aluminum Colour :Black Satin

- NOTES:**
1. For cladding orientation (horizontal/vertical), refer to elevation sheets on CD Drawings.
 2. Refer soil assessment report to check for any special requirements for bricks, especially pertaining to salinity. Consult with designers, if conflicts encounter.
 3. Colours used may vary from the original brushout.

140-150 SIXTH AVENUE, AUSTRAL



LOCATION PLAN NTS(SOURCE: SIXX MAPS)



DRAWING REGISTER			
DRAWING NUMBER	DRAWING NAME	DRAWING ISSUE DATE	Current Revision
DA01	SITE ANALYSIS	02/03/2023	4
DA02	SUBMISSION PLAN	02/03/2023	4
DA03	ORDERLY DEVELOPMENT OVERLAY	02/03/2023	4
DA04	BUILDING ENVELOPE PLAN	02/03/2023	4
DA05	DENSITY PLAN	02/03/2023	4
DA06	TYPICAL LOT 7.2 SITEPLAN	02/03/2023	1
DA07	TYPICAL LOT 7.2 FLOOR PLANS	02/03/2023	1
DA08	TYPICAL LOT 7.2 ELEVATIONS SECTIONS AND SHADOW ANALYSIS	02/03/2023	1

LEGEND	
	EXISTING TREE TO BE REMOVED

DO NOT SCALE
ON THESE DRAWINGS ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS TO FACE ARE TO BE TAKEN FROM THE DIMENSION LINES. DIMENSIONS TO CENTERLINE ARE TO BE TAKEN FROM THE CENTERLINE. DIMENSIONS TO EDGE ARE TO BE TAKEN FROM THE EDGE. DIMENSIONS TO CORNER ARE TO BE TAKEN FROM THE CORNER. DIMENSIONS TO CENTER OF GRAVITY ARE TO BE TAKEN FROM THE CENTER OF GRAVITY. DIMENSIONS TO CENTER OF MASS ARE TO BE TAKEN FROM THE CENTER OF MASS. DIMENSIONS TO CENTER OF BUOYANCY ARE TO BE TAKEN FROM THE CENTER OF BUOYANCY. DIMENSIONS TO CENTER OF GRAVITY AND CENTER OF MASS ARE TO BE TAKEN FROM THE CENTER OF GRAVITY AND CENTER OF MASS. DIMENSIONS TO CENTER OF GRAVITY AND CENTER OF BUOYANCY ARE TO BE TAKEN FROM THE CENTER OF GRAVITY AND CENTER OF BUOYANCY. DIMENSIONS TO CENTER OF MASS AND CENTER OF BUOYANCY ARE TO BE TAKEN FROM THE CENTER OF MASS AND CENTER OF BUOYANCY. DIMENSIONS TO CENTER OF GRAVITY, CENTER OF MASS AND CENTER OF BUOYANCY ARE TO BE TAKEN FROM THE CENTER OF GRAVITY, CENTER OF MASS AND CENTER OF BUOYANCY.

REV	DATE	DESCRIPTION
1	02/03/2023	ISSUED FOR APPLICATION
2	02/03/2023	ISSUED FOR VARIATION STATEMENT
3	02/03/2023	ISSUED FOR VARIATION STATEMENT
4	02/03/2023	ISSUED FOR VARIATION STATEMENT

GENERAL NOTES

- THE DRAWING IS THE PROPERTY OF THE CONSULTANT AND 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 THE CONSULTANT.
- THE CONSULTANT HAS CONDUCTED VISUAL SURVEYS AND PHOTOGRAPHS OF THE SITE AND THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA.
- THE CONSULTANT HAS CONDUCTED VISUAL SURVEYS AND PHOTOGRAPHS OF THE SITE AND THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA.
- THE CONSULTANT HAS CONDUCTED VISUAL SURVEYS AND PHOTOGRAPHS OF THE SITE AND THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA. THE CONSULTANT HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE OR THE SURROUNDING AREA.

PROJECT
140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER
LOT 2 IN DP 201643

DRAWING TITLE
SITE ANALYSIS

PROJECT
140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER
LOT 2 IN DP 201643

DRAWING TITLE
SITE ANALYSIS

PROJECT
140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER
LOT 2 IN DP 201643

DRAWING TITLE
SITE ANALYSIS

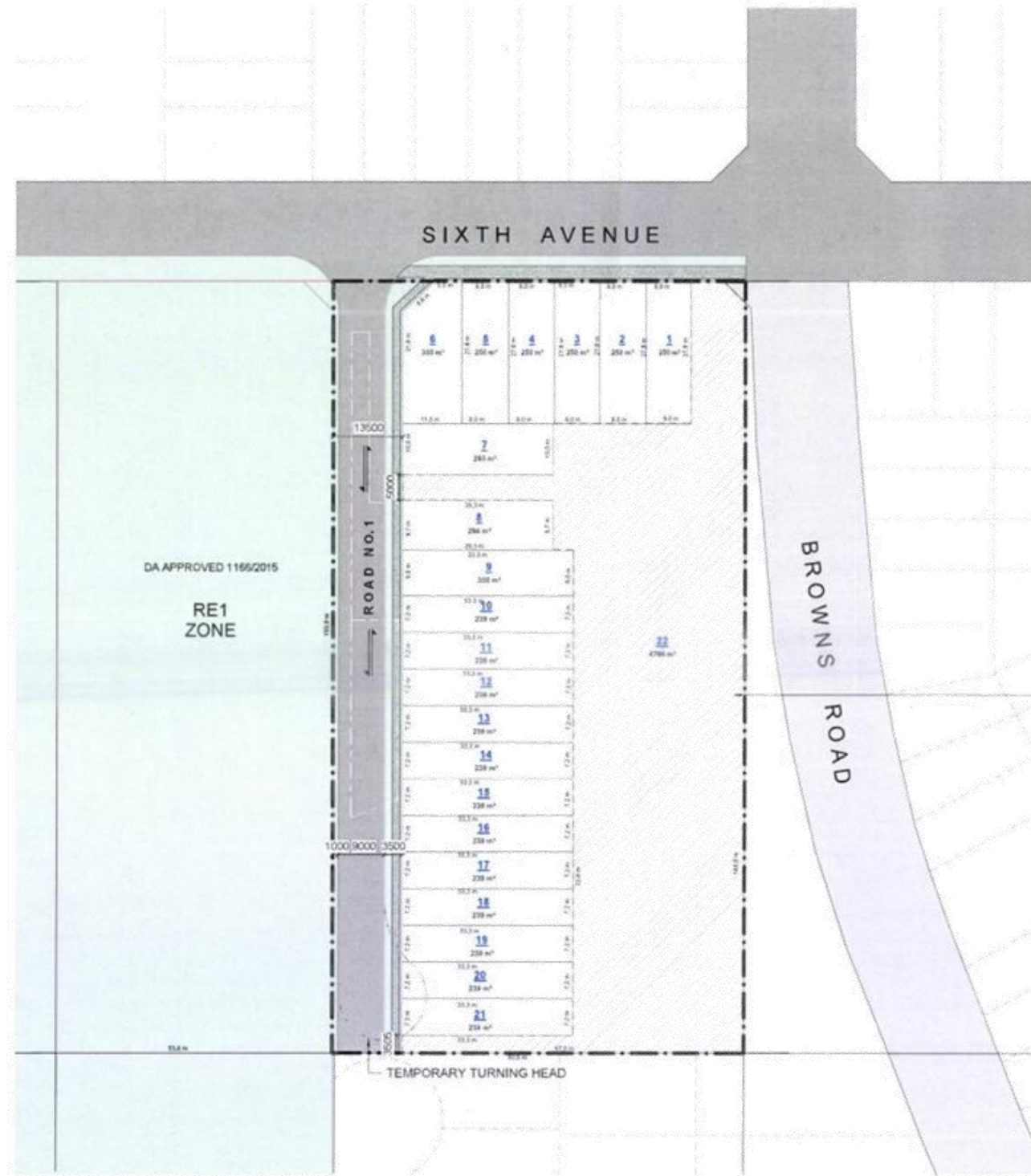
PROJECT
140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER
LOT 2 IN DP 201643

DRAWING TITLE
SITE ANALYSIS

DA ISSUE

PROJECT NO: DA01
 DATE: 02/03/2023
 DRAWN BY: JF
 SCALE: AS SHOWN
 CHECKED BY: RA
 DATE: 02/03/2023



PROPOSED LOT SUMMARY	
LOT FRONTAGE	NO. OF LOTS
7.0M OR LESS THAN 9.0M	12
9.0M OR LESS THAN 10.0M	7
10.0M OR MORE	2
SUPER LOTS	1
TOTAL LOTS=22	

LEGEND	
	SITE BOUNDARY
	PROPOSED LOT BOUNDARY
	RESIDUE LOT
	RE1 ZONE

NDA	
SITE AREA	- 12141 m ² .
1/2 ROAD	- 782 m ² .
TOTAL	- 12924 m ² .
LESS LOT 22	- 4786 m ² .
TOTAL NDA	- 8047 m ² .
MINIMUM DWELLINGS	- 20/HA.
PROPOSED DWELLING	- 21.
REQUIRED DWELLING	- 16.

- NOTE**
1. Site Located in Density Band – minimum of 20 dwellings per hectare
 2. NDA is approximately 0.8047 hectares
 3. Minimum dwellings on the site is 16 dwellings
 4. Frontage equal to or greater than 7m permitted for front loaded lots
 5. Lot 22 held as residue pending consolidation with portion of property to the east.
 6. Further development dependent upon final Browns Road Design

DO NOT SCALE
USE DIMENSIONS OF ALL DIMENSIONS SHOWN ON THIS PLAN. DIMENSIONS TO DIMENSIONS AND DIMENSIONS TO DIMENSIONS ARE SHOWN ON THIS PLAN. DIMENSIONS TO DIMENSIONS ARE SHOWN ON THIS PLAN. DIMENSIONS TO DIMENSIONS ARE SHOWN ON THIS PLAN.

<p>1 SUBDIVISION PLAN 1:500</p>		<p>GENERAL NOTES</p> <p>THE DRAWING IS THE SOLE PROPERTY OF THE DEVELOPER AND THE REPRESENTATION OF THE DEVELOPER'S DESIGN AND CONSTRUCTION. THE DEVELOPER ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE DEVELOPER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE DEVELOPER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE DEVELOPER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.</p>		<p>PROJECT 140-150 SIXTH AVENUE, AUSTRAL</p>		<p>LOT NUMBER LOT 2 IN DP 201643</p>		<p>DRAWING TITLE SUBDIVISION PLAN</p>		<p>DA ISSUE</p> <p>PROJECT NO. DA02 DATE MARCH 2023 SCALE As indicated ISSUED BY RA</p>	
<p>REV. DATE DESCRIPTION BY</p>		<p>1 14/03/2023 AMENDED FOLLOWING DA</p> <p>2 14/03/2023 AMENDED TO ADD</p> <p>3 14/03/2023 AMENDED TO ADD</p> <p>4 14/03/2023 REVISED FOR DA APPLICATION</p>		<p>1:500</p>		<p>1:500</p>		<p>1:500</p>		<p>1:500</p>	



PROPOSED LOT SUMMARY	
LOT FRONTAGE	NO. OF LOTS
9.0M OR LESS THAN 10.0M	8
10.0M OR MORE	3
BATTLE-AXE LOTS	4
TOTAL LOTS=15	

LEGEND	
	SITE BOUNDARY
	PROPOSED LOT BOUNDARY
	RESERVE LOT
	RE1 ZONE

DO NOT SCALE
USE DIMENSIONS AT ALL TIMES IN CONFLICT WITH THE NUMBER DIMENSIONS TO 5000 AND 10000. ALL DIMENSIONS ARE TO BE TAKEN FROM THE CENTERLINE OF BROWNS ROAD TO THE CENTERLINE OF ROAD NO. 1. DIMENSIONS TO THE CENTERLINE OF BROWNS ROAD ARE TO BE TAKEN FROM THE CENTERLINE OF BROWNS ROAD TO THE CENTERLINE OF BROWNS ROAD.

<p>GENERAL NOTES</p> <p>1. THE SUBMISSION PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT. THE LOCAL GOVERNMENT MAY REQUIRE CHANGES TO THE PLAN AND THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT.</p>		<p>PROJECT: 140-150 SIXTH AVENUE, AUSTRAL</p> <p>LOT NUMBER: LOT 2 IN DP 201643</p> <p>SEPARATIVE: ORDERLY DEVELOPMENT OVERLAY</p>	<p>DA ISSUE</p> <p>PROJECT NO: DA03</p> <p>DATE: MARCH 2023</p> <p>SCALE: As indicated</p> <p>ISSUE: 4</p> <p>ISSUE: RA</p>
---	--	--	---

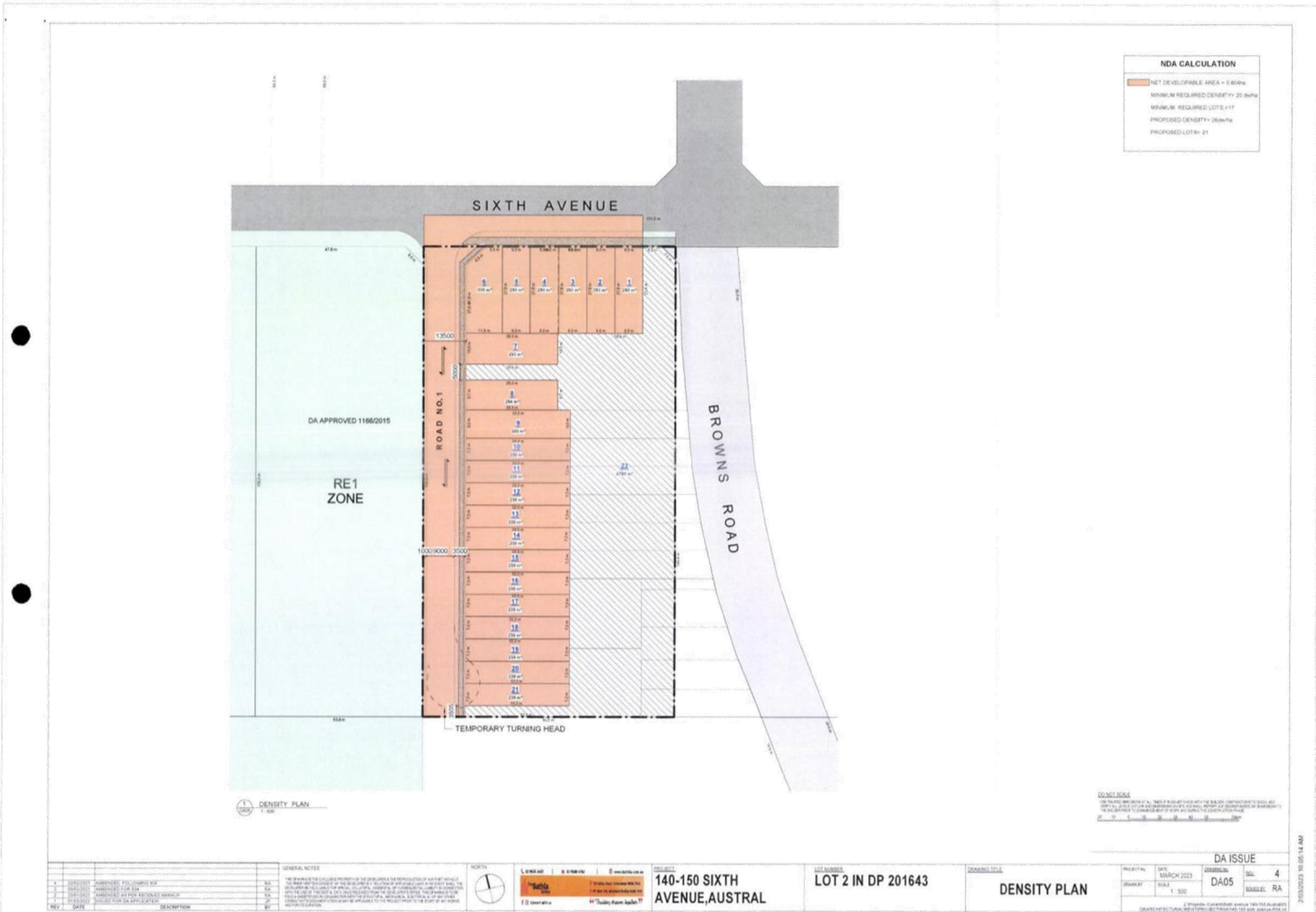
2023/03/10 05:12 AM



LOTS. 10-21 SUBJECT TO HOUSE DESIGN



<p>GENERAL NOTES</p> <p>1. THE DRAWING IS THE SOLE PROPERTY OF THE DEVELOPER AND THE REPRODUCTION OF ANY PART HEREOF WITHOUT THE WRITTEN PERMISSION OF THE DEVELOPER IS STRICTLY PROHIBITED. THE DEVELOPER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE OF ANY KIND ARISING FROM THE USE OF THIS DRAWING. THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY LOSS OR DAMAGE OF ANY KIND ARISING FROM THE USE OF THIS DRAWING.</p>		<p>PROJECT: 140-150 SIXTH AVENUE, AUSTRAL</p>		<p>LOT NUMBER: LOT 2 IN DP 201643</p>		<p>DRAWING TITLE: BUILDING ENVELOPE PLAN</p>		<p>DA ISSUE</p>	
REV	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	DATE	ISSUE	ISSUE	ISSUE
1	22/03/2023	ISSUED FOR DA APPLICATION	RA	22/03/2023	ISSUED FOR DA APPLICATION	22/03/2023	DA04	4	RA



NDA CALCULATION

- NET DEVELOPABLE AREA = 0.60ha
- MINIMUM REQUIRED DENSITY = 21 dw/ha
- MINIMUM REQUIRED LOTS = 17
- PROPOSED DENSITY = 26 dw/ha
- PROPOSED LOTS = 21

DENSITY PLAN
1:500

DO NOT SCALE
THE PLANNING INFORMATION ON THIS DRAWING IS THE PROPERTY OF THE DESIGNER AND CONTRACTOR. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER AND CONTRACTOR. THE DESIGNER AND CONTRACTOR ACCEPT NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING.

REV	DATE	DESCRIPTION
1		ISSUED FOR DA APPLICATION
2		AMENDED AS PER RECEIVED SERVICE
3		AMENDED FOR DA APPLICATION

GENERAL NOTES

- THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DESIGNER AND CONTRACTOR. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER AND CONTRACTOR.
- THE DESIGNER AND CONTRACTOR ACCEPT NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS DRAWING.
- THE DESIGNER AND CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- THE DESIGNER AND CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

140-150 SIXTH AVENUE, AUSTRAL

LOT 2 IN DP 201643

DENSITY PLAN

PROJECT: 140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER: LOT 2 IN DP 201643

DRAWING TITLE: DENSITY PLAN

PROJECT NO. DA05

DATE: MARCH 2023

SCALE: 1:500

ISSUED BY: RA

REVISIONS: 4

DA ISSUE

PROJECT NO. DA05

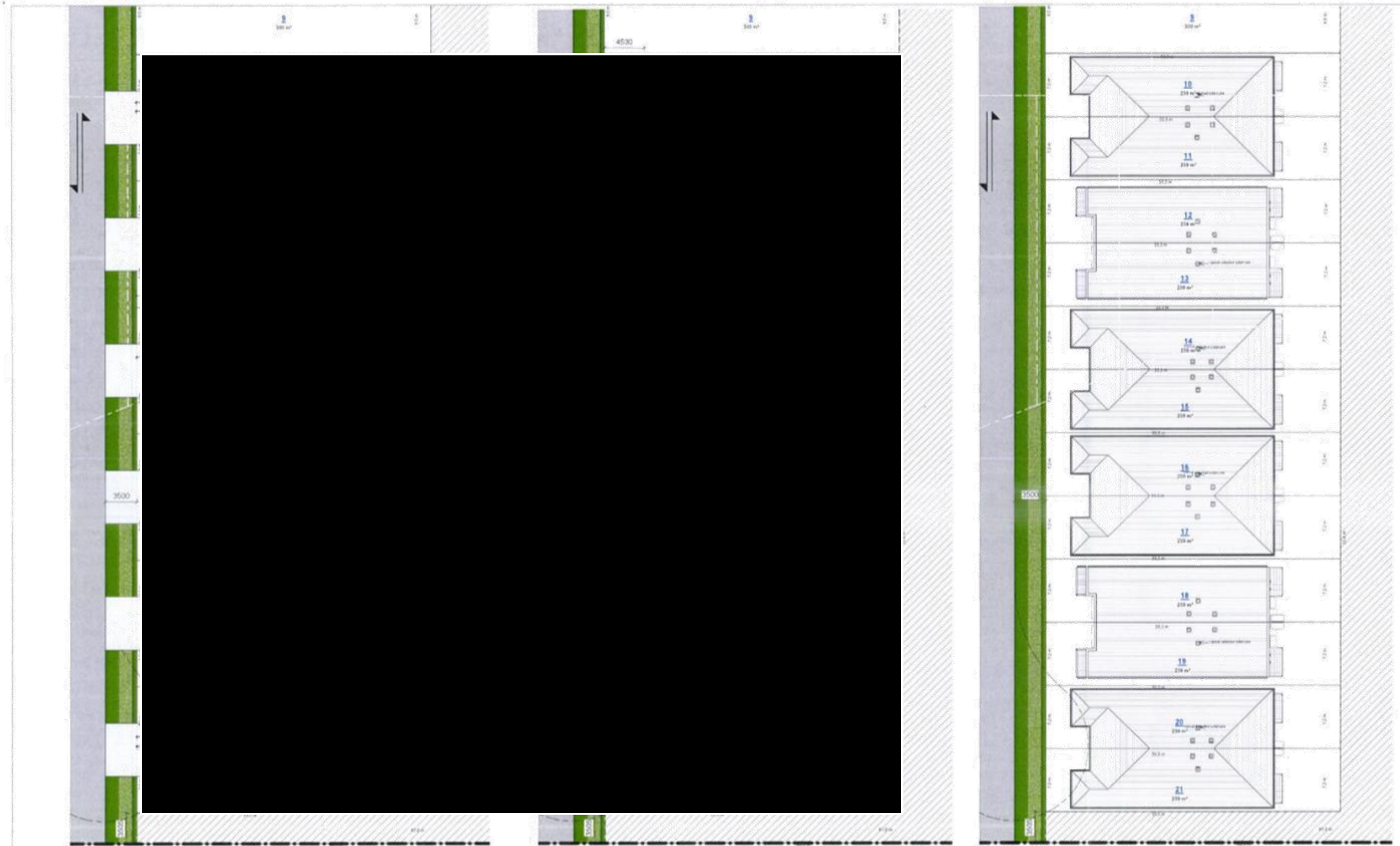
DATE: MARCH 2023

SCALE: 1:500

ISSUED BY: RA

REVISIONS: 4

2023/03/10 05:14 AM



1 GROUND FLOOR PLAN
1:200

5.2
Minimum star rating
HOUSE

Class 1 summary
L470GMD90 01/03/2023

Assessor: Vandana Vandana
Accreditation No: 10000
Address: 140-150 Sixth Avenue, Austral NSW 2178

<https://www.nsw.gov.au/energy-rating/5-star-house>

2 FIRST FLOOR PLAN
1:200

3 ROOF PLAN
1:200

ALL NOT SCALE
THESE PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT.

REV	DATE	DESCRIPTION

GENERAL NOTES
THE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT.



PROJECT: **140-150 SIXTH AVENUE, AUSTRAL**

LOT NUMBER: **LOT 2 IN DP 201643**

DRAWING TITLE: **TYPICAL LOT 7.2 FLOOR PLANS**

PROJECT: **140-150 SIXTH AVENUE, AUSTRAL**

LOT NUMBER: **LOT 2 IN DP 201643**

DRAWING TITLE: **TYPICAL LOT 7.2 FLOOR PLANS**

PROJECT: **140-150 SIXTH AVENUE, AUSTRAL**

LOT NUMBER: **LOT 2 IN DP 201643**

DRAWING TITLE: **TYPICAL LOT 7.2 FLOOR PLANS**

PROJECT: **140-150 SIXTH AVENUE, AUSTRAL**

LOT NUMBER: **LOT 2 IN DP 201643**

DRAWING TITLE: **TYPICAL LOT 7.2 FLOOR PLANS**

DA ISSUE

PROJECT: DA07
DATE: MARCH 2023
SCALE: 1:200
ISSUED: RA



1 WEST ELEVATION
1:200



3 SOUTH ELEVATION
1:200



2 EAST ELEVATION
1:200



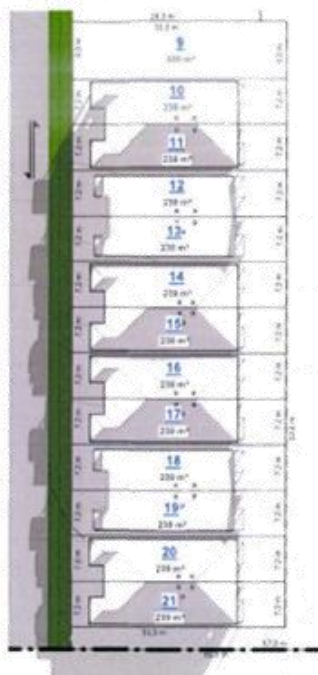
4 NORTH ELEVATION
1:200



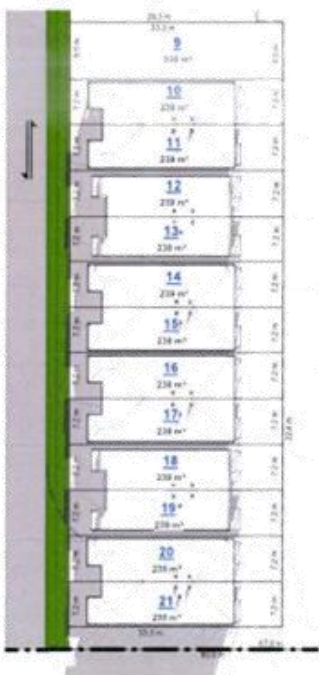
5 SECTION AA
1:200

5.2
Minimum star rating
NATIONWIDE HOUSE

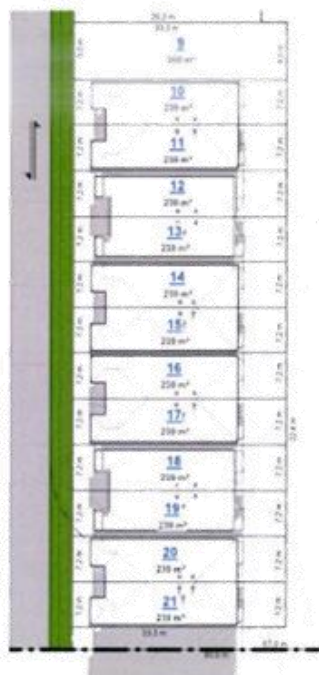
Class 1 summary
L470CGMD80 01/03/2023
Assessor Vandana Vandana
Accreditation No. 101556
Address 140-150 Sixth Avenue, Austral, NSW, 2179
<https://www.nh.com.au/QRCode/Landing/Publish/L470CGMD80GpGet1>



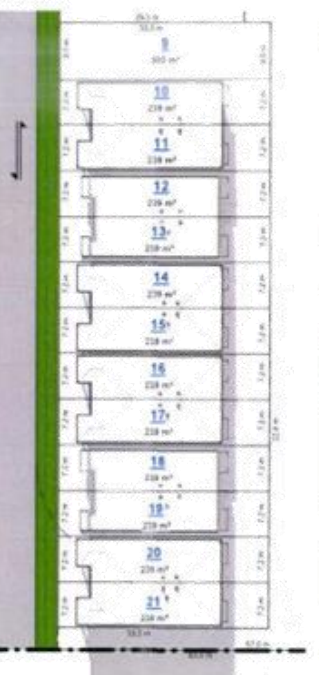
6 SHADOW ANALYSIS 8AM
1:500



7 SHADOW ANALYSIS 10AM
1:500



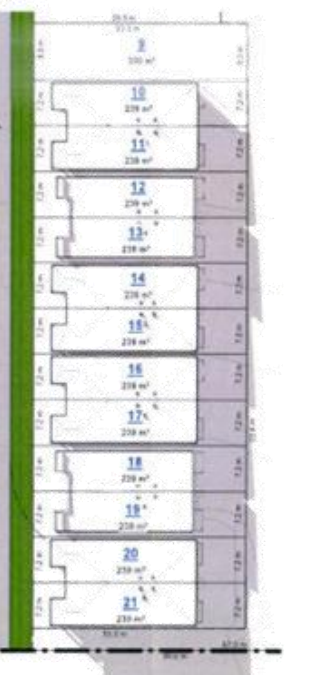
8 SHADOW ANALYSIS 11AM
1:500



9 SHADOW ANALYSIS 12PM
1:500



10 SHADOW ANALYSIS 1PM
1:500



11 SHADOW ANALYSIS 2PM
1:500



12 SHADOW ANALYSIS 3PM
1:500

REV	DATE	APPROVED	FOLLOWING	DESCRIPTION
1	20/03/2023	MM	MM	ISSUED FOR PERMIT

GENERAL NOTES:
1. THE DRAWING IS THE PROPERTY OF THE CONSULTANT AND 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 THE CONSULTANT.
2. THE CONSULTANT'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.
3. THE CONSULTANT'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.



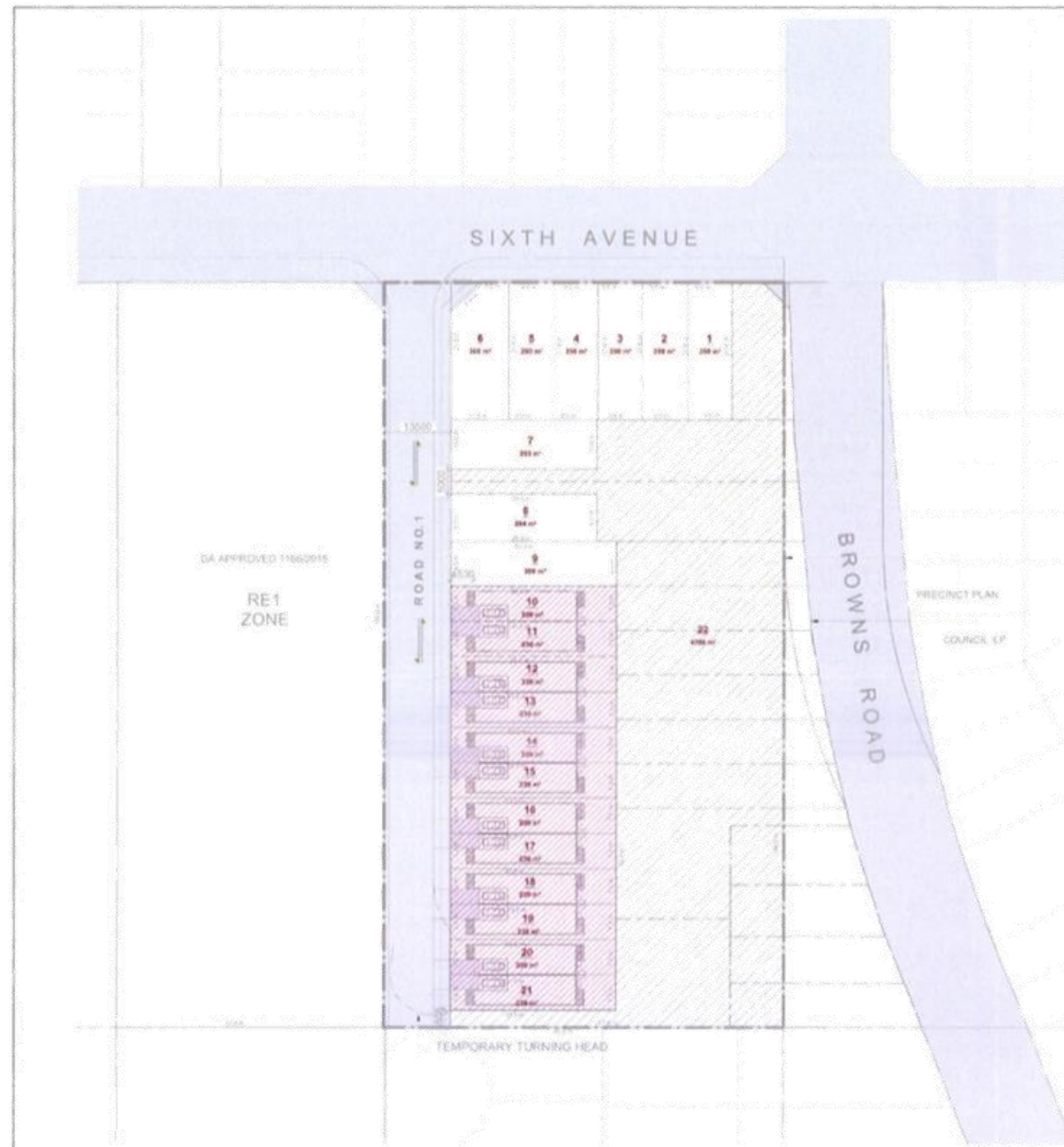
www.batho.com.au
Batho
Building your future.

PROJECT: 140-150 SIXTH AVENUE, AUSTRAL
LOT NUMBER: LOT 2 IN DP 201643

DRAWING TITLE: TYPICAL LOT 7.2 ELEVATIONS, SECTIONS AND SHADOW ANALYSIS

PROJECT NO: DA08
DATE: MARCH 2023
SCALE: AS INDICATED

DA ISSUE
ISSUE NO: 1
ISSUED BY: RA



1 SITE PLAN
1 : 500

TREES

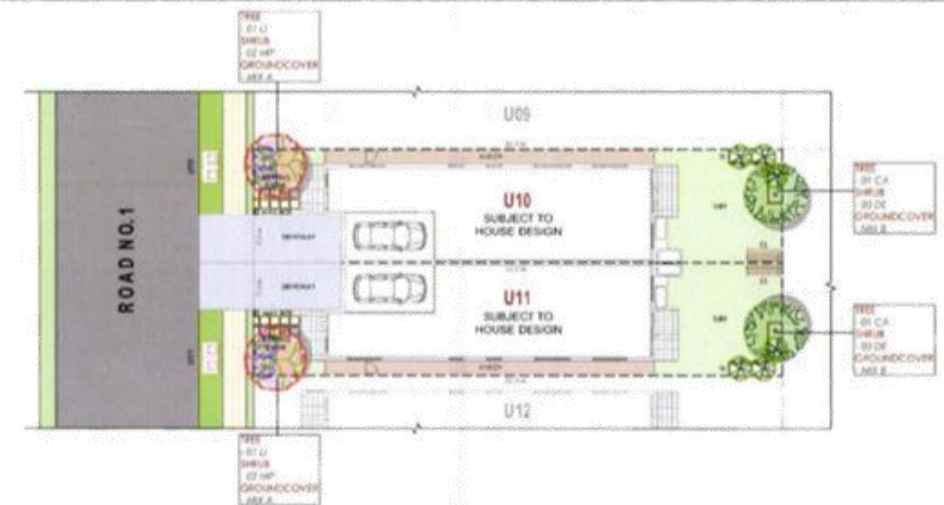


CUPANIOPSIS ANACARDIROIDES LAGERSTROEMIA INDICA

SHRUBS



DORYANTHES EXCELSA INDIGOPERA AUSTRALIS



○ TYPICAL LANDSCAPE PLAN FOR 7.2M WIDE LOT
1 : 200

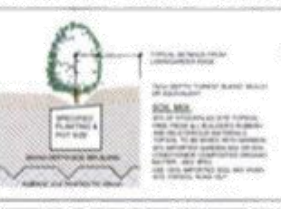
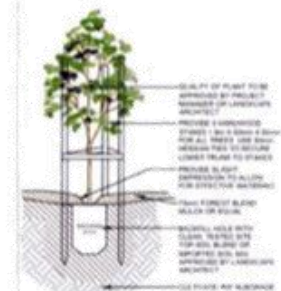
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MATURE HT.	POT SIZE
TREES					
CA		<i>Cupaniopsis anacardioides</i>	Tuckeroo	7 X 3 M	75 L
LI		<i>Lagerstroemia indica</i>	Crepe Myrtle	4 X 3 M	75 L
SHRUBS					
DE		<i>Doryanthes excelsa</i>	Gymea Lily	2.0 X 1.5 M	300 MM
MP		<i>Indigofera Australis</i>	Australian Indigo	2.0 X 1.5 M	300 MM
GROUND COVERS					
MIX A		<i>Hibbertia diffusa</i> <i>Lomandra longifolia</i> <i>Geranium solanderi</i> <i>Pimelea linifolia</i>		0.5 M	TUBE STOCK TBC
MIX B		<i>Viola</i> <i>Stipa</i> <i>Poa</i> <i>Dianella revoluta</i>		0.6 M	TUBE STOCK TBC

TE - TIMBER EDGE TURF CL - CLOTH LINE MULCH

GROUND COVER

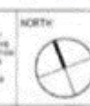


HIIBERTIA DIFFUSA LOMANDRA LONGIFOLIA GERANIUM SOLANDERI PIMELEA LINIFOLIA MIX A
VIOLA STIPA POA DIANELLA REVOLUTA MIX B



REV	DATE	DESCRIPTION

GENERAL NOTES:
THE DEVELOPER OF THE DEVELOPMENT PROPERTY OF THE DEVELOPER IS RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DEVELOPMENT.



PROJECT: 140-150 SIXTH AVENUE, AUSTRAL
LOT NUMBER: DRAWING TITLE: TYPICAL LANDSCAPE PLAN
DATE: 27 FEB 2023
SCALE: AS SHOWN
DRAWN BY: SS
CHECKED BY: GA

140-150 SIXTH AVENUE, AUSTRAL

LOT NUMBER: DRAWING TITLE: TYPICAL LANDSCAPE PLAN

TYPICAL LANDSCAPE PLAN

DA ISSUE
PROJECT NO: DATE: 27 FEB 2023
DRAWING NO: LP-01
SCALE: AS SHOWN
DRAWN BY: SS
CHECKED BY: GA



Land and Environment Court

New South Wales

Case Name:	UPG 245 Pty Ltd v Liverpool City Council
Medium Neutral Citation:	[2023] NSWLEC 1183
Hearing Date(s):	Conciliation conference on 6 April 2023
Date of Orders:	19 April 2023
Decision Date:	19 April 2023
Jurisdiction:	Class 1
Before:	O'Neill C
Decision:	<p>The orders of the Court are:</p> <p>(1) The Applicant is to pay the Council's costs thrown away pursuant to section 8.15(3) of the Environmental Planning and Assessment Act 1979 in the agreed sum of \$3,000.</p> <p>(2) The appeal is upheld.</p> <p>(3) Development Application No DA-470/2022, for the subdivision of Lot 22 in Deposited Plan 1286912 and the Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages, on land legally described as Lot 22 in DP 1286912 (formally Lot 2 in DP 201643) and known as 140 Sixth Avenue, Austral, NSW, 2179, is determined by the grant of consent subject to the conditions of consent at Annexure A.</p>
Catchwords:	DEVELOPMENT APPLICATION – Torrens Title subdivision of land, construction of dwellings and site works – conciliation conference – agreement between the parties – orders

Legislation Cited: Environmental Planning and Assessment Act 1979, ss 4.16, 8.7
Environmental Planning and Assessment Regulation 2021, s 37
Land and Environment Court Act 1979, ss 34, 39
State Environmental Planning Policy (Biodiversity and Conservation) 2021 s 6.65, Ch 9, Pt 9.2
State Environmental Planning Policy (Precincts-Western Parkland City) 2021, Appendix 4, ss 2.6, 4.1AD, 5.3, 4.1 B, 4.6, 5.3, 6.1
State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6

Cases Cited: Cumming v Cumberland Council (No 2) [2021] NSWLEC 117
Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90
Initial Action Pty Ltd v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC 118
RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130
Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827

Texts Cited: Woollahra Development Control Plan 2015

Category: Principal judgment

Parties: UPG 245 Pty Ltd (Applicant)
Liverpool City Council (Respondent)

Representation: Counsel:
E Fleming (Solicitor) (Applicant)
L Sims (Respondent)

Solicitors:
Macpherson Kelley (Applicant)
Liverpool City Council (Respondent)

File Number(s): 2022/299477

Publication Restriction: No

JUDGMENT

- 1 **COMMISSIONER:** This is an appeal pursuant to the provisions of s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the refusal of Development Application No. DA-470/2022, for the subdivision of Lot 22 in Deposited Plan 1286912 and the Torrens Title subdivision of 21 residential lots, construction of twelve dwellings (in six semi-detached built forms), and one residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two stages (the proposal), on land legally described as Lot 22 in DP 1286912 (formally Lot 2 in DP 201643) and known as 140 Sixth Avenue, Austral, NSW, 2179 (the site), by Liverpool City Council (the Council).
- 2 The Court arranged a conciliation conference under s 34 of the *Land and Environment Court Act 1979* (LEC Act) between the parties, which was held on 6 April 2023. I presided over the conciliation conference. At the conciliation conference, the parties reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties.
- 3 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions. The parties' decision involves the Court exercising the function under s 4.16 of the EPA Act to grant consent to the development application.
- 4 There are preconditions to the exercise of power to grant development consent for the proposal pursuant to s 4.6(2) of Appendix 4 to the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 (the Precinct Plan).

Amended Plans

- 5 The Council, as the consent authority, consented to the amendment of the application, pursuant to s 37 of the *Environmental Planning and Assessment Regulation 2021*, in accordance with the following amended plans and documents described below:

Drawing No and Revision		Title	Prepared by	Date
Subdivision Plan				
1	Drawing No. DA01 Revision 4	Site Analysis	The Bathla Group	22 February 2023
	Drawing No. DA02 Revision 4	Subdivision Plan		
	Drawing No. DA03 Revision 4	Orderly Development Overlay		
	Drawing No. DA04 Revision 4	Building Envelope Plan		
	Drawing No. DA05 Revision 4	Density Plan		

	Drawing No. DA06 Revision 1	Typical Lot 7.2 Siteplan		
	Drawing No. DA07 Revision 1	Typical Lot 7.2 Floor Plans		
	Drawing No. DA08 Revision 1	Typical Lot 7.2 Elevations, Sections and Shadow Analysis		
Landscape Plan				
2	Drawing No. LP-01 Revision 1	Typical Landscape Plan	The Bathla Group	27 February 2023
Typical Lot Plans				
3	Drawing No. A1312	Lot 10, 11, 16, 17 Typical Lot 7.1 Wide –	The Bathla Group	20 February 2023

		Elevations Option 1		
	Drawing No. A2002	Lot 10, 11, 16, 17 Typical Lot 7.1 Wide – Floors Option 1		
	Drawing No. A1312	Lot 12, 13, 18, 19 Typical Lot 7.1 Wide – Elevations Option 2		
	Drawing No. A2002	Lot 12, 13, 18, 19 Typical Lot 7.1 Wide – Floors Option 2		
	Drawing No. A1312	Lot 14, 15, 20, 21 Typical Lot 7.1 Wide – Elevations Option 1		
	Drawing No. A2002	Lot 14, 15, 20, 21		

		Typical Lot 7.1 Wide – Floors Option 1	
Reports / Documents			
4	BASIX Certificate No. 1376874M	es2 Design	1 March 2023
5	NatHERS Certificate No. L4T0CGMD80	es2 Design	1 March 2023
6	Colour Schedule – Street Elevation; Materials and Finishes (three sheets)	The Batha Group	24 February 2022

Planning framework

- 6 The site is zoned R2 Low Density Residential pursuant to the Precinct Plan. The objectives of the zone, to which regard must be had, are:
- To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
 - To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- 7 Subdivision of land is permitted with consent (s 2.6 of the Precinct Plan).
- 8 The proposal seeks approval for the construction of dwelling houses on Lots 10-21 which are sized at 239m² (s4.1AD(2) of the Precinct Plan).
- 9 Pursuant to s 5.3 of the Precinct Plan, before granting consent to the development of land that is within 10 metres of Zone RE1 Public Recreation and any other zone (in this circumstance, R2 Low Density Residential), the consent authority, or the Court exercising the functions of the consent

authority, must be satisfied that (a) the development is not inconsistent with the objectives for development in both zones, and (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land. The proposal is for future residential development, consistent with the zoning. No works are proposed in the RE1 Zone to allow for compliance with the zone objectives as a public open space.

- 10 Pursuant to s 6.1 of the Precinct Plan, the consent authority must not grant development consent unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. I accept the Council's submission that water, sewer, electricity and telecommunication services are available to the site and will be connected to the proposed development.
- 11 I accept the Council's submission that the site is suitable for the development (s 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021).
- 12 The repealed Ch 9 (Hawkesbury-Nepean River) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation) applies to the proposal (s 6.65 of SEPP Biodiversity and Conservation). I accept the Council's submission that the matters for consideration under Pt 9.2 have been addressed by the application in the following reports:
 - (a) BASIX Certificate No. 1376874M prepared by es2 Design dated 1 March 2023;
 - (b) Statement of Environmental Effects prepared by The Bathla Group dated April 2022;
 - (c) Preliminary Site Investigation prepared by Geotesta Pty Ltd dated 25 January 2023;
 - (d) Geotechnical Site Investigation Report prepared by Geotesta Pty Ltd dated 4 April 2022;
 - (e) Aboriginal Due Diligence Assessment prepared by APEX Archaeology dated 17 November 2021;
 - (f) Civil engineering plans prepared by Indesco dated 11 February 2022; and
 - (g) Stormwater Management Report prepared by Indesco dated 11 February 2022.

Contravention of the minimum dwelling density development standard

- 13 The minimum dwelling density development standard, pursuant to s 4.1B of the Precinct Plan for the site is 20 dwellings per hectare. The objectives of the development standard are:
- (a) to establish minimum density requirements for residential development, and
 - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
 - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
- 14 The net developable area of the site is 1.292400 ha (including superlot 22). The minimum number of lots required is 26, with 22 lots proposed. As Lot 22 is a superlot which is intended to be subdivided in the future, a condition of consent has been imposed (condition 107) which requires that proposed Lot 22 to be developed for residential purposes with no less than 5 dwellings/allotments.
- 15 The Applicant provided a written request to vary the development standard, pursuant to s 4.6 of the Precinct Plan.
- 16 Section 4.6(4) establishes preconditions that must be satisfied before a consent authority or the Court exercising the functions of a consent authority can exercise the power to grant development consent (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 at [13] "*Initial Action*"). The consent authority must form two positive opinions of satisfaction under s 4.6(4)(a). As these preconditions are expressed in terms of the opinion or satisfaction of a decision-maker, they are a "jurisdictional fact of a special kind", because the formation of the opinion of satisfaction enlivens the power of the consent authority to grant development consent (*Initial Action* [14]). The consent authority, or the Court on appeal, must be satisfied that the applicant's written request has adequately addressed the matters required to be addressed by s 4.6(3) and that the proposal development will be in the public interest because it is consistent with the objectives of the contravened development standard and the zone, at s 4.6(4), as follows:
- (4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) the concurrence of the Secretary has been obtained.

- 17 On appeal, the Court has the power under s 4.6(2) to grant consent to development that contravenes a development standard without obtaining or assuming the concurrence of the Secretary of the Department of Planning and Environment, pursuant to s 39(6) LEC Act, but should still consider the matters in s 4.6(5) of the Precinct Plan (*Initial Action* at [29]).

The applicant's written request to contravene the minimum dwelling density development standard

- 18 The first opinion of satisfaction required by s 4.6(4)(a)(i) of the Precinct Plan is that the applicant's written request seeking to justify the contravention of a development standard has adequately addressed the matters required to be demonstrated by s 4.6(3) (see *Initial Action* at [15]), as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

- 19 The applicant bears the onus to demonstrate that the matters in s 4.6(3) have been adequately addressed by the written request in order to enable the Court, exercising the functions of the consent authority, to form the requisite opinion of satisfaction (*Initial Action* at [25]). The consent authority has to be satisfied that the applicant's written request has in fact demonstrated those matters required to be demonstrated by s 4.6(3) and not simply that the applicant has addressed those matters (*RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [4]).
- 20 The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 at [42]-[51] ("*Wehbe*") and repeated in *Initial Action* [17]-[21]:

- (1) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
 - (2) the underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
 - (3) the underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
 - (4) the development standard has been abandoned by the council;
 - (5) the zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).
- 21 The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).
- 22 The applicant's written request justifies the contravention of the development standard on the basis that compliance is unreasonable or unnecessary because the objectives of the standard are achieved, notwithstanding the non-compliance with the minimum dwelling density development standard.
- 23 The grounds relied on by the applicant in the written request under s 4.6 must be "environmental planning grounds" by their nature, and environmental planning grounds is a phrase of wide generality (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]) as they refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects of the Act (*Initial Action* at [23]). The environmental planning grounds relied upon must be sufficient to justify contravening the development standard and the focus is on the aspect of the development that contravenes the development standard, not the development as a whole (*Initial Action* at [24] and *Cumming v Cumberland Council (No 2)* [2021] NSWLEC 117 at [78]). Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* at [24]).
- 24 I am satisfied, pursuant to s 4.6(4)(a)(i), that the applicant's written request has adequately addressed the matters required to be demonstrated by s 4.6(3). The applicant's written request defends the non-compliance with the

development standard as justified because Lot 22 will be further developed at a future stage of the subdivision in order to ensure the orderly and economic development of the subject site and the adjoining property to the east. I am satisfied that justifying the aspect of the development that contravenes the development standard in this way can be properly described as an environmental planning ground within the meaning identified by his Honour in *Initial Action* at [23].

Whether the proposal is in the public interest because it is consistent with the objectives of the contravened development standard and the zone

- 25 The second opinion of satisfaction in s 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the zone objectives. The consent authority must be satisfied that the development is in the public interest because it is consistent with these objectives, not simply that the development is in the public interest (*Initial Action* at [27]). The consent authority must be directly satisfied about the matters in cl 4.6(4)(a)(ii) (*Initial Action* at [26]).
- 26 I am satisfied, for the reasons set out in the written request, that the objectives of the development standard and the zone are achieved by the proposal.

Conclusion

- 27 I have considered the submissions made by the Council in the Statement of Jurisdictional Issues filed with the Court on 5 April 2023 and I am satisfied on the basis of the evidence before me that the agreement of the parties is a decision that the Court could have made in the proper exercise of its functions.

Orders

- 28 The orders of the Court are:
- (1) The Applicant is to pay the Council's costs thrown away pursuant to section 8.15(3) of the *Environmental Planning and Assessment Act 1979* in the agreed sum of \$3,000.
 - (2) The appeal is upheld.
 - (3) Development Application No. DA-470/2022, for the subdivision of Lot 22 in Deposited Plan 1286912 and the Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-

detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages, on land legally described as Lot 22 in DP 1286912 (formally Lot 2 in DP 201643) and known as 140 Sixth Avenue, Austral, NSW, 2179, is determined by the grant of consent subject to the conditions of consent at Annexure A.

Susan O'Neill

Commissioner of the Court

Annexure A

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.



**Land and Environment
Court**
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000
Level 4 GPO Box 3565 SYDNEY NSW 2001
DX 264, Sydney

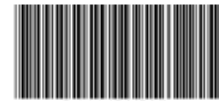
Telephone: 02 9113 8200
Facsimile:
02 91138208

Email: lecourt@justice.nsw.gov.au
Website: <https://www.lec.nsw.gov.au>

ABN: 52 659 114 436

EMMA JANE FLEMING
emma.fleming@mk.com.au

Your Ref:



D0001PHPXL

19 April 2023

NOTICE OF ORDERS MADE

Case number 2022/00299477
Case title UPG 245 Pty Ltd v Liverpool City Council

On 19 April 2023 the following orders (and/or directions) were made:

The orders of the Court are:

- (1) The Applicant is to pay the Council's costs thrown away pursuant to section 8.15(3) of the Environmental Planning and Assessment Act 1979 in the agreed sum of \$3,000.
- (2) The appeal is upheld.
- (3) Development Application No. DA-470/2022, for the subdivision of Lot 22 in Deposited Plan 1286912 and the Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages, on land legally described as Lot 22 in DP 1286912 (formally Lot 2 in DP 201643) and known as 140 Sixth Avenue, Austral, NSW, 2179, is determined by the grant of consent subject to the conditions of consent at Annexure A.

For the Registrar

Outcome Date: 19 Apr 2023

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-470/2022

Development: Subdivision of Lot 22 approved under DA-1166/2015, into a Torrens Title subdivision of 21 residential lots, construction of twelve (12) dwellings (in 6 semi-detached built forms), and one (1) residue super-lot set aside for future development, site remediation, dam demolition and de-watering, construction of roads, tree removal and associated civil works, over two (2) stages.

Site: 140 Sixth Avenue, Austral, NSW, 2179 (Lot 22 in Deposited Plan 1286912)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 19 April 2023

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as Lot 22 in Deposited Plan 1286912 and known as 140 Sixth Avenue, Austral, NSW, 2179.

The conditions of consent are as follows:

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

ATTACHMENT 1: CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT**STAGED APPROVAL**

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

Stage	Development Works	Part Reference	Condition Reference
1	Torrens Title subdivision of Lot 22 DP1286912 approved under DA-1166/2015, into 17 residential lots, construction of eight (8) dwellings (in 4 semi-detached built forms), four (4) residue lots (Lots 18-21) over which is to be located a temporary on-site detention basin (OSD) and temporary turning head, one (1) residue super-lot (Lot 22) set aside for future development, and site remediation, construction of roads and associated civil works.	All Parts	All conditions as relevant to the stage
2	Decommissioning of the temporary turning and temporary OSD over Lots 18,19,20 & 21, rehabilitation of the land for residential purposes, and construction of four (4) dwellings (in 2 semi-detached built forms).	All Parts	All conditions as relevant to the stage

Approved Plans

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

Plan Name	Plan Number	Date	Revision	Prepared By
Subdivision Plan	DA02	22.03.23	4	The Bathla Group
Building Envelope Plan	DA04	22.03.23	4	The Bathla Group
Typical Lot 7.2 Site Plan	DA06	22.03.23	1	The Bathla Group
Typical Lot 7.2 Floor Plans	DA07	22.02.23	1	The Bathla Group
Typical Lot 7.2 Elevations, Sections, and Shadow Analysis	DA08	22.02.23	1	The Bathla Group
Typical Lot 10,11,16,17 Wide Floors Option 1	A2002	20.02.23	-	The Bathla Group
Typical Lot 10,11,16,17 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Typical Lot 12,13,18,19 Wide Floors Option 2	A2002	20.02.23	-	The Bathla Group
Typical Lot 12,13,18,19 Wide Elevations Option 2	A1312	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Floors Option 1	A2002	20.02.23	-	The Bathla Group
Typical Lot 14,15,20,21 Wide Elevations Option 1	A1312	20.02.23	-	The Bathla Group
Colour Schedule	-	24.02.22	-	The Bathla Group
Typical Landscape Plan	LP-01	27.02.23	1	The Bathla Group
Civil Engineering Design	8247-DA-000 to 8247-DA- 501	11.02.22	A	Indesco

Report Name	Date	Reference	Prepared By
Aboriginal Due Diligence Assessment	17 November 2021	-	APEX Archaeology
BASIX Certificate	01 March 2023	1376874M	es2 design
DA Acoustic Assessment	22 March 2022	20220248.1/22 03A/R0/PF	Acoustic Logic
Preliminary Tree Assessment	8 October 2021	Job No. 5744	Monaco Designs PL
Geotechnical Site Investigation Report	4 April 2022	NE1032	Geotesta
Level 3 Odour Impact Assessment	24 February 2022	-	Environodour Australia Pty Ltd
Stormwater Management Report	11 February 2022	Project No: 8247	Indesco
Traffic and Parking Assessment Report	7 March 2022	Ref: 21824	Varga Traffic Planning Pty Ltd

Sydney Water Requirements

- The development is to comply with all relevant requirements issued by Sydney Water, dated 26 July 2022 (Attachment 3).

Endeavour Energy Requirements

- The development is to with all relevant requirements issued by Endeavour Energy, dated 24 June 2022 (Attachment 4).

Stages of Consent

- This consent approves site remediation works, subdivision works, and construction of dwellings in the following manner;
 - The remediation and/or validation confirming that the subject land is not contaminated prior to any subdivision and dwelling construction works on the developable land the subject of this DA-470/2022.
 - The issue of a Subdivision Works Certificate and Construction Certificates, and substantial works commencing for the Stage 1 subdivision works and dwelling construction at any time within the 5 year lapse date of this consent.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

- c. The issue of a Subdivision certificate for Lots 1-21 upon Stage 1 Subdivision works (including temporary OSD over lots 18-21) and dwelling construction works being completed up to the first floor slab for Lots 10-17.
- d. The issue of Occupation Certificates for Lots 10-17 only upon issue of a Subdivision Certificate for those lots.
- e. Stage 2 works relating to the decommissioning of the temporary on-site detention basin and temporary turning head, and rehabilitation of that land prior to any subdivision works and dwelling construction, and the issue of any Subdivision Certificate, being able to occur, only once down-stream drainage works and adjoining land road construction are complete and associated restrictions over the site removed.
- f. The issue of Construction Certificates for the Stage 2 dwelling construction over Lots 18-21 only when decommissioning of the temporary on-site detention basin and temporary turning head has been completed.
- g. The issue of Occupation Certificates for the dwellings on Lot 18-21 when dwelling construction on those lots has been completed.

Works at no cost to Council

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

B. PRIOR TO ISSUE OF A SUBDIVISION WORKS AND CONSTRUCTION CERTIFICATES

The following conditions are to be complied with or addressed prior to the issue of a Subdivision Works and Construction Certificates by the Principal Certifying Authority.

Demolition Works DA-457/2022

6. The approved demolition works the subject of DA-457/2022 are required to have occurred prior to the issue of any Subdivision Works and Construction Certificates the subject of this DA-470/2022.

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/ Construction Certificate. The following fees are applicable:

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- (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 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.

Comply with EP&A Act (General)

8. 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 (General)

9. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 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).

Commencement of building works (Prior to works commencing)

10. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the *Environmental Planning and Assessment Act 1979* means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Products banned under the Building Products (Safety) Act 2017

11. 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.

Site Development Work

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

12. 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.
13. 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.
14. Plans and structural details certified by a practicing qualified Engineer are to be submitted to the Certifying Authority demonstrating that for the approved dwellings on Lots 801-809, the footings and slabs are designed in accordance with the lot classification requirements of Australian Standard AS2870 "Residential Slabs & Footings" and to the requirements of Liverpool City Council.

Stormwater Concept Plan

15. Stormwater Plans and details certified by a practicing qualified Engineer shall be provided ensuring that:
 - a) rainwater tanks are provided for the approved dwellings as per the approved BASIX Certificate,
 - b) prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Notification

16. 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.

17. Any works constructed on private property will require the consent of the affected property owner.

S138 Roads Act – Minor Works in the public road

18. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
 - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

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

Note:

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

S138 Roads Act – Roadworks requiring approval of civil drawings

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

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

Note 1: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Construction Certificate for Subdivision Works

20. Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans are amended to match the approved Subdivision Plan, Building Envelope Plan, and Architecturals, yielding consistent stormwater water management, water quality, and road construction outcomes, with the approved concept plan/s prepared by Indesco, reference number 8247-DA, Revision A, dated 11 February 2022, and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The amended plans are specifically required to show;

- Amendment to approved Road 1 typical sections to comply with the Liverpool Growth Centres Precinct DCP dated June 18 2021. Refer to figure 3-15, Typical Local Street.
- Road drainage systems designed to accommodate the flows from upstream catchment to the site. Details shall be provided on the plans accompanying with a construction certificate.
- A Public Domain Plan indicating location of Council Street Trees in front of each allotment, except Lots 10-21 where the street trees are to be located between the driveway crossings.

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

- Public and private roads

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- Stormwater drainage including water quantity and quality treatment measures
- Inter-allotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon, and may be amended if required to match the approved Subdivision Plan.

Road design criteria table

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

Road No.	Road Reserve Width	Carriage way Width	Verge	Footpath (1.5m wide)	ESA
Sixth Avenue	20m	5.5m	4.5m	2.5m	2 x 10 ⁶
Road No.1 (Galiceno Road)	13.5m	9m	3.5m	1.5m	3 x 10 ⁵

Road Safety Audit

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

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

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***On-Site Detention**

23. On-Site Detention shall be provided generally in accordance with the concept plan/s prepared by Indesco, reference number 8247-DA, revision A, dated 11 February 2022, which are amended to satisfy Condition 20 of this consent, to match the approved Subdivision Plan.

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

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

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

Water Quality

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

The Construction Certificate must be supported by:

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

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

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.

Inter-allotment drainage

26. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m.

Dilapidation report

27. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Sixth Avenue to be submitted to Liverpool City Council. The report

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

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)

28. 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.

Traffic condition

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

Flood related conditions

30. Following conditions shall be satisfied prior to the construction certificate:
- a) A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall align with the Concept Engineering Plan for 140-150 Sixth Avenue, Austral, Rev A, dated 11/02/2022 and Concept Stormwater Management Report for 140-150 Sixth Avenue, Austral, Rev A, dated 11/02/2022 prepared by INDESCO (which is required to be amended to satisfy Condition 17, to match the approved Subdivision Plan), and shall include all engineering details for collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades and water quality treatment trains. The design shall consider the following:
- Provision of capturing fully developed upstream catchment flows from the eastern side of the development site and conveyed to the point of discharge,
 - Demonstrate that the site discharge can be discharged to the nominated point of discharge by gravity,
 - Provision of energy dissipation and scour protection work at the the outlet of tailout drain.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- b) The temporary on-site detention (OSD) basin shall provide adequate flow attenuation to ensure that the peak post-development flow do not exceed peak pre-development flow for the 20%, 5% and 1% storm events. The OSD basin shall not be removed without Council's written consent.
- c) The stormwater design shall incorporate interim streetscape silt trap devices in accordance with the Liverpool Growth Centre Precincts Development Control Plan, June 2021. The DCP can be downloaded from the link below.

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Main+Body+June+2021_S-3453.PDF

Schedule 1 of the DCP can be downloaded from the link below.

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Liverpool+Growth+Centre+Precincts+DCP+Schedule+1+June+2021_S-3453.pdf

The detailed design of interim streetscape silt trap devices can be obtained from council upon request.

- d) Interim on-site water quality treatment system shall be provided and maintained. Water quality treatment system shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
- e) Temporary on-site detention and water quality treatment basin shall be provided and maintained until regional Basin 16 and their associated trunk drainage systems are constructed. Temporary basin shall not be removed without Council's written consent.
- f) Written consent from property owner of Lot 1103 DP 2475 (61 Fifth Avenue) shall be obtained to undertake any necessary work as indicated in the concept stormwater plan.

Construction Environmental Management Plan (CEMP)

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

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) Unexpected Finds Protocol.

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

Waste Management Plan (WMP)

32. Prior to issue of a construction certificate, a Waste Management Plan (WMP) for the development must be provided to the Principal Certifying Authority for approval, indicating destination to registered receivers of any waste materials generated from site and dwelling construction works.

Services

33. All services required to adequately service the development are to be shown on the engineering drawings submitted for the Construction Certificate approval including duct configurations, road crossings, water and sewer services, electrical services and light column positions.

Provision of Services – Residential Subdivision

34. Prior to the issue of a Construction Certificate, written evidence is to be made available to Council that:

- a) An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, has been 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.

- b) Arrangements have been discussed with Endeavour Energy for the provision of electrical services to the development.
- c) Telecommunications infrastructure can be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Company’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.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

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

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

35. Detailed civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act, and a copy registered with Council.
36. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.141A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
37. 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.
38. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.
39. Prior to the commencement of any building works, the following requirements must be complied with:
 - a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.
 - b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 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.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***Matters to be addressed prior to commencement of Subdivision Works**

40. Work on the subdivision shall not commence until:

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

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

Notification/Principal Certifying Authority

41. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.18 of the Act.
42. The PCA must advise Council of the intended date to commence work which is the subject of the consent, by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum notice period of two (2) working days must be given.
43. 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.
44. 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.

Residential Home Building Work

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

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

- i. the name of the owner-builder, and
- ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

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

Site Notice Board

46. 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.

Sediment & Erosion Control

47. 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.

Construction traffic management plan

48. 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.

Detailed design drawings

49. Detailed design drawings of the proposed roads including a signs and line marking scheme prepared by a suitably qualified person is to be submitted to and approved by Council's Transport Management Section, via the Liverpool Traffic Committee and subsequent Council Meeting.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

The design needs to include the following:

- Driveway crossing location for each lot.
- On-street vehicle parking spaces in front of the subdivision lots.
- Local Area Traffic Management (LATM) measures at subdivision road intersections and on long stretches of straight roads (80-120m).
- Signs and line marking scheme on the proposed local roads.
- Temporary turning head that can accommodate Council's waste collection trucks (approx. 9.9m long). The trucks should be able to make no more than three-point turn without encroaching on driveways, footpaths or road verges.

50. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

Traffic Control Plan

51. 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:

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

Work Zone

52. Where a work zone is required, an application must be submitted to and approved by Council's Transport Management 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 temporarily altered will need to be submitted to and approved by Council's Liverpool Local Traffic Committee.

Road Occupancy Permit

53. Applications must be submitted to and approved by Council's Transport Management Section, under Section 138 of the NSW Roads Act, for any works within or occurring from the public road reserve.

Approval is issued via a Road Occupancy Permit and/or Road Opening Approval, which can be located on Council's Website.

The Road Occupancy Permit and Road Opening Approval applications are to include Traffic Control Plans, also detailing pedestrian management, prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Transport for NSW publication "Traffic Control at Worksites" and must be certified by a suitably qualified person.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

The Road Occupancy Permit and Road Opening Approval, with approved traffic control measures, shall be implemented during the associated construction activities. A copy of the Road Occupancy Permit and Road Opening Approval shall be available on site at all times.

It is the responsibility of the applicant to ensure adequate time is allowed for Council to assess and issue approval for any permits. All minimum assessment periods are included on the applicable forms.

Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Toilet Facilities

54. 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*.

Site Facilities

55. 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.

Waste Classification

56. 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).

D. DURING CONSTRUCTION

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

Building Compliance

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

57. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
58. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works.
59. 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.
60. 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.
61. 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) 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.

Hours of Construction Work and Deliveries

62. 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.

Construction Noise and Vibration

63. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

Security Fence

64. 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.

Construction Requirements

65. 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 construction 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.

Works within the road reserve

66. All works within the road reserve are to be at the applicant cost and all signage shall be in accordance with the Transport for NSW's (RTA's) Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
- a. 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 be required.
 - b. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
 - c. Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
 - d. The endorsed CTMP is to be implemented during the construction.

Site Remediation Works

67. The site must be remediated in accordance with;

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- a) Preliminary Site Investigation, 140-150 Sixth Ave Austral NSW 2179 - Document No. NE1032, prepared by Geotesta dated 25 January 2023
- b) *State Environmental planning Policy No. 55 – Remediation of Land*;
- c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- d) The guidelines in force under the *Contaminated Land Management Act 1997*.

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

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

Unidentified Contamination

68. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Contamination

69. 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).

Imported Fill Material

70. 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

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

71. 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.

Waste Classification and Disposal of Contaminated Soil and Material

72. 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.

Erosion and sediment control

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

Major Filling/ Earthworks

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

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

Soil testing – Subdivisions

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

Footpaths

76. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential access roads and both sides of all collector and distributor roads.

Removal of dangerous and/or hazardous waste

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

77. 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.

General Site Works

78. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
79. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
80. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
81. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
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. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.
84. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

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

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

Historic Archaeology

85. As required by the *Heritage Act 1977* in the event that historical relics are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Heritage Division 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 NSW Heritage Division.

Note: 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.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Aboriginal Cultural Heritage – Staff and Contractors

86. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW *National Parks and Wildlife Act 1974* and the NSW *Heritage Act 1977*. They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

Aboriginal Cultural Heritage – Unexpected Finds

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

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *National Parks and Wildlife Service Act 1974* to obtain the necessary approvals/permits from the OEH

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

Skeletal Remains

88. 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.

Vegetation

89. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
90. 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.
91. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Street Trees

92. The street trees to be used can be any or all of the following in the locations as shown on the plans approved by the Construction Certificate;
- *Angophora Floribunda* (Rough-barked Apple)

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

- *Eleocarpus reticulatus* (Blue Berry Ash)
- *Fraxinus griffithii* (Evergreen Ash)
- *Tristanopsis Laurina* (Luscious Water Gum)

Street Lighting

93. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider to assess adequacy of street lighting along a development site frontage and submit a report on whether the existing street lighting needs to be upgraded.

If upgrade is required, the ASP Level 3 service provider is to submit a Public Lighting Design Brief to Council's Transport Management Section, to specify design requirements for the required upgrade.

A street lighting design plan prepared by the accredited service provider is to be submitted to and approved by Council's Transport Management Section and the electricity service provider (currently Endeavor Energy), prior to construction.

The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

Road works

94. All new roads are to be implemented in accordance with the detailed design as approved by Council.

Public Domain Works

95. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

Waste

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

Waste Management Plan

97. The Waste Management Plan submitted to and approved prior to the issue of a CC, 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.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

E. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

Section 7.11 Payment (Liverpool Contributions Plan 2014 Austral and Leppington North Precincts)

98. 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 2014 Austral and Leppington North Precincts as amended.

The contribution is \$600,000 and will be adjusted at the time of payment in accordance with the contributions plan.

Stage 1 = \$480,000

Stage 2 = \$120,000

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.

Special Infrastructure Contribution (SIC)

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

Completion of Subdivision Works

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

Site Contamination Validation Report

101. After completion of the remedial works and prior to the issue of a Subdivision Certificate, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. This Report shall be prepared in accordance with Guidelines for Consultants Reporting on Contaminated Sites produced by Office of Environment and Heritage, and must confirm the site is suitable for the proposed use as per State Environmental Planning Policy (Resilience and Hazards) 2021.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***Subdivision Compliance documentation**

102. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in DWG format and PDF format to Council along with two hard copies of the WAE plans.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
- h) Structural Engineer's construction certification of all structures

Stormwater Compliance

103. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the on-site detention systems, stormwater pre-treatment systems and overland flow path works

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- Have met the design intent with regard to any construction variations to the approved design.

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

104. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:
- (i) On-site detention system/s
 - (ii) Stormwater pre-treatment system/s
 - (iii) Temporary turning head

Shall be registered on the title of the property (Lots 18-21). 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.

Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems

105. Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

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

Restriction as to User and Positive Covenant

106. Prior to the issue of the Subdivision Certificate, the final plan of subdivision must be supported by an 88B Instrument, agreed to by Council. The 88B Instrument must burden Lots 1-5, 7, & 8 with a restriction pertaining to the approved Building Envelope Plans for future dwelling construction and must burden Lots 10-21 with a restriction as to user that the dwellings to be erected on each lot and all associated site works, including any retaining walls and finished levels to be sited and constructed, in accordance with approved plans for this Development Application No. 470/2022. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.
107. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 22 with a restriction such that the lot shall not be developed until such time Browns Avenue is constructed on the adjoining site to the east, and that any such development shall result in a minimum of 5 dwellings/allotments, and will likely require the payment of contributions, works in the road reserve, and connection to services.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Construction of Dwellings

108. Prior to the issue of a Subdivision Certificate on Lots 10-21, the approved dwellings must have been constructed in accordance with the restriction up to at least the first floor slab, including all external and any internal masonry and formwork.

Linen Plans & 88B

109. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument if required.
110. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release
111. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
112. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).
113. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

Service Providers

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

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.

115. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
116. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Street Trees

117. All proposed street trees must be planted and bonded prior to the issue of a Subdivision Certificate.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***Linemarking & Signage**

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

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

Street Naming

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

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

Notes:

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

Rectification of Damage

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

Any rectification works within Sixth Avenue 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

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

Bonds

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

F. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR DWELLINGS

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

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***Liverpool City Council clearance – Roads Act/ Local Government Act**

123. 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.

Building Compliance

124. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979).
125. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
126. In accordance with the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2021, in relation to residential building work, the requirements of the Home Building Act 1989 must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Registration of Lots 801-809

127. Prior to the issue of an Occupation Certificate for any of the dwellings, evidence is to be submitted to the PCA indicating the registration of approved Lots 10-21 with the LRS, on which the dwellings were approved, as shown on approved plans.

Landscaping

128. 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.

BASIX

129. 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.

Mechanical Ventilation Certification

130. Prior to the issue of an Occupation Certificate (Interim or Final), a certificate shall be submitted to the Principal Certifying Authority, certifying that:
- a. The mechanical ventilation exhaust systems have been installed in accordance with Australian Standard AS1668 Part 1 and 2.
 - b. The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise).

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477***Garbage Services**

131. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the dwellings as well as serving requirements. These waste/garbage bins are to be kept within the curtilage of each dwelling, except before and after collection days.

G. GENERAL CONDITIONS

The following conditions relate to the ongoing use of the premises:

Landscaping

132. 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. Waste Storage Area
133. Waste bins must be kept within the curtilage of each dwelling. Bins must not be stored or allowed to overflow into landscaped areas or the rear lanes, must not obstruct the entry/exit of the driveway, and must not leave the site onto neighbouring, public or private properties.

H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) In accordance with Section 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not, conducted a review of the application.

*UPG 245 Pty Ltd v Liverpool City Council**LEC No: 2022/299477*

- f) These conditions are imposed to control development, having regard to 4.15 of the Environmental Planning and Assessment Act 1979.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100
- Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)
- Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.
- Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact:
- Telstra's Network Integrity Team on Phone Number 1800 810 443.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

ATTACHMENT 2: SECTION 7.11 PAYMENT FORM**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan 2014 Austral and Leppington North**

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

These figures have been calculated to the CPI December 2022 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-470/2022 Stage 1

APPLICANT: UPG 245 Pty Ltd

PROPERTY: Lot 22 in DP 1286912

140 Sixth Avenue, Austral NSW 2179.

PROPOSAL: Stage 1 - Torrens Title subdivision of Lot 22 in Deposited Plan 1286912 and into 17 residential lots, construction of eight (8) dwellings (in 4 semi-detached built forms), four (4) residue lots (Lots 18-21) over which is to be located a temporary on-site detention basin (OSD) and temporary turning head, one (1) residue super-lot (Lot 22) set aside for future development, and site remediation, construction of roads and associated civil works.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2014 ALN		
Local Community Facilities - Land	\$10,606	GL.3011210001870.10190
Local Recreation - Land	\$234,789	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$34,016	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$194,703	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$5,886	GL.3011210001872.10197
<u>TOTAL</u>	<u>\$480,000</u>	

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

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Liverpool Contribution Plan 2014 Austral and Leppington North

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

These figures have been calculated to the CPI December 2022 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-470/2022 Stage 2

APPLICANT: UPG 245 Pty Ltd

PROPERTY: Lot 22 in DP 1286912

140 Sixth Avenue, Austral NSW 2179.

PROPOSAL: Stage 2 - Decommissioning of the temporary turning and temporary OSD over Lots 18,19,20 & 21, rehabilitation of the land for residential purposes, and construction of four (4) dwellings (in 2 semi-detached built forms).

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2014 ALN		
Local Community Facilities - Land	\$2,652	GL.3011210001870.10190
Local Recreation - Land	\$92,346	GL.3011210001869.10191
Local Recreation - Works	\$0	GL.3011210001869.10192
Local Transport Facilities - Land	\$21,315	GL.3011210001865.10193
Local Transport Facilities - Works	\$0	GL.3011210001865.10194
Local Drainage Facilities - Land	\$0	GL.3011210001866.10195
Local Drainage Facilities - Works	\$0	GL.3011210001866.10196
Administration	\$3,688	GL.3011210001872.10197
TOTAL	\$120,000	

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Attachment 3: Requirements of Sydney Water

26 July 2022

Our Ref: 200547

Jasmin Klaime
Liverpool City Council
klaimej@liverpool.nw.gov.au

RE: Development Application DA-470/2022 at 140-150 Sixth Avenue, Austral

Thank you for notifying Sydney Water of DA-470/2022 at 140-150 Sixth Avenue, Austral, which proposes subdivision of land into 18 lots comprising 16 Torrens title lots, 1 superfot and 1 residue lot including construction of public roads, stormwater drainage works and other associated site works. 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 1961) on Sixth Avenue.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- The proposed development is located within an existing wastewater catchment draining to SP1183.
- Extensions of Sydney Water assets will be required to service this property

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

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

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.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477



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.

Tree Planting


Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Attachment 4: Requirement of Endeavour Energy

Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral						
Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-470/2022	CNR-41588	Jasmin Klaima	24/06/2022	15/07/2022	5/07/2022
Address					Land Title	
140-150 SIXTH AVENUE AUSTRAL 2179					Lot 2 DP 201643	
Scope of Development Application or Planning Proposal						
Subdivision of land into 18 lots comprising 16 Torrens title lots, 1 superlot, and 1 residue lot including construction of public roads, stormwater drainage works and other associated site works.						
As shown in the below site plan from Endeavour Energy's G/Net master facility model:						
There are:						
<ul style="list-style-type: none"> No easements benefitting Endeavour Energy (active easements are indicated by red hatching). Low voltage and 11,000 volt / 11 kilovolt (kV) (constructed at 22,000 volts / 22 kV) high voltage overhead power lines (including two poles) to the road verge / roadway. Three low voltage overhead services conductors coming from the poles on the road verge going the customer connection point for the existing dwellings (two being extended service conductors using customer owned / private poles on the site). 						
<ul style="list-style-type: none"> 51 Huntingwood Drive, Huntingwood, NSW 2148 PO Box 811, Seven Hills, NSW 1730 T: 133 718 					endeavourenergy.com.au ABN 11 247 365 823	

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input type="checkbox"/>	5	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

Condition	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy	
Completed by:	Decision
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	
<ul style="list-style-type: none"> The Statement of Environmental Effects does not appear to address in detail whether the electricity services are available and adequate for the proposed development. <ul style="list-style-type: none"> 5.8 Electricity and Telecommunication Supply Electricity and telecommunication services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements. To ensure an adequate connection, the applicant will 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. An extension and / or augmentation of the existing local network will be required. Whilst there are several existing distribution substations in the area likely to have some spare capacity, it is not unlimited and may not be sufficient to facilitate the proposed development. <p>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. However the extent of any works required will not be determined until the final load assessment is completed (including possible consideration of the development potential / load of the super and residue allotments).</p> 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'. Endeavour Energy's network asset design policy is to progressively underground all new urban residential developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present in proximity of the site, it will require undergrounding as the development proceeds. The minimum required safety clearances and controls for building and structures and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP). <p>Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV).</p> The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements. 	

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application ie. if a padmount substation is not required on the 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.

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

M: 0455 250 981

E: cornelis.duba@endeavourenergy.com.au

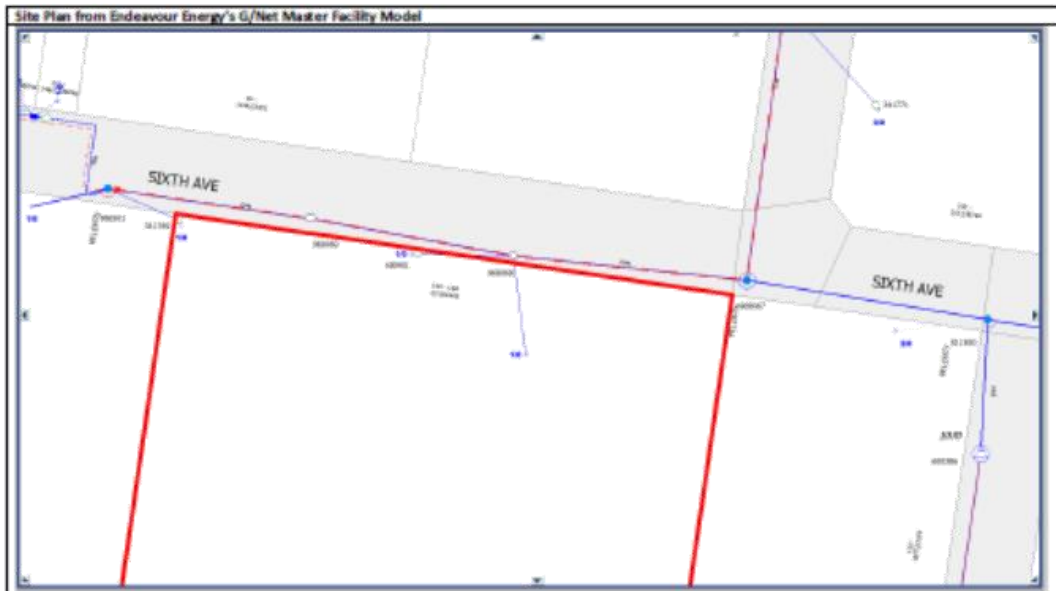
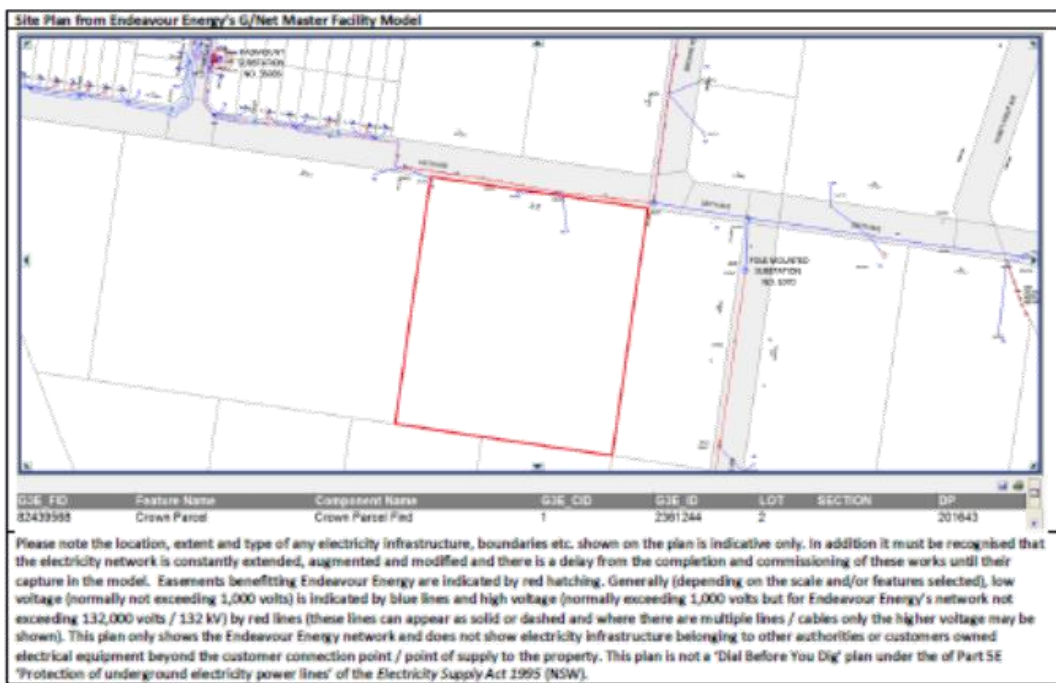
51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au



UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477



UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site

UPG 245 Pty Ltd v Liverpool City Council

LEC No: 2022/299477

