

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 28th September 2020

To be held
“**virtually via Microsoft Teams**”

To commence at **2:00 PM**

Due to the current pandemic the meeting will be held online using Microsoft Teams. The link to join the meeting online is:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDdjMTM3ZGYtMmEyYy00MjdkLTkzNzctNzcxNmMyMDdlY2Zh%40tHread.v2/0?context=%7b%22id%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d

Or you can join by telephone by calling +61 2 9161 1229 Australia, Sydney (Toll) and entering the Conference ID: 975 760 338#

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on hijazid@liverpool.nsw.gov.au, by 4pm, Friday 25th September 2020.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-677/2019</p> <p>Demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park.</p> <p>Lot 119 and Lot 120, DP 261527 14-16 Buckingham Crescent, Chipping Norton</p>	2-70

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-952/2019</p> <p>Demolition of existing structures and the construction of an 11-storey residential flat building comprising 70 units (17 x 1-bedroom, 47 x 2-bedroom and 6 x 3-bedroom), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works.</p> <p>LOT 6 & 7 DP 758620 4 & 6 Drummond Street, Warwick Farm</p>	71-215

ITEM No.	SUBJECT	PAGE No.
3	<p>Development Application DA-30/2020</p> <p>Construction of a warehouse with attached office building, with associated loading facilities and car parking. The Proposal is identified as Designated Development as specified in Clause 10 of State Environmental Planning Policy (Coastal Management) 2018</p> <p>Lot 100 DP 1249662 5 Yarrowa Street, Prestons</p>	216-294

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Item no:	1
Application Number:	DA-677/2019
Proposed Development:	Demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park.
Property Address	14-16 Buckingham Crescent, Chipping Norton
Legal Description:	Lot 119 and Lot 120, DP 261527
Applicant:	CCM Group P/L
Land Owner:	Mrs C Karam & CCM Group Pty Ltd
Cost of Works:	\$3,850,000.00
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Patrick Curmi

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-677/2019) seeking consent for the proposed demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park at Lot 119 and 120, DP 261527, 14 and 16 Buckingham Crescent, Chipping Norton.

The site is zoned R3 – Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 with the proposed development being permissible with consent. The proposed development has been amended by the applicant since lodgement in order to address particular issues raised during the assessment process. The amended proposal is considered to be generally compliant with Council's applicable local provisions and an acceptable form of development in that regard.

The development application was notified for a period of 15 days from 20 November 2019 to 5 December 2019 in accordance with the Liverpool Community Participation Plan 2019. Eighteen (18) submissions were received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Solar access and overshadowing;
- Setbacks and privacy impacts – visual and acoustic;
- Works occurring on adjoining property;
- Insufficient parking within the development and insufficient visitor parking causing additional on-street parking, which will increase hazards to pedestrians and traffic;
- Traffic impacts in the street and general area;
- Impact on the stormwater system/ drainage issues;
- Privacy impacts of balconies;
- Impact of demolition/construction;
- Inconsistent with the surrounding residential character and ambience;
- Devaluation of surrounding property;
- Building height;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- Flooding impacts;
- Water consumption;
- Tree removal;
- Increase in lower socio-economic residents;
- Overdevelopment of the site;
- Waste management (bins lying around after collection/ odour from bins and visual amenity);
- Increase burden on electricity grid;
- Vehicles reversing out of the basement;
- Proposed driveway gradient;
- Destruction of habitat for wildlife;
- Evacuation of street;
- Obstruction of the roadway;
- Impact of construction (basement excavation, damage adjoining properties, water seepage issues);
- Lights from cars exiting the basement; and
- Exhaust grill cause health hazards.

The key issues associated with the assessment of the subject Development Application relate to the matters raised in the submissions received during the notification period. Notwithstanding, it is recommended that the application be approved as the matters of objection are considered to have been adequately resolved through amendments to the proposal made by the applicant and subject to conditions of consent. Accordingly, the objections received in relation to the proposed development are not considered to warrant the refusal of the application in this case.

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by low density and medium density residential development with single or double storey dwellings constructed of fibro, weatherboard, brick veneer and brick with open space located to the front and rear of each property. Although the locality is currently characterised by low density single and double storey dwellings, the immediate locality is zoned R3 – Medium Density and is under transition.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

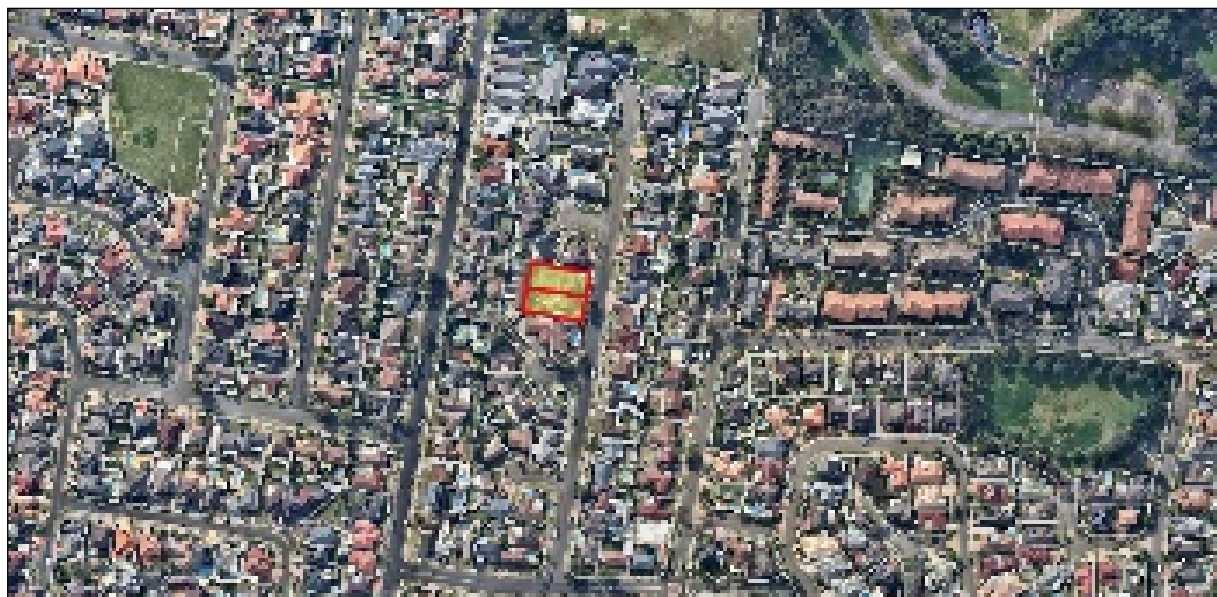


Figure 1: Locality Surrounding 14 and 16 Buckingham Crescent, Chipping Norton (*Source: Geocortex*)

The adjoining properties to the development site are detailed as follows:

Orientation	Description of Site
North (side)	2 Witham Place, Chipping Norton and 4 Witham Place, Chipping Norton
South (side)	1 Rudham Place, Chipping Norton and 2 Rudham Place, Chipping Norton
East (Front)	19 Buckingham Crescent, Chipping Norton and 21 Buckingham Crescent, Chipping Norton
West (Rear)	20 Central Avenue, Chipping Norton

Each of these sites feature detached dwelling houses.

2.2 The site

The subject site is identified as Lot 119 and 120, DP 261527, and is known as 14 and 16 Buckingham Crescent, Chipping Norton. With the amalgamation of the two sites, the site becomes a rectangular allotment with an overall area of 1653.05m². The site has a primary frontage to Buckingham Crescent of 36.58m, and a total depth of 45.19m. Lot 119 contains a two-storey brick dwelling, pool, awning and shed. Lot 120 contains a two-storey brick dwelling.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 2: Aerial view of 14-16 Buckingham Crescent, Chipping Norton (Source: Nearmap)

3. BACKGROUND/HISTORY

- The subject DA was lodged with Council on 15 October 2019.
- Application deferred regarding acoustic report, arborist report and driveway details. Request for additional information sent by Acting Coordinator 22 October 2019.
- Amended plans and additional reports received on 14 November 2019.
- Application deferred on 02 March 2020 regarding numerous considerations relating to Floor Space Ratio, room sizes, internal layout, internal path widths, streetscape orientation, façade articulation, rear facing balconies, waste management and basement ramp width.
- Meeting was held with applicant on 18 March 2020 to clarify Councils requests and how to demonstrate compliance with Council controls.
- Amended plans and reports received on 09 April 2020.
- Application deferred on 22 May 2020 regarding solar access, waste management and room sizes.
- Latest set of amended plans and reports received on 05 June 2020.
- Community Consultation session held online with objectors online at 2pm on 6 August 2020.

4. DETAILS OF THE PROPOSAL

The proposed development application seeks approval for the proposed demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park. The proposal will consist specifically of the following:

Demolition

- Demolition of two (2) two-storey brick dwellings, one (1) pool, awning and shed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Multi Dwelling Development – 11 Units

Basement

Parking for twenty-three (23) vehicles inclusive of three visitor spaces, plantroom and switch room.

Unit 1, 2, 3, 5, 6, 7 and 8

Ground Floor

- Entry, living Room, dining room, kitchen, laundry, pantry and staircase access.

First Floor

- Two (2) bedrooms, two (2) robes, hall, ensuite, bathroom and staircase access.

Unit 4, 9 and 11

Ground Floor

- Entry, living Room, dining room, kitchen, bathroom, laundry, pantry and staircase access.

First Floor

- Three (3) bedrooms, two (2) robes, hall, ensuite, bathroom and staircase access.

Unit 10

Ground Floor

- Entry, living Room, dining room, kitchen, laundry, pantry and staircase access.

First Floor

- Two (2) bedrooms, two (2) robes, hall, ensuite, bathroom, staircase access and balcony.

Unit 11

Ground Floor

- Entry, living Room, dining room, kitchen, bathroom, laundry, pantry and staircase access.

First Floor

- Three (3) bedrooms, two (2) robes, hall, ensuite, bathroom, staircase access and balcony.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

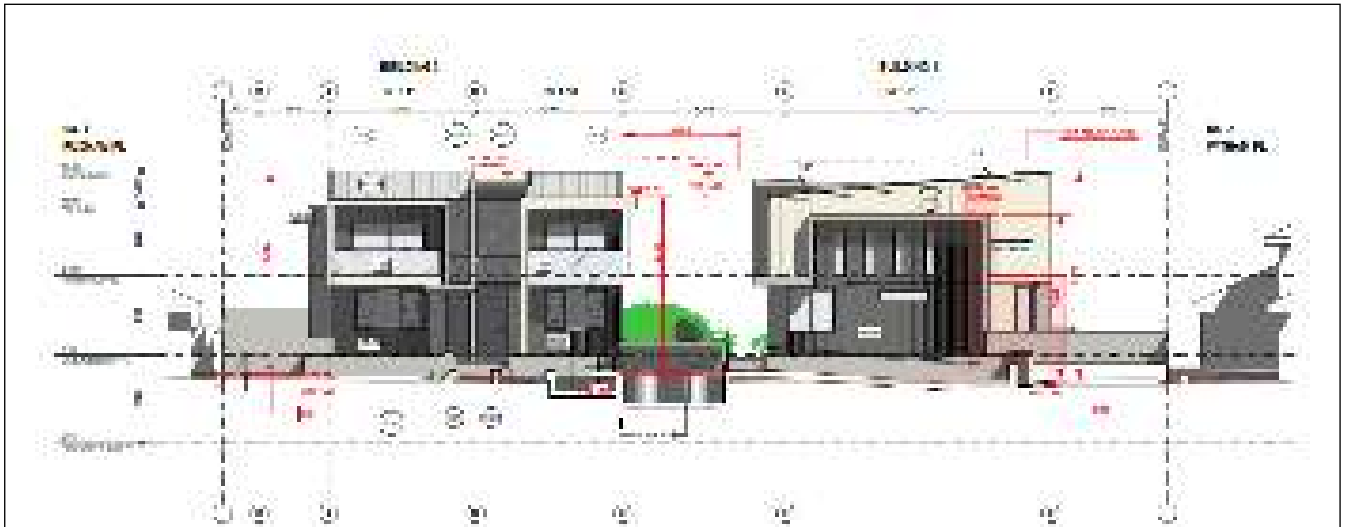


Figure 3: Streetscape of Development (14-16 Buckingham Crescent, Chipping Norton *East Elevation*)



Figure 4: Streetscape of Development (14-16 Buckingham Crescent, Chipping Norton *Perspective Views*)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 5: Streetscape of Development (14-16 Buckingham Crescent, Chipping Norton
Perspective Views)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 Zones

Contributions Plans

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

6. ASSESSMENT

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

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

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

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

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

The objectives of SEPP 55 are:

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment with dwellings currently on site. The DA was reviewed by Council's Environmental Health officers, who raised no objections to the proposal with regards to potential contamination issues.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development in that regard.

(b) State Environmental Planning Policy (BASIX) 2004

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

A BASIX Certificate has been submitted for the proposed development. A condition of consent will be imposed requiring the applicant to provide an updated BASIX Certificate prior to the release of any Construction Certificate.

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

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

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The Development Application was referred to Council's Land Development Engineers who reviewed the stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment beyond the existing uses onsite. Furthermore, it is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R3 – Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

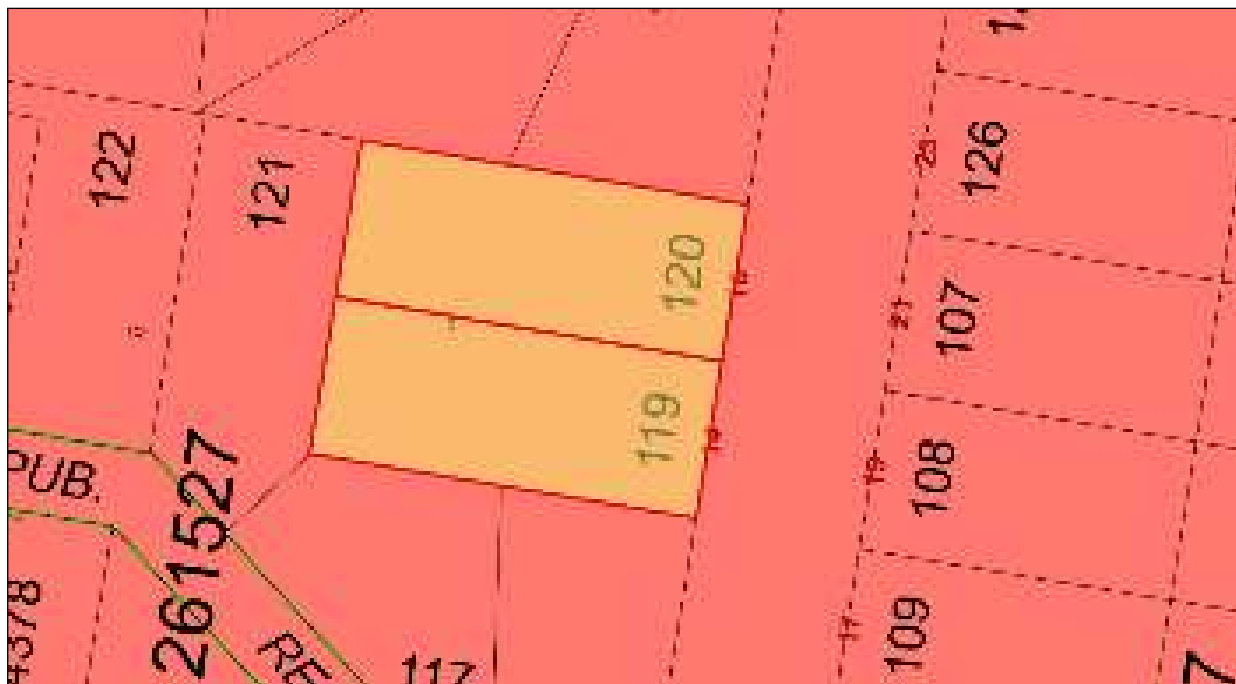


Figure 6: Zoning Map of 14-16 Buckingham Crescent, Chipping Norton (Source: Geocortex Mapping System)

(ii) Permissibility

The subject site is zoned R3 Medium Density Residential. The proposal is best described as “multi dwelling housing” which is a permissible form of development in the zone with development consent.

The LLEP 2008 defines multi dwelling housing as “3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.”

(iii) Objectives of the zone

The objectives of the zone are:

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

It is considered that the proposal is a permissible type of development within the R3 Medium Density Residential zone and is consistent with the above zone objectives. The amended

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

proposal has been designed to mitigate adverse impacts on surrounding land uses and the locality and optimise internal occupant amenity. As such, the development will ensure a high residential amenity is achieved and maintained in accordance with Council's plans and policies.

(iii) Principal Development Standards

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

LLEP 2008 - Principal Development Standards																																
Development Provision	Requirement	Comment																														
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Complies. Consent sought for demolition works onsite.																														
4.1 Minimum Lot Size	Minimum lot size permitted: 300m ²	N/A. No Torrens title subdivision is proposed.																														
4.3 Height of Buildings	Maximum height permitted: 8.5m	Complies. 7.86m maximum building height proposed.																														
4.4 Floor Space Ratio (FSR)	Maximum FSR permitted: 0.5:1. Area 2 = 0.55:1	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Dwelling</th> <th style="text-align: center;">GFA (m²)</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: center;">78.57</td></tr> <tr><td style="text-align: center;">2</td><td style="text-align: center;">75.88</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">76.54</td></tr> <tr><td style="text-align: center;">4</td><td style="text-align: center;">95.83</td></tr> <tr><td style="text-align: center;">5</td><td style="text-align: center;">76.42</td></tr> <tr><td style="text-align: center;">6</td><td style="text-align: center;">77.30</td></tr> <tr><td style="text-align: center;">7</td><td style="text-align: center;">76.86</td></tr> <tr><td style="text-align: center;">8</td><td style="text-align: center;">76.66</td></tr> <tr><td style="text-align: center;">9</td><td style="text-align: center;">97.92</td></tr> <tr><td style="text-align: center;">10</td><td style="text-align: center;">76.05</td></tr> <tr><td style="text-align: center;">11</td><td style="text-align: center;">97.01</td></tr> <tr><td style="text-align: center;">Total</td><td style="text-align: center;">905.04</td></tr> <tr><td style="text-align: center;">Site Area</td><td style="text-align: center;">1653.05</td></tr> <tr><td style="text-align: center;">Proposed FSR</td><td style="text-align: center;">0.547:1</td></tr> </tbody> </table> <p>Complies. FSR proposed = 0.547:1</p>	Dwelling	GFA (m ²)	1	78.57	2	75.88	3	76.54	4	95.83	5	76.42	6	77.30	7	76.86	8	76.66	9	97.92	10	76.05	11	97.01	Total	905.04	Site Area	1653.05	Proposed FSR	0.547:1
Dwelling	GFA (m ²)																															
1	78.57																															
2	75.88																															
3	76.54																															
4	95.83																															
5	76.42																															
6	77.30																															
7	76.86																															
8	76.66																															
9	97.92																															
10	76.05																															
11	97.01																															
Total	905.04																															
Site Area	1653.05																															
Proposed FSR	0.547:1																															
4.6 Exceptions to Development Standards	Provisions relating to exceptions to development standards	N/A. No variations are sought.																														
5.10 Heritage	To protect and conserve existing	N/A. The site is not identified as being a																														

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Conservation	items/locations identified as containing significant heritage value	heritage item, adjoining a heritage item or lying within a heritage conservation area as per the LLEP Heritage Map 2008.
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Approval subject to conditions of consent. All required utilities are considered to be available.
7.7 Acid Sulfate Soils	Class 1, 2, 3, 4 or 5	Complies. The site is mapped as containing class 5 acid sulfate soils, however is highly unlikely to lower the water table below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
7.8 Flood Planning	To minimise the flood risk to life and property associated with the use of land	Complies. The proposal was referred to Councils Flooding Department. Councils Floodplain Engineer has reviewed the submitted proposal and clarified that the proposed development is not within the flood planning area for the catchment, therefore flood related development controls would not apply. Furthermore, Council's flooding engineers raised no objection to the proposal based on flooding considerations and impacts.
7.18 Development in areas subject to potential airport noise	Development consent is required for the erection of a building on land where the ANEF exceeds 20 if it is erected for residential purposes or for any other purpose involving regular human occupation. The following development is prohibited unless it meets the requirements of AS 2021-2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels: (a) residential accommodation on land where the ANEF exceeds 20,	Complies. The site is not mapped as being on land where the ANEF exceeds 20. However, the site is mapped as being within the ANEF 500m buffer zone. The applicant has subsequently submitted an aircraft noise acoustic report which demonstrates the proposal meets the requirements of AS 2021-2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels. This will form part of the conditions of consent.
7.31 Earthworks	Council to consider matters listed (a)-(g)	N/A. The subject site has a minimal grade, and as such no significant earthworks are anticipated.

Having regard to the above, the proposal is permitted in the zone and is consistent with the objectives of the zones and relevant development standards in LLEP 2008.

As demonstrated in the above compliance table, the proposed development is consistent with the relevant development standards of LLEP 2008.

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA. The following key controls are discussed in the following table:

LDCP 2008 Part 1 - General Controls for all Development		
Control	Requirement	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Complies. The proposal seeks consent for the removal of 5 trees within the front setback of both sites. The application was submitted with an arborist report which recommended removal of these 5 trees. The application was referred to Council's natural environment landscape officer who clarified the proposed tree removal is acceptable, subject to conditions of consent.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Complies. The proposal seeks consent for the removal of 5 trees within the front setback of both sites. The application was submitted with an arborist report which recommended removal of these 5 trees. The application was referred to Council's natural environment landscape officer who clarified the proposed tree removal is acceptable, subject to conditions of consent.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Complies. Minimal to no impact on bushland and habitats considering the location of the development.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	N/A. The subject site is not classified as Bushfire prone land.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Complies. Stormwater discharge is proposed to be drained via on-site detention systems to the street. Council's Land and Development Engineer has reviewed the application and has no objections to the proposal subject to the imposition of conditions of consent.
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	N/A. The subject site is located more than 300m from George's River.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Complies. Sediment and erosion control details submitted with DA-677/2019.
Section 9 – Flooding Risk	Flood affection of property to be considered	Complies. The subject site is mapped as being low flood risk. The proposal was referred to Council's Flooding department. Council's Floodplain Engineer has reviewed the submitted plans and has no objections to the proposal stating that "The

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

		<i>proposed development is not within the flood planning area for the catchment, and therefore flood related development controls will not apply"</i>
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Complies. Existing and historical residential use does not warrant a land contamination assessment.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Complies. Condition of consent included requiring design to respond to salinity.
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	Complies. The site is mapped as containing class 5 acid sulfate soils, however is highly unlikely to lower the watertable below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	N/A
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	Complies by condition. Demolition work would need to comply with AS 2601-2001 standards.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Complies. Property is connected to sewer.
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	N/A. No known items of aboriginal archaeology are present on the subject property.
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	N/A. The subject site is not associated with any heritage items.
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	N/A as no charity bins located within the subject property.
Section 20 – Car Parking and Access		Complies. 8 Medium sized and 3 Large Sized Dwellings proposed (Based off number of bedrooms). 1.5 x 8 = 12.0 Spaces 2 x 3 = 6.0 Spaces 1 1/4 = 2.75 Spaces (visitor) Required = 20.75 Spaces (total) Complies. A total of 22 parking spaces have been provided, inclusive of 3 visitor space.
Section 21 – subdivision of land buildings	Minimum lot width for proposed residential subdivision	N/A as no subdivision proposed.
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	Complies. A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Section 23 – Energy Conservation	Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	Complies. A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments.
Section 24 – Landfill	This section applies to development, which involves cutting and or filling of land. It does not involve land cut and filling in conjunction with a development application for a building(s).	N/A. Application incorporates construction of multi-dwellings.
Section 25 – Waste Disposal and Re-use Facilities	Waste Management Plan Required	Complies. A waste management plan has been provided with the application.

Liverpool Development Control Plan 2008 Part 3.6

(a) Liverpool Development Control Plan 2008 – Part 3.6 Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones

The proposed development is subject to the LDCP 2008. Part 3.6 of the LDCP 2008 covers controls specifically relating multi dwelling housing in areas zoned R3 or R4. The following key controls are discussed in the following table:

LDCP 2008 Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones		
Control	Requirement	Comment
Subdivision, Frontage and Lot Size	The minimum lot size for multi dwelling housing is 1,000m ² . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650m ² . The minimum lot width for multi dwelling housing is 22m. Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m.	Complies. The total site area is 1653.05m ² with a site width of 36.58m Therefore Section 4 of the DCP would not be required.
Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings. There must be a direct link from at least one living area to the principal private open space.	Complies. The proposed dwellings are considered to have been designed to minimise impacts on adjoining properties such that the development will not lead to non-compliances with the overshadowing controls. Complies. Each dwelling of the multi-dwelling housing development will provide a direct link to the POS from the living rooms which has been demonstrated in

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.</p> <p>Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.</p> <p>The siting of dwellings shall be orientated to maximise solar access to both external courtyards and internal living areas.</p> <p>Where possible all existing substantial vegetation on site shall be retained.</p> <p>Multi Dwelling Housing is not permitted on cul-se-sac heads or streets with a carriageway width of less than 6.5m.</p>	<p>the approved plans.</p> <p>Complies. The siting of windows of habitable rooms is considered to have been designed to minimise overlooking to POS of neighbouring properties.</p> <p>Complies. The stormwater plans indicate that stormwater will be discharged via an OSD system. This has been reviewed by Council's Land Development Engineer who posed no objections subject to conditions.</p> <p>Complies. The shadow diagrams indicate that the POS and living rooms will receive a compliant level of solar access when having regard to the minimum requirements.</p> <p>N/A. No substantial vegetation located on site to be retained as per submitted Arborist Report and supported by Council's tree officer.</p> <p>Complies. The proposed development is not located on the cul-de-sac head on Buckingham Crescent and has a carriageway width of 10m.</p>
<p>Townhouse and Villa Development on an 18m Frontage Block</p>	<p><u>Controls relating to 18m frontage blocks</u> Section 4 in Part 3.6 of the LDCP 2008 prescribes controls for multi-unit housing developments on allotments with a frontage of less than 22 metres:</p>	<p>N/A. Site with frontage greater than 22 metres and greater than 1000m².</p>
<p>Setbacks</p>	<p><u>Front Setbacks</u> Ground Floor: 4.5m First Floor: 5.5m Classified Roads: 7.0m</p>	<p>Considered Acceptable.</p> <p>Dwelling 1 Complies. Ground Floor: 6.7m First Floor: 6.7m</p> <p>Dwelling 10 Complies. Ground Floor: 7.7m First Floor: 7.2m</p> <p>Dwelling 11 Complies.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p><u>Side Setbacks</u></p> <p>Ground floor with windows to habitable rooms: 4.0m</p> <p>Ground floor without windows to habitable rooms: 0.9m</p> <p>First floor without windows to habitable rooms: 1.2m</p> <p>First floor with windows to habitable rooms and neighbouring POS: 4.0m</p>	<p>Ground Floor: 7.32m First Floor: 6.1m</p> <p>Dwelling 1 Complies. Northern: 5.0m</p> <p>Dwelling 2 Complies. Northern: 6.15m</p> <p>Dwelling 3 Complies. Northern: 6.15m</p> <p>Dwelling 4 Considered Acceptable. See <i>justification below</i>. Northern: 1.25m</p> <p>Dwelling 9 Complies. Southern: 1.3m</p> <p>Dwelling 11 Complies. Southern: 4.1m</p> <p>Dwelling 1 Complies. Northern: 4.9m</p> <p>Dwelling 2 Complies. Northern: 6.15m</p> <p>Dwelling 3 Complies. Northern: 6.15m</p> <p>Dwelling 4 Considered Acceptable. See <i>justification below</i>. Dwelling 9 Complies. Southern: 1.3m</p> <p>Dwelling 11 Complies. Southern: 4.1m</p>
	<p><u>Justification</u></p> <p>The proposed side setback of dwelling 4 would be a minimum of 1.2m at both the ground and first floor level. This is considered acceptable as the applicant is considered to have satisfactorily demonstrated that the proposed development would not generate any detrimental impacts on adjoining properties in terms of overshadowing, privacy or amenity issues. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 5pm in mid-winter to a living room window on any adjoining property and to at least 50% of the private open space of an adjoining site.</p> <p>While the side setback of dwelling 4 does not comply with Council's numerical setback controls, it is not considered to result in unreasonable visual privacy intrusions to the adjoining neighbours. Appropriate windows have been incorporated on the first storey northern elevation of dwelling 4, being small windows that are screened with vertical louvers to reduce the occurrence of direct</p>	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>overlooking between sites. Whilst on the ground floor adequate visual privacy is maintained largely due to boundary fencing 1.8m in height screening a large portion of one window and high sill windows incorporated for the other additional window. Accordingly, due to the type, place and screening of windows on the northern elevation of Dwelling 4, privacy impacts between neighbours to the northern are considered to be consistent with a dwelling house that is setback 1.2m from a side boundary.</p> <p>In regards to the above, strict compliance with the side setback controls for Dwelling 4 is not considered necessary where it is unlikely there will be any unreasonable solar or privacy impacts as a result.</p>	
	<p><u>Rear Setbacks</u> Ground floor without windows to habitable rooms: 4.0m Ground floor with windows to habitable rooms: 4.0m</p> <p>First floor without windows to habitable rooms: 4.5m First floor with windows to habitable rooms and neighbouring POS: 6.0m</p>	<p>Complies. Dwelling 4 Complies. Western: 6.37m</p> <p>Dwelling 5 Complies. Western: 7.55m</p> <p>Dwelling 6 Complies. Western: 7.52m</p> <p>Dwelling 7 Complies. Western: 7.45m</p> <p>Dwelling 8 Complies. Western: 7.5m</p> <p>Dwelling 9 Complies. Western: 6.32m</p> <p>Dwelling 4 Complies. Western: 6.5m</p> <p>Dwelling 5 Complies. Western: 7.6m</p> <p>Dwelling 6 Complies. Western: 7.7m</p> <p>Dwelling 7 Complies. Western: 7.64m</p> <p>Dwelling 8 Complies. Western: 7.64m</p> <p>Dwelling 9 Complies. Western: 6.47m</p>



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling (see Figure 2). (The main face is the first wall of a habitable room)	N/A. Basement parking provided.																																				
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	Complies. The proposed verandah and balcony would be would only encroach the front setback by a maximum of 1m.																																				
	The secondary setback is the longest length boundary.	N/A.																																				
	<u>Setbacks across internal driveways</u> Buildings shall be setback a minimum of 8m from other buildings across a driveway.	N/A.																																				
	A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas. A minimum unencumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.	Complies. Proposed landscaped area = 635.91m ² Site area = 1653.05m ² Landscaped area proposed is 38.5%. Complies. A minimum 4x5m unencumbered area is proposed within the POS of each dwelling.																																				
	POS required for Dwelling size: Small <65m ² : 30m ² Medium 65m ² – 100m ² : 40m ² Large > 100m ² : 50m ²	Complies. Private Open Space of all dwellings comply. <table border="1" data-bbox="927 1368 1426 1984"> <thead> <tr> <th>Dwelling</th> <th>GFA (m²)</th> <th>POS (m²)</th> </tr> </thead> <tbody> <tr><td>1</td><td>78.57</td><td>40.19</td></tr> <tr><td>2</td><td>75.88</td><td>40.67</td></tr> <tr><td>3</td><td>76.54</td><td>43.21</td></tr> <tr><td>4</td><td>95.83</td><td>51.01</td></tr> <tr><td>5</td><td>76.42</td><td>42.50</td></tr> <tr><td>6</td><td>77.30</td><td>42.16</td></tr> <tr><td>7</td><td>76.86</td><td>42.29</td></tr> <tr><td>8</td><td>76.66</td><td>42.47</td></tr> <tr><td>9</td><td>97.92</td><td>52.68</td></tr> <tr><td>10</td><td>76.05</td><td>47.15</td></tr> <tr><td>11</td><td>97.01</td><td>100.59</td></tr> </tbody> </table>	Dwelling	GFA (m ²)	POS (m ²)	1	78.57	40.19	2	75.88	40.67	3	76.54	43.21	4	95.83	51.01	5	76.42	42.50	6	77.30	42.16	7	76.86	42.29	8	76.66	42.47	9	97.92	52.68	10	76.05	47.15	11	97.01	100.59
Dwelling	GFA (m ²)	POS (m ²)																																				
1	78.57	40.19																																				
2	75.88	40.67																																				
3	76.54	43.21																																				
4	95.83	51.01																																				
5	76.42	42.50																																				
6	77.30	42.16																																				
7	76.86	42.29																																				
8	76.66	42.47																																				
9	97.92	52.68																																				
10	76.05	47.15																																				
11	97.01	100.59																																				

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>Areas less than 1.5 m in width does not qualify as Private Open Space. Private Open Space must be directly accessible from the main living area.</p> <p>A minimum of 50% of the Private Open Space are must receive 3 hours of sunlight between 9:00am and 5:00pm on 21 June.</p>	<p>Complies. All POS have widths larger than 1.5m and are directly accessible from each dwellings main living area.</p> <p>Complies. Shadow diagrams submitted with DA-677/2019 indicate each POS receiving the minimum 3 hours of sunlight on June 21.</p>
<p>Cut and Fill</p>	<p>Maximum Cut permitted: 500mm</p> <p>Maximum Fill permitted: 750mm</p>	<p>Considered acceptable. Basement parking proposed which required greater cut onsite.</p> <p>Complies. Maximum fill 0.72m.</p>
<p>Private Open Space (POS)</p>	<p>Unit/s with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.</p> <p>Entry points shall be enhanced/emphasised to all dwellings especially those facing the street.</p>	<p>Considered acceptable. Dwelling 2 and 3 has its main entrance orientated to face Buckingham Crescent and dwelling 1-3 have living rooms facing towards Buckingham Crescent. Dwelling 1 would not have its main entrance facing the street however has been designed to appear as if it presents to the street, with full glass panels incorporated at the front of the dwelling to take the visual appearance of a main entrance point and providing appropriate passive surveillance to Buckingham Crescent.</p> <div style="text-align: center;">   </div> <p>Complies. The entries of each dwelling are clearly identifiable.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.</p> <p>Building facades shall be articulated and roof form is to be varied to provide visual variety.</p> <p>Walls shall be a mix of masonry, rendered and or bagged, and painted, lightweight clad and painted and/or flush face brick. Justification will be required for 100% face brick facades or 100% rendered and painted brick and will be assessed on merit. Facades can be articulated by:</p> <ul style="list-style-type: none"> - The use of different materials and detailing and / or - The inclusion of balconies, verandas, pergolas and landscaped beds. <p>A sidewall must be articulated if the wall has a continuous length of over 10 m.</p> <p>The entrance of each dwelling shall be emphasised.</p> <p>Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of windows with high sill heights should be used to avoid potential privacy issues.</p> <p>Driveways should avoid a 'gun barrel' effect by curving and siting of buildings, which create a driveway form with the divided carriageway separated by soft landscaping.</p> <p>Attic floor space may be used when it is contained wholly within the roof pitch and will not be counted as a storey provided that the attic space is part of the dwelling unit.</p> <p>Space used for car parking shall be included as a storey if the ceiling of the car parking level exceeds more</p>	<p>Considered Acceptable. See justification below. The first floor of the dwellings have areas greater than 2/3 of their respective ground floor.</p> <p>Complies. The building facades are well designed with good articulation and roof form through use of entry porches, garages and changes in colours and finishes.</p> <p>Complies. The schedule of colours and finishes with DA-677/2019 demonstrate the use of a mixture of render, cladding creating varying finishes.</p> <p>Complies. Sidewalls over 10 have been satisfactorily articulated.</p> <p>Complies. The entrances to each dwelling are clearly identifiable.</p> <p>Complies. Windows at the rear of the allotment accommodate privacy of the neighbouring property through compliant setbacks.</p> <p>N/A. Basement parking provided.</p> <p>N/A. No attic spaces proposed.</p> <p>Complies. The ceiling of the car parking level would not exceed more than 1m above the natural ground level.</p>
--	---	--

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>than 1m above the natural ground level.</p> <p>The maximum roof pitch shall be 36 degrees.</p> <p>Townhouses built on steep or sloping blocks should be built of split-level construction.</p> <p>Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling. Balconies may be considered if they address public open space, communal open space and/or private driveways.</p> <p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>	<p>Complies. Proposed Roof pitch would be 36 degrees.</p> <p>N/A. Site is relatively level.</p> <p>Complies. No balconies proposed on the side or rear of the site.</p> <p>N/A as no blank walls facing the street frontages are proposed.</p>
	<p><u>Justification</u></p> <p>The first floor all dwellings are greater than two-thirds of the ground floor area for their respective dwelling. Despite this non-compliance with the building design control, the variation is considered justifiable for the following reasons:</p> <ul style="list-style-type: none"> - Although the upper levels are larger than that prescribed under the development control, there is sufficient articulation within each of the building's facades. - The development employs a good mix of building materials to help improve the fenestration and minimise the apparent bulk of the structures. - The proposal includes a substantially compliant building height (i.e. max. of 7.86m) which is well below the 8.5m height limit. Because of this reduced building height, the proposal does not impose undue bulk on adjoining properties or the streetscape. - The development is compliant with the maximum floor space ratio allowed onsite and therefore is considered unlikely to be excessively bulk at the first storey. - The development is consistent with the setback requirements and landscaping controls and therefore is not considered to be excessively bulky, especially at the first storey. - Despite the non-compliance, the proposal does not result in any unreasonable overshadowing of adjoining properties, and remains compliant with the provisions of the LDCP 2008 in this regard. 	
<p>Building Design and Appearance</p>	<p>Multi Dwelling Housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.</p>	<p>Complies. Dwellings 1-3 which front the street boundary would incorporate a living room and bedrooms which front the street to promote surveillance.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>Living rooms should take advantage of northern aspects where possible. Access to private open space must be from at least one living room.</p> <p>The internal layout of the dwelling must incorporate cross ventilation.</p> <p>Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the development.</p> <p>Each dwelling must provide a minimum storage area of 8m³.</p> <p>Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).</p>	<p>Complies. Where achievable the dwelling's ground floor living area have taken advantage of northern aspects. Each dwelling's POS is accessible from their respective ground floor living areas.</p> <p>Complies. Each Dwelling incorporates cross ventilation.</p> <p>Considered acceptable. The proposed dwellings incorporate some bathrooms and laundries in the middle of the dwelling, however the internal design would promote acceptable internal amenity.</p> <p>Complies. Sufficient storage is provided to each dwelling in the form of wardrobes to each bedrooms and beneath stair storage.</p> <p>N/A.</p>
	<p><u>Internal Driveway and Car Parking layout</u> Minimum Internal Driveway Width permitted: 3.5m</p> <p>The extent of paved area for driveways shall be kept to a minimum. Driveways abutting dwellings shall be kept to a minimum.</p> <p>Avoid large expanses of driveways, including concentrating double garages adjacent to each other.</p>	<p>Complies. The proposed internal driveway would be a minimum of 6m in width at the crossing point to the subject site and 4m at the entrance to the basement.</p> <p>Complies. The proposed paved area is limited to that required for the driveway.</p> <p>Complies. The proposed multi-dwelling housing development has tried to reduce large expanses of driveways where possible through incorporating a basement carpark.</p>
Internal Design	<p><u>Basement Car Parking</u></p> <p>Basement car parking is permitted but will be included as a storey if the</p>	<p>Complies. The proposed basement car parking is less than 1m above the natural</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>ceiling is located more than 1m above the natural ground level.</p> <p>On sites that slope away from the street, underground car parking structures that protrude more than 1m above the natural ground level towards the rear will not be included as a storey where topographical features warrant and the streetscape is not adversely affected. The car parking area should be adequately obscured from visible sight by the screen planting.</p>	<p>ground level.</p> <p>Noted.</p>
<p>Car Parking and Access</p>	<p><u>Access Driveways</u></p> <p>Driveways to the street shall be kept to a minimum.</p> <p>Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.</p> <p>Kerbs shall be provided along the edge of all internal driveways. All traffic must be able to enter and exit the site in a forward direction.</p>	<p>Complies. One vehicular crossing to the basement proposed.</p> <p>N/A. No Driveways to individual dwellings proposed.</p> <p>Complies. Kerbs will be provided along the edge of the proposed driveway.</p>
<p>Landscaping</p>	<p>The setback areas of development are to be utilised for canopy tree planting.</p> <p>The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas.</p> <p>Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.</p> <p>The landscaping shall contain an</p>	<p>Complies. Setback areas of the development have been utilised for canopy tree planting.</p> <p>Complies. Landscaping appears to be generally appropriate. Landscape plan reviewed and supported by Council's tree officer.</p> <p>Complies. The landscaping schedule submitted with DA-677/2019 indicates that:</p> <ul style="list-style-type: none"> - Various native species have been proposed within the landscaped area. - A mix of vegetation has been proposed within the landscaped area. <p>Complies. The shrubs proposed along</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.</p> <p>Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.</p> <p>Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.</p> <p>Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.</p> <p>Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.</p> <p>A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry.</p> <p>Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.</p> <p>Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.</p> <p>Areas between a driveway and the windows of a dwelling shall be landscaped to provide privacy for the dwelling.</p>	<p>the driveway have a maximum height of 2.5m-4m and are unlikely to obstruct visibility.</p> <p>Complies. Landscaping in the vicinity of the driveway entrance would be highly unlikely to obstruct visibility.</p> <p>Complies. Tree and shrub planting has been incorporated along the rear and side boundaries to provide effective screening to adjoining properties.</p> <p>N/A. No landscaping on podiums or planter boxes are proposed.</p> <p>Complies. Landscaping has been incorporated along the side and rear boundaries.</p> <p>Complies. The proposed front setback would be 60% landscaped.</p> <p>Complies. The proposed trees are likely allow for appropriate shade and sunlight. Landscape options were reviewed and accepted by Council tree officer.</p> <p>Complies. Trees with mature height of 8m have been proposed to be planted at least 3m from utility services. Condition to be imposed also.</p> <p>Complies. The areas between the driveway and the dwellings are landscaped.</p>
<p><u>Primary Frontage</u> The maximum height of a front fence is 1.2m. The front fence may be built</p>	<p>Complies. Proposed front fencing would be less than 1.2m.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>to a maximum height of 1.5m <i>if</i> the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed.</p> <p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p>The front fence may be built to a maximum of 1.8m <i>only if</i>:</p> <ul style="list-style-type: none"> - The primary frontage is situated on a Classified Road. - The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site. <p>Front fences are to be constructed of materials compatible with the proposed design of the dwelling.</p>	<p>Complies. Proposed front fencing would not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>Complies. Front fence to be constructed with sandstone cladding and would be compatible with the proposed design of the dwellings.</p> <p>N/A.</p> <p>Complies. Front fencing constructed of materials compatible with the proposed design of the dwellings.</p>
Boundary Fencing	<p><u>Boundary Fences</u> The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>N/A. No boundary fencing proposed.</p> <p>Noted.</p>
Amenity and Environmental Impact	<p><u>Overshadowing</u> Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least;</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. <p><u>Privacy</u> Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p>	<p>Complies. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.</p> <p>Complies. The amended design of the dwellings, landscaping and fencing is considered to maximise privacy to the subject site and adjoining properties.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p> <p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p>	<p>Complies. Windows to habitable rooms are located on the ground floor and are mostly screened by 1.8m high fencing.</p> <p>Complies. Landscaping would be incorporated in the rear setbacks and along access driveway to increase visual privacy between dwellings and adjoining properties.</p>
	<p><u>Acoustic Impact</u> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.</p> <p>Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.</p> <p>- The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	<p>Complies. The site is not mapped as being on land where the ANEF exceeds 20. However, the site is mapped as being within the ANEF 500m buffer zone. The applicant has subsequently submitted an aircraft noise acoustic report which demonstrates the proposal meets the requirements of AS 2021–2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels. Appropriate noise conditions will be imposed.</p>
<p>Site Services</p>	<p><u>Letterboxes</u> Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post’s requirements</p> <p>Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.</p> <p>Residential numbering should be attached to the letterbox so that it is clearly visible from the street</p>	<p>Approval subject to conditions of consent.</p> <p>Advisory conditions will be imposed outlining Australia Post requirements.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.</p>	
	<p><u>Waste Management</u> Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> - Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. <p>Not be located adjacent to an adjoining residential property.</p>	<p>Complies. Bin storage provided in communal spaces onsite. Communal bin areas have been designed to not be directly adjacent to neighbouring properties.</p> <p>Waste bins are to be collected from the kerb of Buckingham Crescent. The application was also referred to Councils Waste Management Department who was supportive of the proposed development, subject to conditions of consent.</p>

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008.

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

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

Natural and Built Environment

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Approval, subject to conditions of consent
Traffic	Approval, subject to conditions of consent
Natural Environment Landscape	Approval, subject to conditions of consent
Waste Management	Approval, subject to conditions of consent
Flooding	Approval, subject to conditions of consent

(b) External Referrals

No external referrals were required as part of this application.

(c) Community Consultation

The proposal was notified for a period of 15 days from 20 November to 5 December 2019 in accordance with Liverpool Community Participation Plan 2019. Eighteen (18) submissions were received in response to the public consultation process objecting to the proposal. In addition to the notification period Council organised an online Community Consultation session some of the objectors at 2pm on 6 August 2020.

The key issues raised in the submissions relate to:

- Solar access and overshadowing;
- Setbacks and privacy impacts – visual and acoustic;
- Works occurring on adjoining property;
- Insufficient parking within the development and insufficient visitor parking causing additional on-street parking, which will increase hazards to pedestrians and traffic;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- Traffic impacts in the street and general area;
- Impact on the stormwater system/ drainage issues;
- Privacy impacts of balconies;
- Impact of demolition/construction;
- Inconsistent with the surrounding residential character and ambience;
- Devaluation of surrounding property;
- Building height;
- Flooding impacts;
- Water consumption;
- Tree removal;
- Increase in lower socio-economic residents;
- Overdevelopment of the site;
- Waste management (bins lying around after collection/ odour from bins and visual amenity);
- Increase burden on electricity grid;
- Vehicles reversing out of the basement;
- Proposed driveway gradient;
- Destruction of habitat for wildlife;
- Evacuation of street;
- Obstruction of the roadway;
- Impact of construction (basement excavation, damage adjoining properties, water seepage issues);
- Lights from cars exiting the basement; and
- Exhaust grill cause health hazards.

The following discussion has been provided in respect to the concerns raised by the objectors:

ISSUE 1: *Solar Access and Overshadowing*

The proposed development is unlikely to generate any unreasonable impacts in terms of overshadowing on adjoining properties in accordance with the provisions of Council's Development Control Plan. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 5pm in mid-winter to a living room window on any adjoining property and to at least 50% of the private open space of an adjoining site. This is considered to be consistent with Council's Development Control Plan. Furthermore, the applicant has also demonstrated that solar panels on residential dwellings adjacent to the site to south will receive a minimum of 5 hours solar access. In this regard, the development is not considered to provide an unreasonable impact to the immediate locality by way of impacts to solar access and it is consistent of character of a medium density environment.

ISSUE 2: *Setbacks and Privacy Impacts – Visual and Acoustic*

The proposed side setback of dwelling 4 would be a minimum of 1.2m at both the ground and first floor level. This is considered acceptable as the applicant is considered to have satisfactorily demonstrated that the proposed development would not generate any unreasonable impacts on adjoining properties in terms of overshadowing, privacy or amenity issues. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 5pm in mid-winter to a living room window on any adjoining property and to at

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

least 50% of the private open space of an adjoining site.

While the side setback of dwelling 4 does not comply with Council's numerical setback controls, dwelling 4 is considered unlikely to cause any unreasonable visual privacy intrusions to adjoining neighbours. Appropriate windows have been incorporated on the first storey of dwelling 4, being two small windows small that are screened using vertical louvers to reduce the occurrence of overlooking between neighbours. At the ground floor for dwelling 4 adequate visual privacy is maintained largely due to boundary fencing 1.8m in height screening a large portion of one window and high sill windows incorporated for the other window on this elevation. All other dwellings are considered appropriately setback from neighbouring properties and all first floor windows are also appropriately setback from side boundaries in accordance with Council's policies. Accordingly, any potential overlooking of adjoining sites is considered to be commensurate with the medium density zoning applicable to the site and locality.

While noise associated with the site is likely to increase given the intensification of the residential accommodation at the premises, it is considered to be typical with that generated by a medium density development in a medium density zone. Accordingly, without further evidence that demonstrates the proposal would unreasonably impact the acoustic amenity locality beyond what is envisaged under Council's local policies, it is difficult to address this matter further. The development has also been designed with a landscape plan that provides peripheral landscaping treatments in order to soften the development from the adjoining properties. This may also assist in mitigating acoustic transfer between the subject site and the immediate locality. The dwelling are also required to be designed to mitigate aircraft noise intrusion. It is considered that this will also help reduce noise transference from the proposal into the surrounding locality.

ISSUE 3: *Works Occurring on Adjoining Property*

A survey plan has been submitted with the proposed development which has been prepared by a registered surveyor. It appears the survey plan is consistent with Councils database and works would be occurring on the subject site only.

ISSUE 4: *Insufficient parking within the development and insufficient visitor parking causing additional on-street parking, which will increase hazards to pedestrians and traffic.*

The development requires 20.75 car spaces onsite in accordance with the provisions of Part 1 Section 20 of the LDCP 2008 and the DA proposed 22 car parking spaces. Therefore, the development provides adequate car parking spaces with regards to Council's policies. Part 1 Section 20 of the LDCP 2008 requires 1 visitor car space for every 4 dwellings or part thereof. The development proposes 11 dwellings, therefore requires 2.75 spaces and the applicant has provided 3 visitor car spaces.

It is likely that any visitors to the site will be temporary and that any on-street parking associated with the development is unlikely to obstruct access to dwellings in the locality where road users adhere to road rules.

Furthermore, despite the possibility of an increase in temporary on-street visitor parking, the proposed development is highly unlikely to promote any disregard of traffic laws, which may compromise the safety of pedestrians and children in the locality. Accordingly, parking and vehicle access associated with the proposal is considered typical of a multi dwelling development and the desired future character of the locality.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

ISSUE 5: *Traffic Impacts in the street and general area*

The application was accompanied by traffic impact assessment which were assessed by Council's Traffic Section. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objection subject to conditions of consent. As such, generated traffic associated with the proposal are considered acceptable based on Council's Traffic engineers review and for a multi-dwelling housing development of this nature in a medium density zone.

ISSUE 7: *Impact on the Stormwater System/ Drainage Issues*

The application was accompanied by a stormwater concept plan, which was assessed by Council's Land Development Engineering Section. Council's Land Development Engineering Section reviewed the submitted stormwater concept plan and had no objection to the proposed stormwater arrangement onsite, subject to conditions of consent being imposed to ensure acceptable stormwater management onsite and into the local drainage system. Furthermore, conditions of consent have been applied that the development plans must be processed and approved by Sydney Water prior to issue of a construction certificate. Sydney water will investigate the impact of the proposal on their network.

ISSUE 8: *Privacy impacts of balconies*

The applicant has amended the proposal to remove all balconies which face the side or rear of the site.

ISSUE 9: *Impact of Demolition/Construction*

Comment:

Council's standard conditions of consent will be incorporated into any approval granted, reflecting standardised hours of construction and construction management procedures to reduce impacts to the locality during work. Any breaches of conditions of consent will be handled by Council's compliance section. The contact detail of the PCA must be displayed during works so that they can be contacted regarding any issues during construction.

ISSUE 11: *Inconsistent with the surrounding residential character/Ambience*

Comment:

A multi-dwelling development is a land use that is permissible within the zone and the immediate locality. The proposed development has been designed by the applicant to incorporate a streetscape appearance that is not inconsistent with the current streetscape, which includes two storey dwellings. The development also proposes a floor space ratio (FSR) that is well within the allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate bulk and scale for the locality. As demonstrated in this report, the proposal is generally consistent with Council's provisions and is therefore consistent with the desired character of the area.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ISSUE 12: *Devaluation of surrounding property*

Comment:

The development of multi-dwelling housing is permitted form of development for the locality, having regard to the R3 zoning of the site. In respect to depreciation of property value, there is no evidence to suggest that the proposed development will result in the depreciation of the value of any neighbouring properties.

ISSUE 13: *Building Height*

Comment:

The maximum height permitted on the subject site in accordance with the LLEP 2008 is 8.5m A compliant building height of 7.86m has been proposed.

ISSUE 14: *Flooding Impacts*

The proposed development has been referred to Councils Flooding Department who confirmed the subject site is not within the flood planning area for the catchment, and therefore flood related development controls will not apply. The application was also accompanied by a stormwater concept plan, which was assessed by Council's Land Development Engineering Section. Councils Land Development Engineering Section reviewed the submitted stormwater concept plan and had no objection to the proposed stormwater arrangement onsite, subject to conditions of consent being imposed to ensure acceptable stormwater management onsite and into the local drainage system.

ISSUE 15: *Water Consumption*

The application was accompanied by a stormwater concept plan, which was assessed by Council's Land Development Engineering Section. Councils Land Development Engineering Section reviewed the submitted stormwater concept plan and had no objection to the proposed stormwater arrangement onsite, subject to conditions of consent being imposed to ensure acceptable stormwater management onsite and into the local drainage system. Furthermore, conditions of consent have been applied that the development plans must be processed and approved by Sydney Water prior to issue of a construction certificate. Sydney water will investigate the impact of the proposal on their network. The DA was accompanied by a BASIX certificate, which provided minimum targets for water efficiency. The proposal has achieved the water efficiency targets for a multi-dwelling development.

ISSUE 16: *Tree Removal*

The proposal seeks consent for the removal of 5 trees within the front yard and. The application was submitted with an arborist report which recommended removal of all 5 trees. The application was referred to council's natural environment landscape officer who clarified the proposed tree removal is acceptable subject to conditions of consent.

Compliance action was requested on 21 August 2020 to investigate any unauthorised tree removal which may have occurred prior to the lodgement of the development application.

ISSUE 17: *Increase in lower socio-economic residents*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

A multi-dwelling development is a land use that is permissible within the zone. The type of residents that will occupy this development has not been taken into consideration for the assessment of this DA.

ISSUE 18: Overdevelopment of the site

The development proposed a floor space ratio (FSR) that is within the maximum allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate bulk and scale for the locality.

ISSUE 19: Waste Management (Bins lying Around After Collection/ Odour from bins and visual amenity)

The proposal was referred to Council's Waste Management department. Council's Waste Management officer has reviewed the submitted plans and has no objections to the proposal, subject to conditions of consent. Council's Waste Management Officer has also conditioned that residents of all units must present their waste bins for emptying to the kerbside of Buckingham Crescent no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside within 24 hours. Those units with bin enclosures within the common areas must lock their bins back in those enclosures, those units which are capable of storing their waste bins in their private courtyards must put them there.

ISSUE 20: Increase burden on electricity grid

A standard condition of consent will be imposed that written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

ISSUE 21: Vehicles reversing out of the basement

The submitted traffic impact assessment indicates no vehicles are required to reverse out of the basement. Furthermore, the application has been reviewed and supported by Council's Traffic Engineers, who investigated and were supportive of the turning circles associated with the proposal.

ISSUE 22: Proposed Driveway Gradient

The application has been reviewed and supported by Council's Traffic Engineers, who reviewed the proposed driveway and are supportive of the proposed development subject to conditions of consent.

ISSUE 23: Destruction of habitat for wildlife

The site is not mapped as containing environmentally significant land or threatened ecological communities (BC Act). Furthermore, the proposal was referred to Council's Natural Environment Landscape department. Council's Natural Environment Landscape officer has reviewed the submitted landscape plan and arborist report and has raised no objections to the proposal, subject to conditions of consent. As such, it is unlikely that the proposal would impact

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

the natural environment beyond the existing residential development onsite.

ISSUE 24: Evacuation of street

The site is not mapped as being bushfire prone or within the flood planning area for the catchment. Furthermore, a multi-dwelling development is a land use that is permissible within the zone. The development also proposed a floor space ratio (FSR) that is well within the allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate density for the locality. Accordingly, the development of the site as proposed is commensurate for the vision of this locality.

ISSUE 25: Obstruction of the roadway

Council's standard conditions of consent will be incorporated into any approval granted, reflecting standardised hours of construction and construction management procedures to reduce impacts to the locality during work (including any blockages of the road). Any breaches of conditions of consent will be handled by Council's compliance section. The contact detail of the PCA must be displayed during works so that they can be contacted regarding any issues during construction.

ISSUE 26: *Impact of Construction (Basement excavation, damage adjoining properties, water seepage issues)*

Comment:

Council's standard conditions of consent will be incorporated into any approval granted, reflecting standardised hours of construction and construction management procedures to reduce impacts to the locality during work. This includes conditions relating to excavation and mitigation of impacts to adjoining properties. Also, conditions are recommended to ensure that stormwater from during construction does not impact downstream properties. Any breaches of conditions of consent will be handled by Council's compliance section. The contact detail of the PCA must be displayed during works so that they can be contacted regarding any issues during construction.

ISSUE 27: *Lights from cars exiting the basement*

Comment:

While light associated from cars exiting the site is likely to increase given the intensification of the residential accommodation at the premises, it is considered to be typical with that generated by a medium density development in a medium density zone with a basement arrangement. Accordingly, without further evidence that demonstrates the proposal would unreasonably impact the locality beyond what is envisaged under Council's local policies, it is difficult to address this matter further. The application was reviewed by Council's traffic engineers who investigated the gradient of the basement ramp and it's overall design. They raised no objections to its functionality. Based on aerial imagery of the site and properties opposite the basement it appears to be directly opposite two existing driveways and garages, minimising the impact of light spill into the opposite dwellings at the ground level due the placement of the basement entry.

ISSUE 29: *Exhaust grill cause health hazards*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The plans submitted with the development do not indicate the use of an exhaust grill or ventilation stack from the basement.

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

The development is consistent with the objectives of the R3 Medium Density zone and is satisfactorily compliant with the relevant planning provisions and controls contained under the LLEP 2008 and LDCP 2008. Where non-compliances have been identified, these have either been considered justifiable in the circumstances, or addressed by way of consent conditions. As such the proposal is within the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with the Liverpool Contributions Plan 2018 (Established Areas) as amended and will be imposed as a condition of consent of any approval for the proposed development.

8. CONCLUSION

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

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality. Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-677/2019 seeking approval for the demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park, be approved subject to conditions of consent.

10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. CONDITIONS OF APPROVAL**
- 3. SECTION 7.11 PAYMENT FORM**

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

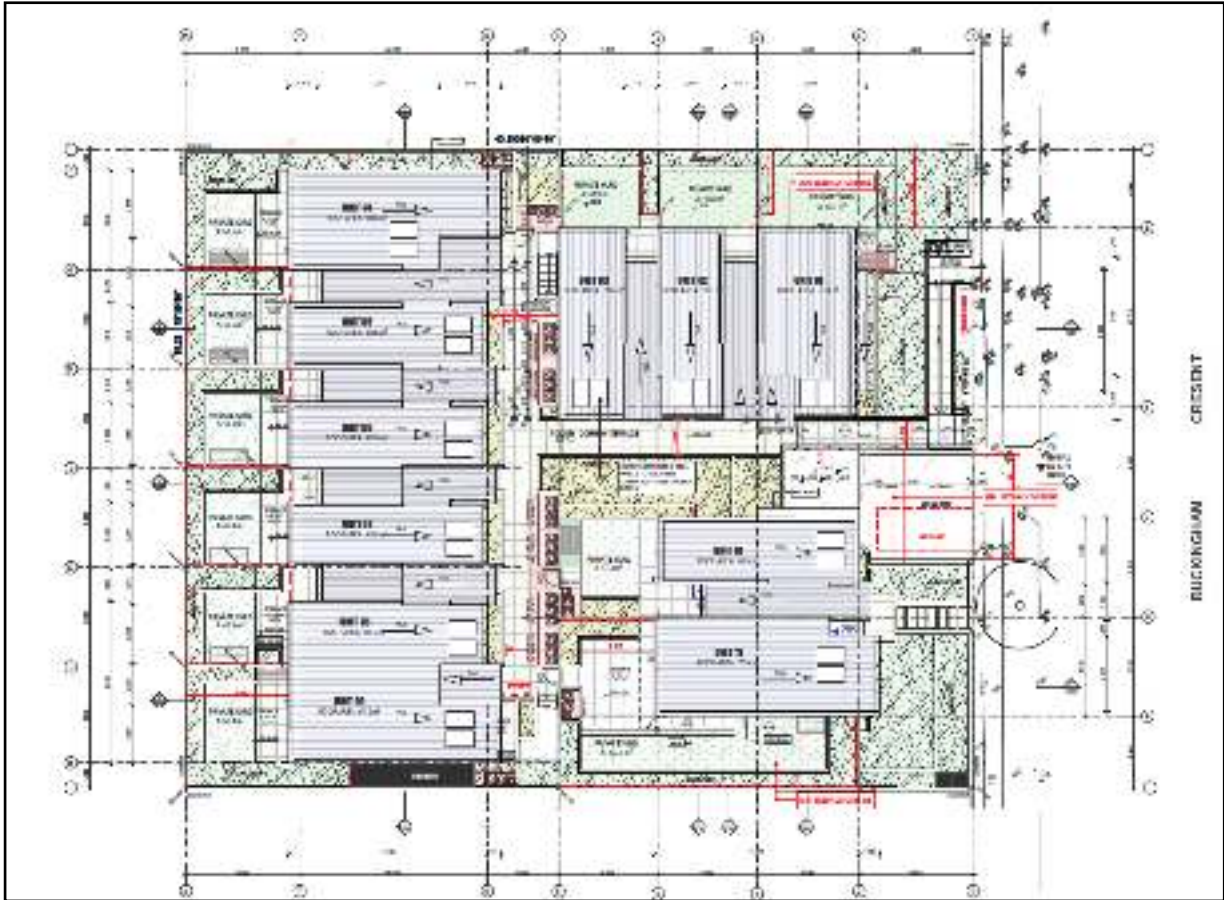
ATTACHMENT 1: PLANS OF THE PROPOSAL



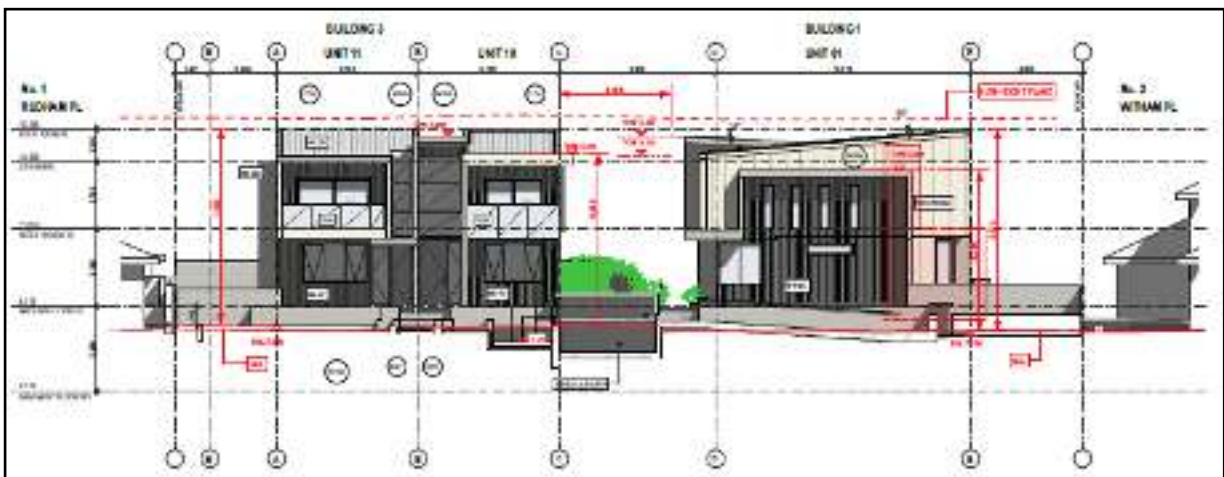
Site Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



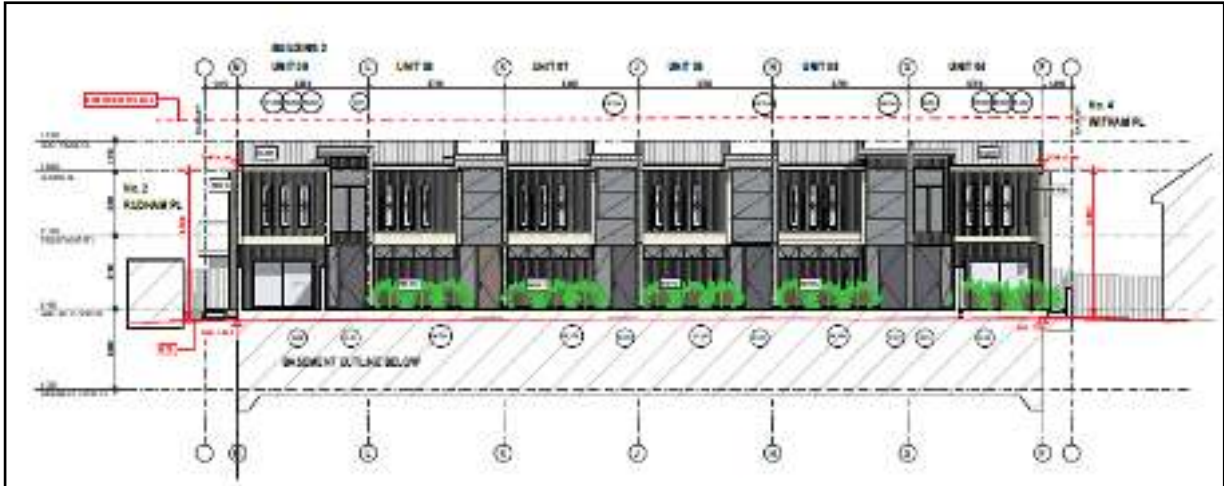
Roof Plan



Streetscape Elevation (Eastern Elevation)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Eastern Elevation (Internal)

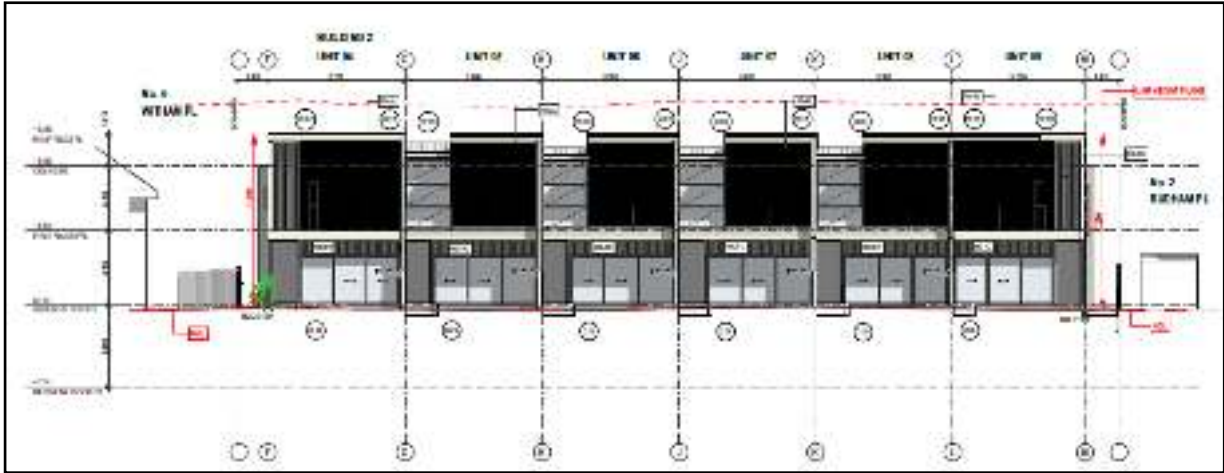
Southern Elevation



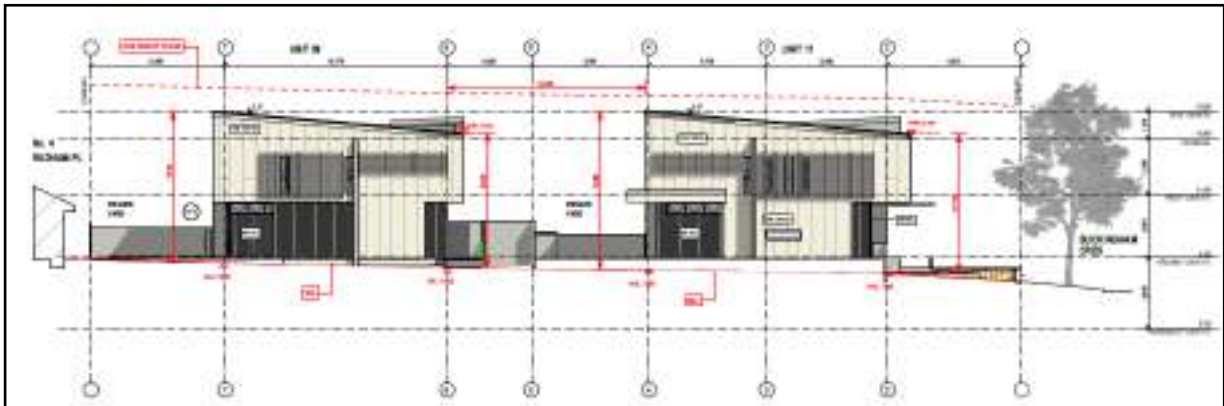
Southern Elevation (Internal)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

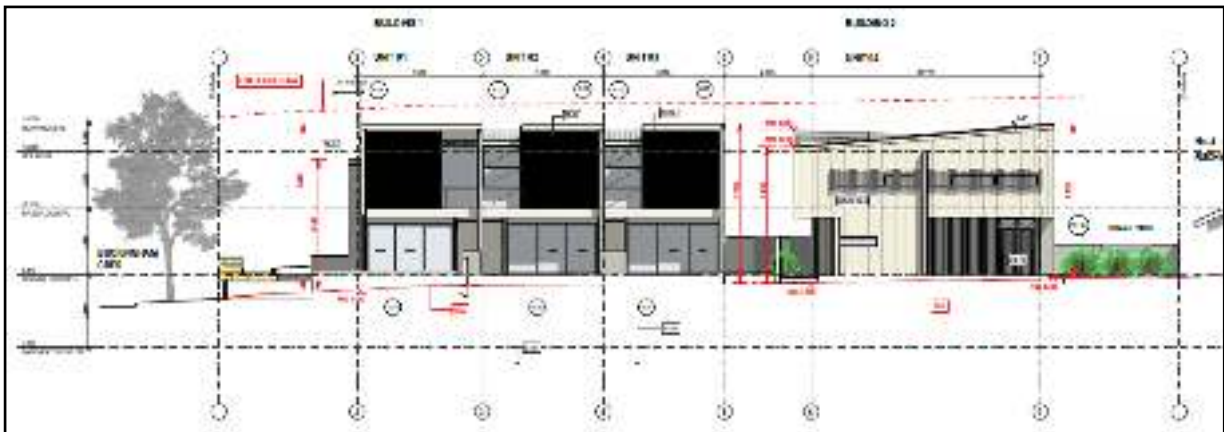
28th September 2020



Western Elevation



Western Elevation (Internal)



Northern Elevation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Northern Elevation (Internal)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 2 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

1. Approved Plans

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

- a) Architectural Plans prepared by kvmzvarchitecture, Job No: 1875, including:
 - Site Plan, Drawing No DA102, Revision B2, Dated 02.06.20;
 - Demolition Plan, Drawing No DA103, Revision BA, Dated 26.09.19;
 - Basement Floor Plan, Drawing No DA201, Revision B2, Dated 02.06.20;
 - Proposed Ground Floor Plan, Drawing No DA202, Revision B2, Dated 02.06.20;
 - Proposed First Floor Plan, Drawing No DA203, Revision B2, Dated 02.06.20;
 - Roof Plan, Drawing No DA204, Revision B2, Dated 02.06.20;
 - Buckingham Cres Elevation, Drawing No DA300, Revision B2, Dated 02.06.20;
 - East Elevations, Drawing No DA301, Revision B2, Dated 02.06.20;
 - South Elevations, Drawing No DA302, Revision B2, Dated 02.06.20;
 - West Elevations, Drawing No DA303, Revision B2, Dated 02.06.20;
 - North Elevations, Drawing No DA304, Revision B2, Dated 02.06.20.
 - Soil & Water Management Plan - Erosion/ Sediment Control Plan, Drawing No DA801, Revision A, Dated 26.09.19

- b) Landscape Plan prepared by topio.graphica Landscape Architecture, Job No: 1875, Revision B2, Dated 02.06.20, including:
 - Landscape Plan – Overall, Drawing No DA111;
 - Landscape Plan – Zone A, Drawing No DA112;
 - Landscape Plan – Zone B, Drawing No DA113;
 - Landscape Plan – Zone C, Drawing No DA114;
 - Landscape Plan – Zone D, Drawing No DA115;
 - Landscape Details & Notes, Drawing No DA116;
 - Landscape Maintenance Schedule, Drawing No DA117.

- c) BASIX Certificate, Certificate No: 1039772M prepared by Eco Certificates Pty Ltd, Dated 25 September 2019;

- d) Acoustic Report, prepared by Acoustic, Vibration & Noise Pty Ltd,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

reference number: 2019-358, Dated 30 October 2019;

- e) Arboricultural Impact Assessment, prepared by Tree and Landscape Consultants, prepared for CCM Group Pty Ltd, Dated 30 October 2019; and
- f) Waste Management Plan, prepared for 14 and 16 Buckingham Crescent, Chipping Norton.

2. General Compliance

The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

3. National Construction Code

All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

4. Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

5. Section 7.11 Payment (Liverpool Contributions Plan 2018 – Established Areas)

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

The total contribution is **\$61,486.00** and will be adjusted at the time of payment in accordance with the contribution plan.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

50% of the total amount is **\$30,743.00** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution plan).

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

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

Payment must be accompanied by the attached form.

Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.

6. Fee Payments - Land Development

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

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

7. Construction Requirements - Retaining Walls

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

8. S138 Roads Act – Minor Works in the Public Road

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:

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

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

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

9. On-Site Detention

A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Statiker, reference number 19044, revision A, dated 9/9/2019.

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

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

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.

10. On-Site Detention

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Statiker, reference number 19044, revision A, dated 9/9/2019.

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

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

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

11. Stormwater Discharge – Basement Car parks

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

12. Water Quality

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

The Construction Certificate must be supported by:

- a) Specification & installation details of the stormwater pretreatment System; and
- b) The approval of an operation and maintenance manual/ schedule for the stormwater pretreatment 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.

13. Access, Car Parking and Manoeuvring

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1;
- b) Sight distance at the street frontage has been provided in accordance

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- with AS 2890.1; and
c) All cars can enter and exit the site in a forward direction.

In relation to item c), the development is to comply with AS 2890.1 Figure 3.3 *Minimum Sight Lines for Pedestrian Safety*.

14. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council's Traffic and Transport Section for approval prior to the issue of a Construction Certificate.

15. Traffic

Detailed design plan for the access driveways and car park including swept path analysis, gradient, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section for review. This should also include a plan showing that vehicles will not experience ground clearance issues as a result of the grade change.

16. Traffic

Details of the traffic signal control system to be installed at the entrance of the basement parking, including technical specifications, design and location is to be submitted Council's Traffic and Transport Section for review.

17. Traffic

Street lighting is to be reviewed and, if required, upgraded to Council's specifications.

18. Provision of Services – Sydney Water

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

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

19. Provision of Services – Endeavour Energy

Written clearance from Endeavour Energy, stating that electrical services have

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

20. Provision of Services - Telco

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

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

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

21. Dilapidation Report

A dilapidation report of all infrastructure fronting the development in Buckingham Crescent, Chipping Norton is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 40m either side of the development.

22. Dilapidation Report Private Property (Excavations)

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

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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.

23. Cladding

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

24. Products banned under the Building Products (Safety) Act 2017

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.

25. Driveway/Services – Location

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

26. Recommendations of Acoustic Report

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

27. Waste Management

Prior to the issue of a Construction Certificate, the DA approved waste management plan (WMP), is to be revised to state:

- a) That each domestic waste bin enclosure provided is to be clearly and permanently marked with the number of the unit that it relates to;
- b) That the path of movement of all bins to the kerbside of Buckingham Crescent is to be smooth, unobstructed and no more than 7% gradient;
- c) The name and address of the waste processing/recycling facilities to which the different types of waste will be taken, which have been identified as being recycled from the demolition and construction phases of the development; also, the name and address of the landfill that is to be used for any residual non-recyclable materials.
- d) The revised WMP must also state that any asbestos construction materials that may be encountered during the course of the demolition work, is to be handled and disposed of strictly in accordance with the relevant laws and regulations from the NSW EPA and WorkCover.

28. Notification to Council

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.

C. PRIOR TO WORKS COMMENCING

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

29. Building Work

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.

30. Construction Certificates

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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.

31. Construction Certificates

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

- a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

32. Site Facilities

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

33. Residential Building Work

Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

34. Residential Building Work

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

35. Excavation

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

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

36. Notification

Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:

- a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
- b) The notice shall be given seven (7) days prior to the commencement of work.

37. Demolition Works

Demolition works shall be carried out in accordance with the following:

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

with NSW Work Cover requirements.

38. Site Notice Board

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- a) The name, address and telephone number of the principal certifying authority for the work,
- b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) Unauthorised entry to the premises is prohibited.

39. Dial Before You Dig

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

40. Sydney Water

Development plans must be processed and approved by Sydney Water.

41. Waste Classification and Disposal of Contaminated Soil and Material

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 (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 with 30 days of the waste being disposed.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

42. Sediment & Erosion Control

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

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

43. Toilet Facilities

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

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

44. Waste Management

Prior to any works commencing, the domestic waste bins of the existing residences to be demolished at 14 and 16 Buckingham Crescent Chipping Norton must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed and so their removal can be noted.

45. Waste Management

Prior to any works commencing, any air-conditioning or refrigeration systems fitted to either of the dwellings to be demolished must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if indeed these systems are fitted to either of the dwellings, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

46. Traffic Control Plan

The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

public road reserve. The application forms are available on Council's website or can be requested from the Council's Customer Services.

47. Traffic Control Plan

Prior to commencement of any works a Traffic Control Plan including details for pedestrian and cyclist access management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller, and submitted to Council and the PCA for approval.

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

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

48. Arboricultural Impact Assessment

All recommendations of the approved Arboricultural Impact Assessment, prepared by Tree and Landscape Consultants, prepared for CCM Group Pty Ltd, Dated 30 October 2019 that are required to be implemented prior to works commencing shall be carried out to the satisfaction of the PCA. This includes ensuring the landscape works feature advanced plantings as per Recommendation C of Section 5.

D. DURING CONSTRUCTION

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

49. Building Work

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

50. Building Work

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

51. Building Work

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 do 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.

52. Identification Survey Report

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.

53. Excavation

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

- a) protect and support the adjoining premises from possible damage from the excavation,
- 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.

54. Demolition Inspections

The following inspections are required to be undertaken by Council in relation to approved demolition works:

- a) immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works,

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and

- b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

55. Security Fence

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

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

56. Hours of Construction Work and Deliveries

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

57. Construction Noise and Vibration

Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise 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).

58. Notification of Damage

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

59. Traffic

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

60. Traffic – Car Parking Areas

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

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

61. Traffic

Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

62. Traffic

The endorsed CTMP is to be implemented during the construction.

63. Arboricultural Impact Assessment

All recommendations of the approved Arboricultural Impact Assessment, prepared by Tree and Landscape Consultants, prepared for CCM Group Pty Ltd, Dated 30 October 2019 that are required to be implemented during works shall be carried out to the satisfaction of the PCA.

This includes, but is not limited to, the works being supervised by an appropriately qualified site Arborist in accordance with the approved Arboricultural Impact Assessment, prepared by Tree and Landscape Consultants, prepared for CCM Group Pty Ltd, Dated 30 October 2019.

64. General Site Works – Surface contours

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

65. General Site Works - Sediment

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

significant land.

66. Removal of Dangerous and/or Hazardous Waste

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

67. Erosion Control - Measures

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

68. Major Filling/ Earthworks

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

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

69. Contamination

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

70. Imported Fill Material

Any filling material must be limited to the following:

- a) Virgin excavated natural material (VENM)
- b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment (Waste) Regulation 2014; and/or
- c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

71. Record Keeping of Imported Fill

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

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

72. Unidentified Contamination

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.

73. Air Quality - Dust Screens

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

74. Air Quality – Stabilisation

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

75. Air Quality - Vehicle movement

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.

76. Pollution Control - Site Operations

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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

77. Pollution Control - Truck Movements

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.

78. Aboriginal Relics/Artefacts

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

79. Waste Management

All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site are to be left on site after the completion of the works.

80. Waste Management

All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

81. Occupation Certificate

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

82. Certificates

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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

83. Certificates

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

84. Section 7.11 Payment

Prior to the issue of **any** occupation certificate all outstanding section 7.11 contributions must be paid as required by Condition 5 of this consent. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

85. Cladding

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

86. Land Consolidation

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

87. Arboricultural Assessment

The PCA shall ensure that all recommendations of the approved Arboricultural Impact Assessment, prepared by Arboricultural Impact Assessment, prepared by Tree and Landscape Consultants, prepared for CCM Group Pty Ltd, Dated 30 October 2019 have been satisfactorily completed.

88. Section 73 Sydney Water Certificate

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

89. Certificates

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:

- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

90. Landscaping

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

91. Liverpool City Council Clearance – Roads Act/Local Government Act

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

92. Works as Executed - General

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

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

93. Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out systems have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,

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

94. Footpaths

Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

95. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out systems shall be registered on the title of the property.

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

96. BASIX

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

97. Rectification of Damage

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

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

98. Road Works

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

99. Display of Street Numbers

Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

100. Traffic

Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.

101. Dilapidation Report

Any rectification works required by Council regarding the condition of Council

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

infrastructure shall be undertaken, at full cost to the developer.

102. Recommendations of Acoustic Report

Upon completion of works and prior to the issue of any Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to the satisfaction the Principal Certifying Authority (PCA) confirming that the development meets the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction with respect to interior noise levels.

Furthermore, the certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report, prepared by Acoustic, Vibration & Noise Pty Ltd, reference number: 2019-358, Dated 30 October 2019.

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

F. CONDITIONS RELATING TO USE

The multi-dwelling housing development shall be used and operated in accordance with the following conditions:

103. Landscaping

Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

104. Graffiti

Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

105. Car Parking

All parking areas shown on the approved plans must be used solely for this purpose.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

106. Car Parking

A total of twenty-two (22) off streetcar parking spaces must be provided onsite at all times.

107. Waste Management

Prior to residents residing onsite, Council is to be contacted to arrange delivery of the domestic waste bins to those properties. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.

108. Waste Management

Residents of all units must present their waste bins for emptying to the kerbside of Buckingham Crescent no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside within 24 hours. Those units with bin enclosures within the common areas must lock their bins back in those enclosures, those units which are capable of storing their waste bins in their private courtyards must put them there.

109. Waste Management

Domestic waste bins are for the permitted types of household waste only, hazardous materials, builder's/trade waste, tyres and car parts are not permitted.

110. Waste Management

Residents must inform themselves of what materials can correctly be placed in the yellow-lid domestic recycling bin. All recycling materials placed in that bin must be loose and capable of being separated; recyclables must not be bagged.

111. Waste Management

All bulky household wastes must be kept within their residence of origin. Residents are responsible for making their own pre-booked bulky waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside the evening before the booked date of the pick-up. The amounts and types of materials that are acceptable for collection will be as per the conditions of Council at the time.

G. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) "DIAL BEFORE YOU DIG"

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

- i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 3 – SECTION 7.11 PAYMENT FORM

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

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

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

APPLICATION NO: DA-677/2019

PROPOSAL: Demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park.

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Eastern	\$4,788	GL.10000001870.10098
District Sporting Fields - works		
Eastern	\$16,360	GL.10000001869.10212
District Passive Open Space - works		
Eastern	\$8,494	GL.10000001869.10092
Local Passive Open Space - works		
Chipping Norton	\$22,972	GL.10000001869.10095
Transport - Bikeways - works		
Eastern	\$1,613	GL.10000001865.10208
Transport - Traffic management - works		
Eastern	\$4,597	GL.10000001865.10214
Drainage - works		
Eastern	\$1,754	GL.10000001866.10210
Administration	\$909	GL.10000001872.10104
TOTAL	\$61,486	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Item no:	2
Application Number:	DA-952/2019
Proposed Development:	Demolition Of Existing Structures And The Construction Of An 11-Storey Residential Flat Building Comprising 70 Units (17 X 1-Bedroom, 47 X 2-Bedroom And 6 X 3-Bedroom), With Two Levels Of Basement Carparking, Rooftop Communal Open Space, And Associated Landscaping And Site Works.
Property Address	4 & 6 DRUMMOND STREET, WARWICK FARM
Legal Description:	LOT 6 & 7 DP 758620
Applicant:	ZHINAR ARCHITECTS PTY LTD
Land Owner:	MRS M F PAINE
Cost of Works:	\$18,274,664.79
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Nabil Alaeddine

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA 952/2019) seeking consent for demolition of existing structures and the construction of an 11-storey residential flat building comprising 70 units (17 x 1-bedrooms, 47 x 2-bedroom and 6 x 3-bedroom), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works at 4 - 6 Drummond Street, Warwick Farm.

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

The Development Application was notified between 25 February 2020 and 10 March 2020 in accordance with Liverpool Community Participation Plan 2019. No submissions were received in response to the exhibition period.

The key issues associated with the proposal relate to the design excellence provisions, height extrusion, the number of units per level, landscaping and deep soil and the location of the electrical substation box.

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

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a sensitive development in that it is a development to which State Environmental Planning

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Policy No. 65 Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. The Development Application provides for residential development located within the northern precinct of the Liverpool City Centre. The development aligns with Council's strategic vision for the Liverpool City Centre to provide for residential development in a high density-built form. Based on the assessment of the application, it is recommended that the application be approved, subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is legally identified as lots 6 & 7 DP 758620 and is located at 4 & 6 Drummond Street, Warwick Farm.



Figure 1: Aerial View of Subject Site and Surrounding area. (Source: GeoCortex Data, Liverpool City Council, August 2020)

The subject site is located between Drummond Street and Lachlan Lane in Warwick Farm. The site has the following area and dimensions:

Area – 2088.60m².

Frontage to Drummond Street (West Boundary) – 46.27 metres

Rear – Lachlan Lane (East Boundary) – 46.27 metres

North (Boundary of No. 2 Drummond Street) – 45.14 metres

South (Boundary of No. 8 Drummond Street) – 45.14 metres

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 2: Aerial View of Subject Site. (Source: GeoCortex Data, Liverpool City Council, August 2020)

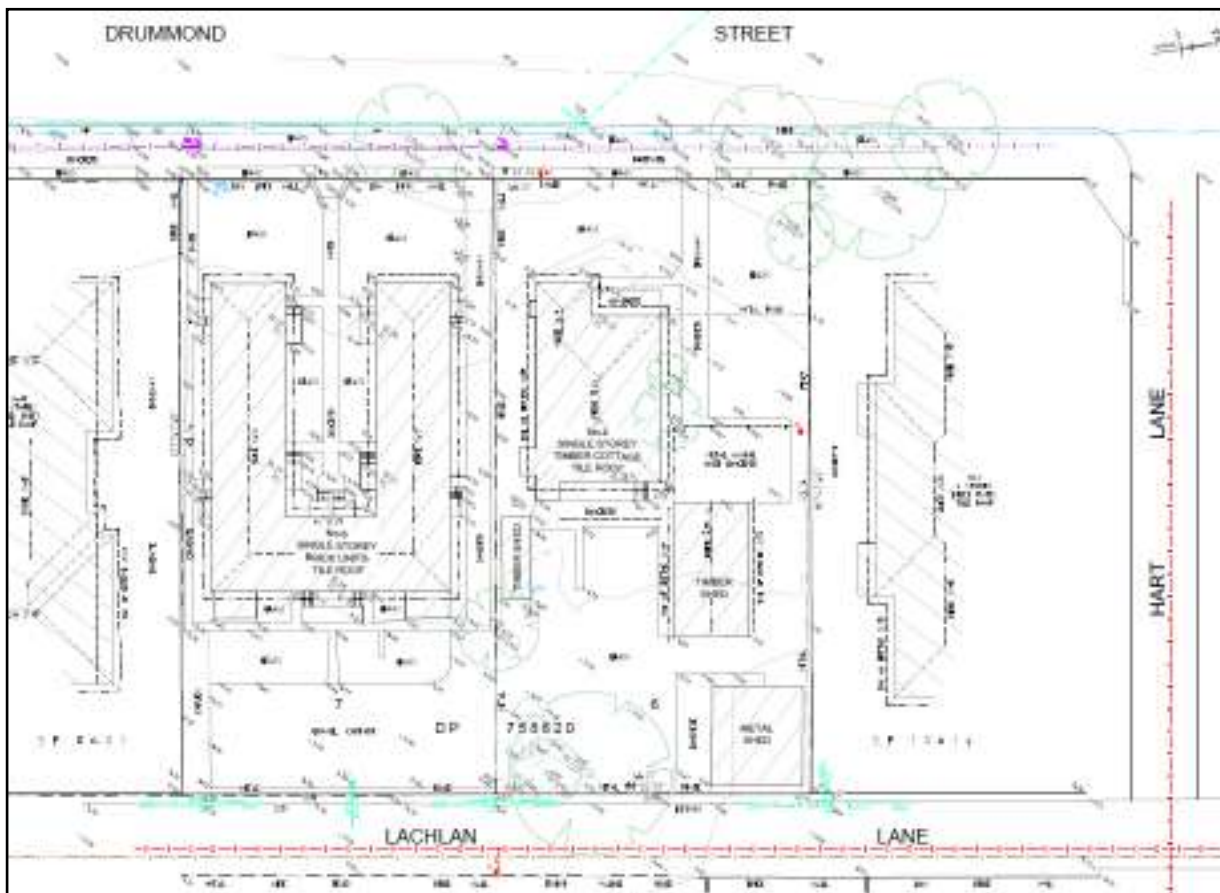


Figure 3: Survey Plan Extract. (Source: LTS LOCKLEY, Ref. 50619 001DT, dated 15/02/2019)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



No. 4 Drummond Street

No. 6 Drummond Street

Figure 4: Photos of both sites from Drummond Street (Front). (Source: Liverpool City Council Photo, taken on 16/03/2020)



No. 4 Drummond Street

No. 6 Drummond Street

Figure 5: Photos of both sites from Lachlan Lane (Rear). (Source: Liverpool City Council Photo, taken on 16/03/2020)

2.2 The Locality

The subject site is located in the northern part of the Liverpool City Centre, in an area characterised by a mix of modern residential flat buildings, older walk-up style flats, single storey dwellings and medical buildings.



Figure 6: Photos of existing building typology in Drummond Street). (Source: Liverpool City Council Photo, taken on 16/03/2020)

The immediate area is dominated by older three to four storey walk up type apartment buildings. The site is approximately 284 metres south-west of Warwick Farm Railway Station, 75 metres

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

from Hart Park to the east, 550 metres from Liverpool Hospital to the south and 1km from Westfield Shopping Centre to the west.

The area is marked for an increase in density to higher residential flat buildings with more variety to cater for various markets and provide a choice to potential residents with good amenity close to a major CBD, transport links, health services and employment. The immediate area is seeing a change from the low to medium density residential (Figure 4 & 5 above) toward higher density (Figure 7 below).



Figure 7: Photos of new building typology in nearby streets). (Source: Liverpool City Council Photo, taken on 16/03/2020)

2.3 Site Constraints

The subject site is not affected by any constraints that would affect the proposed development.

3 DETAILS OF THE PROPOSAL

Demolition of existing structures and the construction of an 11-storey residential flat building comprising 70 units (17 x 1-bedroom, 47 x 2-bedroom and 6 x 3-bedroom), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works.

The proposal, as amended, seeks consent for the following:

- Demolition of the all existing structures on site and tree removal,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 8: Demolition and Tree Removal Plan (Source: Zhinar Architects Pty. Ltd., Ref. 08632, Rev. C, dated 12/06/2020)

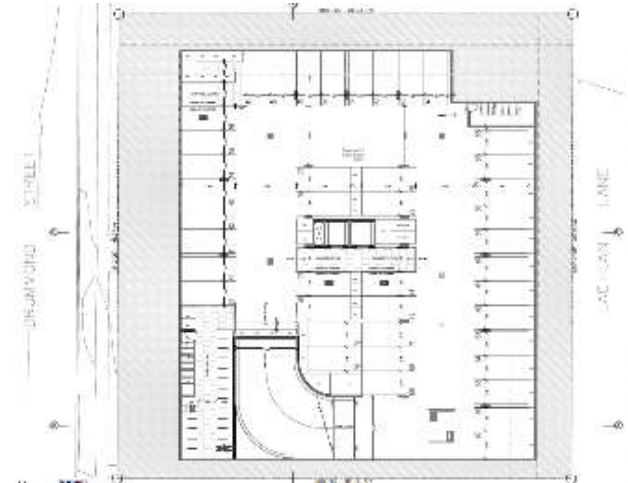
- Excavation to form a two-level basement carpark for 80 vehicles,
- Construction of an 11-storey residential flat building comprising a total 70 residential apartments as follows:
 - 17 x 1-bedroom apartments
 - 47 x 2-bedroom apartments
 - 6 x 3-bedroom apartments
- Ancillary landscaping and public domain works including the provision landscaping, footway works and paving towards the street frontages.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Site Plan



Basement 2



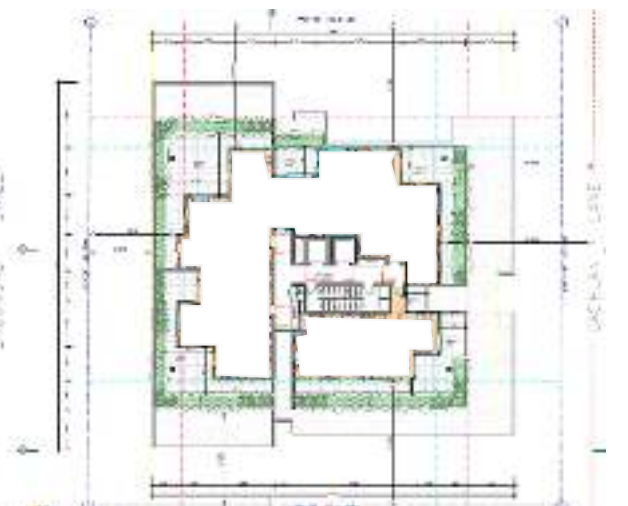
Basement 1



Ground Floor Plan



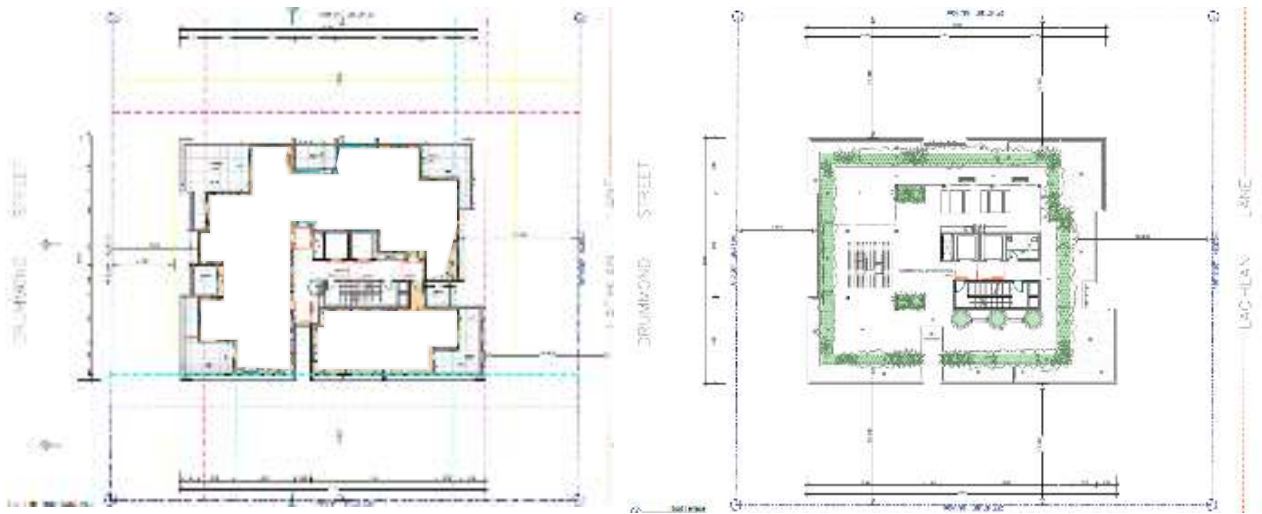
Levels 1 to 3 Floor Plan



Level 4 Floor Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Levels 5 to 10 Floor Plan

Rooftop Terrace Communal Area

Figure 9: Proposed Site Plans and Floor Plans. (Source: Zhinar Architects Pty. Ltd., Ref. 08632, Rev. C, dated 12/06/2020)



North Elevation



South Elevation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



East Elevation **West Elevation**
Figure 10: Proposed Elevations. (Source: Zhinar Architects Pty. Ltd., Ref. 08632, Rev. C, dated 12/06/2020)

4 BACKGROUND

4.1 DA History

Date	Comment
16 October 2019	Pre-DA meeting
23 December 2019	Application received by Council.
23 January 2020	A 'Stop the Clock' (STC) was issued that regarding missing plans and information on plans (Refer to section 4.2 in this report)
6 February 2020	STC additional information was received by Council.
25 February 2020	Application was notified from 25 February 2020 to 10 March 2020
15 April 2020	Design Excellence Panel (DEP) meeting held for the proposal. (Refer to section 4.2 below for details.
11 May 2020	DEP response received by Council and forwarded to applicant.
1 June 2020	Additional Information request sent to Applicant (refer to section 4.2 in this report)
22 July 2020	Additional Information received by Council.

4.2 Issues identified in initial assessment.

The initial assessment of the proposal identified the following deficiencies with the application:

- The proposal exceeded the maximum floor space ratio (FSR) as prescribed by Clause 4.4 of the LLEP 2008;
- 9 units were proposed on levels 1 to 3 without any request for variation to the ADG or how and why it should be supported.
- The proposal is situated at no. 4-6 Drummond Street. No. 2 Drummond Street is on the corner of Drummond Street, Hart Lane and Lachlan Lane which raised potential site isolation issues that were not adequately addressed in the application.
- The proposed ground floor landscaping and deep soil areas were dominated by hard surfaces and did not comply with minimum ADG deep soil controls for area and width.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- Height Plane plans were required in comparison to neighbouring adjacent sites in streetscape concept to determine the potential relationship between neighbouring building was requested.
- Traffic Swept path analysis for loading bay required with a 'No Stopping' zone along the eastern side of Lachlan Lane to be indicated. The analysis should allow for a maximum 14.1 long rigid truck to access the loading area.
- Amendments to the western façade to deal with sun penetration.
- A detailed schedule of finishes required.
- Engineering matters relating to Stormwater arrangement.

4.3 Design Excellence Panel

The application was considered by Council's Design Excellence Panel (DEP) on 15 April 2020. Amended plans were subsequently lodged. The DEP was largely supportive of the proposal with some relatively minor amendments noted as follows:

- *There is too much GFA at the ground level of the building which contributes to an awkward layout for that level and Levels 1 to 3. The upper levels (4 - 11) have a more rational foyer and floor plate layout for access and amenity.*
- *The western façade needs to look and act differently to the other facades given its direct western orientation. The layout of units needs to be addressed to provide better orientation for living areas, internal and external.*
- *There is too much hardstand area proposed at ground level. The footprint should reduce GFA to provide useable open space and strong and durable landscaping. Strong consideration needs to be given to landscaping at ground level as hardstand areas are proposed exclusively on the roof top. What potential is there to retain existing trees and increase deep soil planting?*
- *It is noted that the flood risk to the site has pushed up the ground floor level. The challenge of the design is to provide good floor to floor separation (at least 3.1m) and comply with the Height of Building control. This is technically possible and any shade structure on the roof top Community Open Space should be designed to avoid adding apparent height to the building. The building should be topped out with a horizontal element at the habitable level. Consideration could be given to solar panels on the roof top area.*

4.4 Applicant's Response

On 22 July the applicant submitted additional information in response to Council Additional Information letter and DEP comments and included the following design changes:

- The ground floor layout has been amended to have a more rational foyer as T-shape which improves the layout and access.
- Ground Floor landscaping has been amended to reduce the external hard surfaces and paths and has increased the landscaping and deep soil around the site predominantly in the northern setback.
- The FSR calculations were provided with amendments to all levels that ensure compliance with FSR.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- 9 units per circulation on levels 1-3 were retained and the applicant has provided a justification relating to design guidance 4F-1 in the ADG which notes:
 - *“Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated...”* and
 - *“Where criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.”*

The circulation lobbies have been redesigned to provide better flow by providing a second opening to the northern end of the lobby.

- The western facade has been amended to include additional sun control with vertical angled blades incorporated into the façade which indicates that 50% of the hotter afternoon sun will be deflected from directly penetrating apartments from the western elevation.
- The applicant provided plans indicating that an adequate building can be constructed on No. 2 Drummond Street without a greater loss of amenity to that potential of any residents at No. 2 Drummond Street.
- Swept path analysis provided for Lachlan Lane.
- A revised ‘Detailed schedule of External Finishes’ provided.

5 STATUTORY CONSIDERATIONS

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

Environmental Planning Instruments (EPI’s)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Liverpool Local Environmental Plan 2008

Other Plans and Policies

- Apartment Design Guide.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 4 – Development in Liverpool City Centre

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Contributions Plans

- Liverpool Contributions Plan 2007 (Liverpool City Centre) applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 2% of the cost of the development pursuant to Section 7.12 of the EPA & Act which equates to **\$365,493.00**.

6 ASSESSMENT

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

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal seeks to construct an 11-storey residential flat building. The provisions of SEPP 65 apply to the proposed development, as it has a height greater than 3-storeys and contains more than 4 residential apartments.

SEPP 65 requires:

- A design verification from a qualified designer, verifying the design of the residential apartment development, and that the design quality principles set out in Part 4 of SEPP 65 — Design Quality of Residential Apartment Development are achieved; and
- In determining a development application for consent to carry out residential apartment development, the consent authority is to take into consideration the Apartment Design Guide (ADG).

The application is accompanied by a SEPP 65 Design Statement prepared by Zhinar Architects outlining the design quality of the development in accordance with the nine (9) design quality principles as provided by the SEPP and against the guidelines of the associated ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

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

(a) Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.	The development has been designed to respond to the key natural features of the site by providing a 4-storey podium which is consistent with the existing streetscape. The rectangular to permit appropriate solar access and cross ventilation.
Responding to context involves identifying	The surrounding locality of the site is predominately characterised by medium to higher residential density

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(a) Design Quality Principle	Comment
<p>the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>developments, ranging from walk up apartment blocks (of higher density). The existing apartments are approximately older style walk-up type, but the area is well serviced and is in walking distance to Warwick Farm and Liverpool Railway Stations. Noting that the area is predominately residential flat buildings and is well serviced, it is expected that more modern apartments buildings will be part of the changing area.</p> <p>The proposed development is considered to respond to its context.</p> <p>The proposed development is considered to respond to the desired future context for the surrounding locality and the subject site. The proposed development is considered to be of a nature that is consistent with the objectives of the zone in which it is located as well as remaining consistent with the objectives intended future built form that is expected on the site and the immediate surrounding locality.</p> <p>Associated with the need to accommodate the increasing demand for housing supply, influenced by the increasing growth in population, concepts of urban consolidation and Transport Orientated Design (TOD) are also supported by the proposed development. Proposing an ideal housing solution to support the local area and the increasing density of the urban context, it is argued that this proposal is compatible within the site's current locality, not only meeting Legislative Planning objectives of the zone it resides within, but also positively contributing to an enhanced livelihood of the area.</p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>It is considered that the proposed development achieves a scale, bulk and height appropriate to the desired future character of the street and surrounding buildings.</p> <p>A 35m height limit applies to the site. The scheme proposes an 11-storey development with a communal roof terrace. The lift, stair core and canopy encroach over the height limit approximately 2.4m to 3.7m with the lift overrun at 3.7m over. This is located in the centre of the building mass and has minimal overshadowing impacts. The height encroachment is driven by the building massing that creates a 4 store podium base and upper tower mass which is generally set back 12m from the side boundaries and centreline of the rear lane to avoid a "wedding cake" profile and achieve a simplified clean form.</p> <p>The composition of building elemental textures, choice of materials and colours reflect the use of the internal design and the structure of the building. The</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(a) Design Quality Principle	Comment
	<p>façades of the building clearly define the base and the top and the articulation of the balconies enrich the façade with a sense of scale and proportion. A variety of opening types are used to create patterns and rhythm to the building and further reflects the building use. It is argued that the proposed development responds to the context it is sited within, where the building form has been articulated to address both street frontages of Drummond Street and Lachlan Lane.</p> <p>The roof design of the proposed building responds to the environment and the context. It is noted that the roof form is well integrated into the overall design and performance of the building. In addition to this, balconies, louvres, feature walls and complementary architectural elements have been articulated to enhance visual interest of each of the respective streetscapes to increase variety.</p> <p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) and is considered to have addressed the points raised by the Panel as described in this report below.</p> <p>The development provides an appropriate form that enhances the streetscape and provides a direct response to the site characteristics. The buildings have been designed to improve casual and passive surveillance.</p>
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>It is considered that the proposed development achieves a high level of amenity. Each apartment meets the minimum requirements in terms of floor area and Private Open Space (POS). The proposed development achieves the required solar access and cross ventilation requirements under the ADG.</p> <p>Highlighting the need for an increase in accessible housing supply and to work towards strategies outlined within the Metropolitan Plan for Sydney 2031, this development provides a variety of appropriate 'housing choices' to accommodate both the existing and projected demographics of the area.</p> <p>Drawing upon the conceptual ideologies associated with the 'compact city', it is noted that the subject site and proposed development contributes towards the provision of new housing stock to assist in accommodating the large increase in population growth within Sydney within 'urban infill areas'. The</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(a)	Design Quality Principle	Comment
		<p>density proposed by this application is argued as suitable within the R4 Zone and is appropriate to the subject site and context, meeting the current market demands for Transport orientated housing stock (TOD). The proposal demonstrates consistency with the existing and forecasted population growth of the Liverpool area - overall justifying the proposed density of the development which is predicted to double in density by the year 2031.</p> <p>The proposed development provides a density that is consistent with the expected densities for the site and will provide an opportunity to encourage employment in the current and future commercial and community centres in the locality.</p>
Design Principle 4 – Sustainability		
	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The proposed development provides for a sustainable design. The development is consistent with BASIX and has proposed a development that meets the minimum cross ventilation and solar access requirements under the ADG.</p> <p>Building material selections and planning efficiency will be in keeping with sound Sustainability Principles. 72% of units have been designed to receive minimum 3 hours of daylight in midwinter between 9am to 3pm. Furthermore, this development exceeds the minimum requirements outlined within the SEPP65 Apartment Design Guide, proposing 65% of units (minimum 60%) to be naturally ventilated. It is the intention of the design to integrate planning to reduce reliance of mechanical heating/cooling to an absolute minimum through features such as cross ventilation.</p> <p>In addition, a separate Waste Management Plan has been provided detailing the proposed clearance of existing site structures, and the control of building waste throughout the Construction Phase.</p>
Design Principle 5 – Landscape		
	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values</p>	<p>The proposed development provides a generous and extensive landscaping design and provides extensive landscaping along the boundaries of the development and within the communal open space areas.</p> <p>The site is zoned R4 High Density Residential. The proposed development includes 705.818m² of landscaped area, which equates to 34% of the total site area. The landscaping requirements of the DCP2008 are 25% (522.15 m²) of total site area. Thus, the proposed development complies with the relevant landscape controls.</p> <p>In addition to exceeding minimum landscaping, this</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(a) Design Quality Principle	Comment
<p>and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>building demonstrates harmony between the proposed built form and landscaped surfaces. It is argued that well-planned landscaped works contribute towards the enhancement of the existing streetscape.</p> <p>The landscape plan provided for the buildings within the communal open space areas creates a sense of place and encourages social interaction. The landscaping also extends to the rooftop communal open space area which includes raised garden beds for both passive shade and screen planting as well as active garden spaces to allow for the planting of vegetables.</p>
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed development achieves a high level of amenity for residents and neighbours. All apartments achieve the required room dimensions under the ADG as well as achieving the required solar access and natural ventilation under the ADG.</p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposed development has been designed to maximise active and passive surveillance where possible. The development has been designed to encourage casual and passive surveillance of the street.</p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of</p>	<p>The proposed development achieves an appropriate apartment mix and sizes that will provide for a variable housing mix and choice for different demographics.</p> <p>The development has been designed with appropriately located and designed communal open space areas that encourages social interaction. This occurs at ground level with the provision of BBQs and picnic tables to separate park benches within the landscaping to allow for different uses.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(a) Design Quality Principle	Comment
communal spaces for a broad range of people and providing opportunities for social interaction among residents.	
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The street façade has been designed to give a consistent and pleasing appearance to the streetscape, whilst providing an aesthetically pleasing mix in texture and building finishes adding visual interest on the intersection of Drummond Street and Lachlan Lane.</p> <p>The alignment of external walls has deliberately been broken up to achieve varying elevations with distinctive features while achieving a balanced composition of elements which reflect the internal layout and structure of the development. In addition to these attributes, the articulation in balconies and roof spaces also reduces the bulk of the building while providing an appropriate ‘fit’ in the neighbourhood character.</p> <p>The proposed building has been designed with a good mix of building materials and contribute to a positive streetscape and will provide an additional ‘richness’, variety in building form and composition that demonstrates an appropriate response to both the existing and future character of Liverpool.</p>

The response to the Design Quality Principles demonstrates that the proposed development achieves the design quality principles set out in Schedule 1 of SEPP 65 - Design Quality of Residential Apartment Development and that the proposed development is unlikely to prevent adjoining sites from being similarly re-developed in accordance with the LLEP 2008 and DCP 2008.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG.

The following table provides an assessment of the development against the relevant provisions of the ADG.

Provisions	Comment
1A Apartment Building Types	
A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.	<p>Complies</p> <p>The proposed development is identified as a Tower Apartment Building. The building type is consistent with the context of the urban character locality, providing a strong vertical form while minimising the impacts of visual privacy and overshadowing by complying the appropriate setback.</p>
1B Local Character and Context	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre or is designed within the context of an urban or suburban neighbourhood.	Complies The proposed building meets the zone requirements and objectives and controls for the subject site, and responds to the urban character desired outcome, within close vicinity of a strategic centre including public transport, retail, community and educational facilities.
1C Precincts and individual Sites	
Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.	Complies The site is identified as being a larger scale high density development area. The adjoining sites can be developed to their full potential in respect to the precinct planning available.
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	Complies The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three-dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	<p>Complies The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p> <p>The proposed building envelope provides for a desired future outcome. The density is compliant, and design of the building incorporates elements reducing overall impact in terms of bulk and height relative to the streetscape. The scale and design of the building is consistent with the precinct planning along Drummond Street especially given its proximity to Liverpool CBD.</p>
2C Building Height	
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	Complies The proposed development complies, providing a 11 storey building which, apart from a slight lift overrun and the upper portion of the rooftop Communal Open, are compliant in terms of the objective of the height control. See discussion on HOB further in this report.
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	Complies The FSR complies with the requirements for the proposed development and the building envelope includes a side (to the northern boundary) communal open area which helps limit overall density across the site.
2E Building depth	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation</p>	<p>Variations Proposed – Considered Acceptable Both building has a maximum apartment depth of between 18-23m which varies with recessed elements. Despite the sections varying this control, the apartments comply with the solar access, cross ventilation controls. Furthermore, the site attributes allow for a extended building depth as the site has two frontage that will provided increased setbacks from the adjacent building to the east and west.</p>
2F Building separation	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms <p>6m between non-habitable rooms.</p>	<p>Ground</p> <p><u>North Boundary (No. 2 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 12.250m is provided. <p><u>South Boundary (No. 8 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 12.10m is provided. <p>Level 1 - 3</p> <ul style="list-style-type: none"> • A separation of approx. 10m. Whilst this is less than the preferred 12m, it is advised that if No. 8 Drummond Street was to develop, a setback of 6m to the boundary would be required and therefore will achieve the 12m separation.
<p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms 	<p>Level 4</p> <p><u>North Boundary (No. 2 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 18m is provided. <p><u>South Boundary (No. 8 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 16m is provided. Whilst this is less than the preferred 18m, it is advised that if No. 8 Drummond Street was to develop, a setback of 12m to the boundary would be required and therefore will achieve the 18m separation. <p>Level 5-10</p> <p><u>North Boundary (No. 2 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 18m is provided. <p><u>South Boundary (No. 8 Drummond Street)</u></p> <ul style="list-style-type: none"> • A separation of 16m is provided. Whilst this is less than the preferred 18m, it is advised that if No. 8 Drummond Street was to develop, a setback of 12m to the boundary would be required and therefore will achieve the 18m separation.
2G Street setbacks	
<p>Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to</p>	<p>Variations Proposed – Considered Acceptable The proposed development is considered to generally be compliant with the primary controls and</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.</p>	<p>provides justification where variations are proposed as discussed further in the report. The objectives of the front setback are met in promoting an appropriate transition from the public to private realms and is primary due to the presentation of courtyards and apartments that appear like attached terrace style home that include a direct entry to the street frontage for both Drummond Street and Lachlan Lane.</p>
2H Side and rear setbacks	
<p>Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.</p>	<p>Complies The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.</p>
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies The proposed development is considered appropriate for its context. While the building is higher than surrounding walk-up type buildings, it complies with the intended height and scale of building allowable under the zoning and controls. Furthermore, appropriate building setbacks are provided. .</p>
3B Orientation	
<p>3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development</p>	<p>Complies The building layout has been designed to address its frontage to both Drummond Street and Lachlan Lane. A rectangular shaped building is proposed for the site, representing a reasonable design response for the site and the orientation of the site which is consistent with the surrounding built environment and site attributes.</p>
<p>3B-2. Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>Overshadowing of the northern façade of the existing building to the south is inevitable in mid-winter, having regard to the allowable building height of 35m for the locality. However, an appropriate building separation has been provided and the height and scale of the building is appropriate for the site.</p>
3C Public Domain Interface	
<p>3C-1 Transition between private and public domain is achieved without compromising safety and security</p>	<p>Complies Where practical, ground floor units have been provided with direct street entry, thus contributing to safety and passive surveillance of the street.</p>
<p>3C-2 Amenity of the public domain is retained and enhanced</p>	<p>Mailboxes are located perpendicular to the street within the entry foyer.</p> <p>Bin storage is located in the basement, temporary bin storage is enclosed, and a potential substation location has been identified on the site's frontage to</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	a laneway.												
3D Communal and public open space													
<p>3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <p>1. Communal open space has a minimum area equal to 25% of the site</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>Complies A minimum of 522.20m² of communal open space is required for the site. The site provides for approximately 698.65m² of communal open space comprising of a ground floor courtyard and a rooftop courtyard. The proposed communal spaces are of an adequate size and dimension to allow for a range of activities.</p> <p>The rooftop receives greater than 2 hours direct solar access in mid-winter.</p>												
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting													
3D-3. Communal open space is designed to maximise safety													
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood													
3E Deep soil zones													
<p>Site Area >1500m² Min. Dimensions 6m Deep soil zone (% of site area) - 7%</p>	<p>Complies The development is required to provide a total of 146.21m² of deep soil. 199m² of deep soil has been provided and is of appropriate dimensions.</p>												
3F Visual Privacy													
<p>Requirement:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 Storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 Storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Complies Setbacks from the boundaries have been provided in accordance with the requirements of this section.</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 Storeys)	6m	3m											
Up to 25m (5-8 Storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
3G Pedestrian access and entries													
3G-1. Building entries and pedestrian access connects to and addresses the public domain	<p>Complies The proposal provides a primary entry from a from Drummond Street which addresses the Public Domain and is visible from the street.</p> <p>Access for Lachlan Lane is provided via security gates with defined pathways and lead to the communal open space and side entry door on the northern elevation.</p> <p>Residents will be able to access both street</p>												
3G-2. Access, entries and pathways are accessible and easy to identify													
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations													

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	frontages.
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Complies The proposed vehicle entry has been located along Drummond Street at the front of the site. This is considered to be the most suitable location as its consistent with other buildings in the area and that the Lachlan Lane is frequently used for parking and is not wide enough for two way access.
3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	Complies The site is located within 650 metres of land zoned B4 Mixed Use in the Liverpool City Centre, being a nominated regional centre for the purposes of this provision. Car parking must therefore comply with either the DCP 2008 or the RMS Guide to Traffic Generating Development, whichever is less. Car parking has been provided in conjunction with the requirements of the LDCP 2008 as detailed elsewhere in this report and has been considered acceptable by Councils Traffic Engineer.
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	Complies 73% (51 of 70) of the proposed apartments achieve a minimum of two hours solar access between 9am and 3pm in mid-winter. 9.8% of units receive no direct sunlight.
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	
4A-2 Daylight access is maximised where sunlight is limited	Complies The site provides optimum solar access to apartments given the orientation of the site and its multiple street frontages. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	Complies 63% (44 of 70) apartments will receive natural cross ventilation. No apartment will exceed 18m in depth.
4B-2 The layout and design of single aspect apartments maximises natural ventilation	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>4B-3 The number of apartments with natural cross ventilation is maximised</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>							
4C Ceiling Heights							
<p>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <table border="0"> <tr> <td>Habitable Rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-Habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor</td> </tr> </table>	Habitable Rooms	2.7m	Non-Habitable	2.4m	If located in mixed use areas	3.3m for ground and first floor	<p>Complies All habitable and non-habitable rooms will have ceiling heights of 2.7m minimum.</p>
Habitable Rooms	2.7m						
Non-Habitable	2.4m						
If located in mixed use areas	3.3m for ground and first floor						
<p>4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>							
<p>4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.</p>							
4D Apartment Size and Layout							
<p>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total</p>	<p>Complies As per the schedule in the architectural drawings, all apartments complying with the minimum internal areas.</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>						

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>																
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies As the ceiling height for most floors is 2.7m, no habitable room depth will exceed 7m except for combined living and dining rooms which will not exceed the 8m depth requirement.</p>															
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies All master bedrooms and other bedrooms achieve the required areas.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>All cross-through apartments have widths greater than 4m.</p>															
<p>4E Private Open Space and Balconies</p>																
<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="0" data-bbox="199 1563 726 1774"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Minimum Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Complies All apartments comply with or exceed the minimum numeric requirements.</p> <p>Private open space is directly accessible from the living area of each dwelling and can be used in conjunction with these.</p> <p>The balconies are integrated into the overall design of the development and form part of the detail of the building</p> <p>All balconies include balustrades of a sufficient height to ensure safety is maintained.</p>
Dwelling type	Minimum Area	Minimum Depth														
Studio	4m ²															
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3+ bedroom	12m ²	2.4m														
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>											
<p>4E-4 Private open space and balcony design maximises safety</p>											
4F Common circulation and spaces											
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Variations Proposed – Considered Acceptable</p> <p>On ground floor 8 apartments are proposed of the circulation core.</p> <p>Levels 1 to 3 is proposing 9 apartments of the circulation core which exceeds the requirements by 1 apartment per floor. In this instance it is considered acceptable as the site attributes allow for additional apartments within the allowable footprint.</p>										
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>Furthermore, all apartments are of adequate size with adequate amenity. All apartments have at least one window facing the external façade, and all have balconies facing the façade.</p> <p>As a result, the circulation area is not compromised by the extra apartment per floor for levels 1 to 3 and is considered acceptable.</p> <p>Complies</p> <p>The building is 11 storey high and two lifts are proposed for the 70 units</p> <p>Common circulation spaces are provided.</p>										
4G Storage											
<p>4G-1 Adequate, well designed storage is provided in each apartment.</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling Type</th> <th style="text-align: left;">Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Complies</p> <p>Caged storage spaces for residents will be provided adjacent to the underground car spaces. Storage cupboards are also located in all apartments.</p>
Dwelling Type	Storage volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3+ bedroom	10m ³										
<p>4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</p>											
4H Acoustic Privacy											
<p>4H-1 Noise transfer is minimised through the siting of buildings and building layout</p>	<p>Complies</p> <p>The layout and materials used in the apartments design will ensure that noise impacts will be minimised.</p>										
<p>4H-2 Noise impacts are mitigated within apartments through layout and acoustic Treatments</p>	<p>The apartments have been configured so that quiet</p>										

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	spaces (e.g. bedrooms) are co-located.
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies Where appropriate, windows and door openings have been oriented away from noise sources.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies One bedroom apartments represent 24.3% of the total number of apartments and three bedroom apartments represent 8.6% of the total number of apartments. The balance 67.10% of the apartments are two bedroom apartments. A mix of units have been distributed throughout the building.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies Ground floor units have been provided with front courtyards and direct access to the street, as encouraged and address both frontage to Drummond Street and Lachlan Lane.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies The articulation of balconies and walls adds visual interest and results in a quality design outcome consistent with other modern residential buildings in the locality.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies The proposed roof form is of a modern flat roof which will integrate with the style of other mixed use and residential flat buildings in the area. The proposal incorporates a communal roof top courtyard for use by the residents which will achieve good levels of solar access.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies A comprehensive landscape plan has been provided for the communal open space at the ground floor and on the rooftop. Appropriate species have been selected for the environment.
4O-2 Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies As demonstrated in the landscape plan the species selected are appropriate for the soil depths and
4P-2 Plant growth is optimised with appropriate selection and maintenance	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	volumes.
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies 10% of units have been identified as being adaptable, in accordance with the requirements of the DCP 2008.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The development does not propose new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The development is for a residential flat building.
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
4T-1 Awnings are well located and complement and integrate with the building design	Complies Awnings have been provided above building entrances and on the communal roof top area.
4T-2 Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies The proposal satisfies the thermal targets of BASIX. The majority of apartments are cross ventilated.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Complies Portable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on-site prior to being discharged to Council's stormwater drainage system.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies A garbage storage area is located within basement and an adequate storage area is provided within the apartments to accommodate a day's waste. Council's Waste Management Officer has also provided some additional conditions to ensure the design is satisfactory.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Complies The proposal incorporates overhangs to protect walls and openings. Centralised maintenance, services and storage will be provided for communal open space areas within the building. The proposed external walls are constructed of robust and durable materials.

Given the above, it is considered that the development is consistent with the relevant provisions of SEPP 65 and the ADG.

It is noted that the application is also subject to the Design Excellence provisions contained in Clause 7.5 of LLEP 2008, which are discussed in detail later in this report.

(b) State Environmental Planning Policy No 55 – Remediation of land

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

Aerial images from 2002 found on Council's Eview GIS system illustrates the presence of the existing dwellings (Figure 10), which suggests the site has principally been used for residential purposes for at least the past 18 years.

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

Furthermore, a Phase 1 Preliminary Site Investigation Report completed by EBG Environmental Geoscience, Ref: EBG-02817.Stage 1.PSI.12.19 was provided by the applicant and concluded by indicating no contaminants were found on site.

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The preliminary assessment provided by the applicant has not identified any potential contamination sources.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(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	N/A
(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.	As stated above, it is considered that the potential for significant land contamination is low due to the residential use of the land.

Based on the above assessment, it is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP 55 through the imposition of appropriate conditions of consent ensuring that if any potential contaminated are found the developer is to suspend works and undertake a Remediation Action Plan (RAP) and ensure that the RAP is adhered to.

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

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

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

A BASIX Certificate (**Certificate number: 1065515M**) has been submitted for the proposed development.

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

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

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures and drainage facilities to manage stormwater leaving the site. There will be minimal effect on downstream local government areas.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan has been submitted and reviewed by Council's development engineers. Its implied that there will be negligible impacts on the Georges River from this development.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004. The proposed development does not impact on any plans of management approved by the Minister.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal is consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for high density residential development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No bank disturbance.
(3) Flooding	Site affect by low risk flooding, which has been assessed as satisfactory by Council's Flooding section.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan have been provided and aims to manage salinity and minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted. Stormwater to be discharged to Council's Stormwater system.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction. Stormwater to be disposed to Council's stormwater network.
(13) Wetlands	Not applicable.

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

(e) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Zoning

The subject site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008).

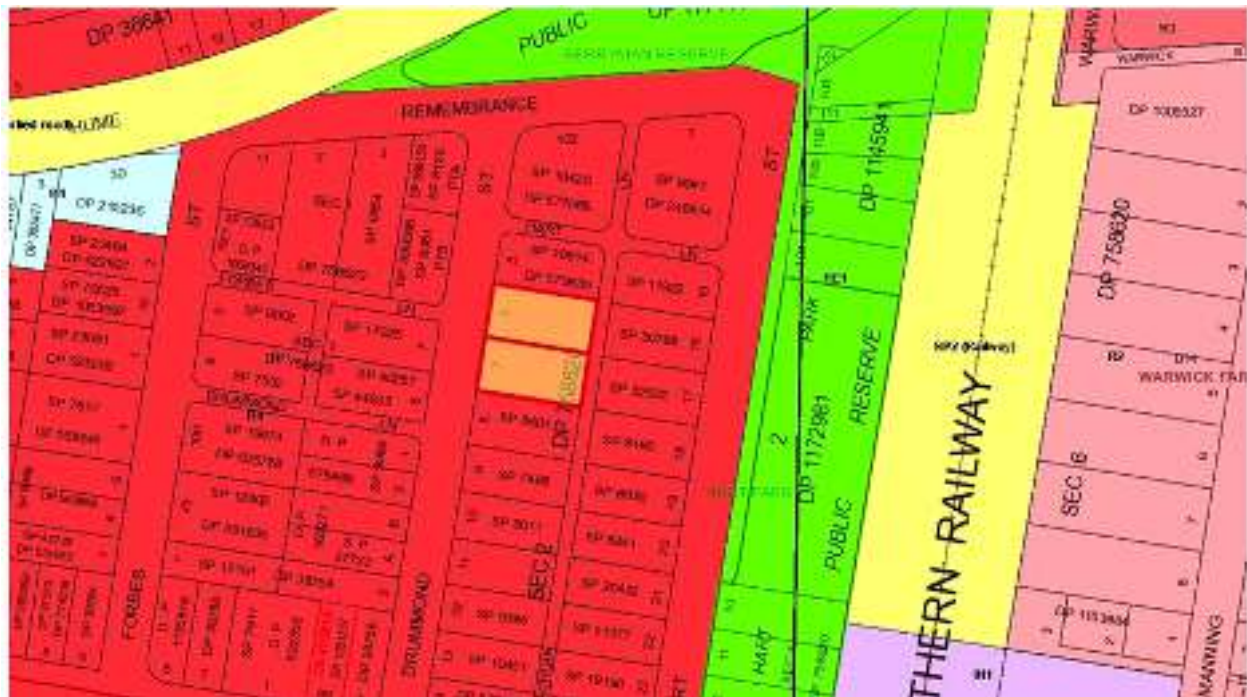


Figure 11: Zoning Map extract (Source: GeoCortex Data, Liverpool City Council, August 2020)

(ii) Permissibility

The proposal is defined as **'Residential Flat Building'** as follows:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

The proposed works are permissible with consent in the R4 High Density Residential Zone.

(iii) Objectives of the zone

The objectives of the R4 High Density Residential zone are:

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

The proposal is considered to be consistent with the objectives of the R4 zone in that the development provides for a mix of apartment types and sizes in an area earmarked for high density residential environment and the development provides for a high concentration of housing with good access to transport, services and facilities.

(iv) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are discussed with respect to the proposal as follows: -

Clause	Requirement	Proposed	Comment
4.1 Minimum subdivision lot size	Minimum lot size of 1,000m ²	The two sites will be amalgamated and achieve the minimum lot size of 2088sqm.	Complies
4.3 Height of Buildings	Max Height 35m	38.7m (max.)	Variation Supported. (Refer to Clause 4.6 variation discussion below)
4.4 Floor Space Ratio	2.73:1 is permitted as below: (d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres,	The site is located within the Liverpool CBD and is zoned R4 which permits additional FSR in conjunction with sub-clause 4.4(2C) as follows: = (2 + X):1 = (2 + 2088.60-1000) / 1500 = 0.727 or 1518.412m ² of bonus GFA is allowable. Total permissible FSR is 2.727:1 (5,695.612m ²) Proposed FSR: 2.725:1	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

		(5,691.435m ²)	
5.10 Heritage conservation		The site is not a known archaeological site or Aboriginal place of heritage significance or known to contain Aboriginal objects of heritage significance. The site is not listed as a heritage item and is not located within a conservation area, however, it is in close proximity to a road pattern that is a heritage listed road pattern in the Liverpool City Centre. It is considered that the proposed development, subject to the imposition of appropriate conditions of consent during construction, will have negligible impact on the heritage significance of the road network.	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The area is an existing residential area and will utilise existing Public Utility Infrastructure.	Complies
Liverpool City Centre Provisions			
Clause	Comments		Compliance
Clause 7.1 – Objectives for development in Liverpool City Centre	The proposed development is to be consistent with the objectives for redevelopment of the city centre.		Yes, see comments below
Clause 7.2 – Sun access in Liverpool City Centre	The site is not located within any of the areas identified in Column 1		N/A
Clause 7.3 – Car parking in Liverpool City Centre	The proposed development is located within the R4 zone. The provisions of this clause apply only to development in either the B3 or B4 zones.		N/A
Clause 7.4 – Building separation in Liverpool City Centre	The building has been designed to comply with the requirements of SEPP 65 and the Apartment Design Guide, which prevails to the extent of any inconsistency with this clause.		Yes
Clause 7.5 – Design excellence in Liverpool City Centre	Requirement to deliver the highest standard of architectural and urban design.		Yes, see comments below

4.3 Height of Buildings

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

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

Clause 4.6 Exceptions to Development Standards

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Clause 4.3 of the LLEP 2008 stipulates that the maximum height permissible on the subject site is 35m as indicated in red in the figure below.



Figure 12: Height of Buildings Map Extract (Source: NSW eSpatial Planning View, September 2020)

As demonstrated in the above compliance table, the proposed development is inconsistent with the provisions of LLEP 2008 in respect to Height of Buildings. The maximum height of buildings permitted for this site is 35m. The proposed maximum height of buildings is 38.7m, which equates to a 10.57% exceedance.

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

The submitted written request to vary Clause 4.3 (Height of buildings) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone, are discussed below:

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

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (1) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

1) Circumstances of the development

The application seeks consent for the construction of an 11-storey residential flat buildings. The exceedence of Clause 4.3 Height of Buildings is mainly in relation to the lift overrun and constitutes a maximum non-compliance of approximately 3.7m or 10.57%. This non-compliance consists of two components; i) 3.7m for the lift overrun and ii) a maximum 2.4m pertaining to the rooftop canopy that provides access and shade to the rooftop communal open space area. This additional area has been created in order to ensure appropriate solar access to the proposed communal rooftop open space as well as mainating a shaded area for residents.

The maximum height of the habitable space of the building is 34.45m which indicates that the height exceedence is not sought for additional habitable space and the proposal complies with the alloable building height. Figure 13 below details the extend of height exceedence.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 13: Height Plane Detail. (Source: Zhinar Architects Pty. Ltd., Ref. 08632, Rev. C, dated 12/06/2020)



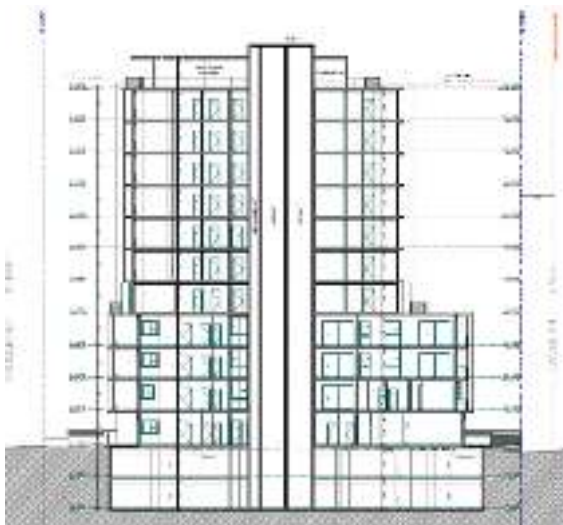
Section A



Section B

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Section C

Figure 14: Section Plans with Height Plane line indicated in Red. (Source: Zhinar Architects Pty. Ltd., Ref. 08632, Rev. C, dated 12/06/2020)

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

The applicant has provided the following justification for the non-compliance with the development standard:

- *The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of the LLEP 2008.*
- Based on the development area of the site (2,088.60sqm), the proposal is fully compliance with the maximum 2.725:1 floor space ratio (FSR) development standard that applies to the site. Therefore, the height variation does not seek to provide any additional density or gross floor area (GFA).
- The predominant building height does not exceed 35m, with the lift overrun and the top of the rooftop canopy communal open space being the only exceptions.
- The visual impact associated with the additional height is negligible. The lift overruns are sited behind the main parapet and will not be readily visible from the public domain. Therefore, not contributing additional overshadowing or visual intrusion as a result of the exceedance.
- The potential environmental impacts of the variation have been documented and detailed in the accompanying Statement of Environmental Effects as follows:
 - *It is considered that this has been adequately addressed in Parts 6 and 7 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the LLEP 08 in that:*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- *Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;*
- *There are sufficient environmental planning grounds to justify the departure from the standards;*
- *The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R4 High Density Residential zoning of the land;*
- *The proposed development is in the public interest and there is no public benefit in maintaining the standard;*
- *The breach does not raise any matter of State of Regional Significance; and*
- *The development submitted aligns with the desired future character envisioned for the locality and the broader Liverpool City Centre.*

Based on the applicant's comments and investigation into the 4.6 variation to the building height, and the review of the potential impact of the height extrusion it is considered that strict compliance will not reduce any impact and that it is argued that the height variation for the purpose of lift overrun and canopy above the rooftop garden provides improved amenity for residents and does not negatively impact on the local area in terms of additional overshadowing or determinantal impact to the design of the building.

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

The objectives of Clause 4.3 and assessment are as follows:

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

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

- (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved.*

The subject site has a maximum building height limit of 35 metres and floor space ratio control of 2.725:1 under LLEP08. The proposed building height will allow the maximum FSR afforded to the subject site to be achieved.

The tallest component of the building contributing to the breach in height is therefore limited to a relatively small portion of the built form comprising part of the lift overrun. The lift overrun has been centred over the site to reduce its visual prominence. No variation is

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

sought in terms of habitable floor area, with this being contained within the prescribed maximum height control. The roof top canopy will sit 2.4m above the height plane, however, is considered to be a lightweight structure which would not add any unreasonable bulk above the height plane. This has been designed to offer shadowing over the communal open space for the benefit of future residents.

- (b) *to permit building heights that encourage high quality urban form.*

The proposed development offers a positive interface with the streetscape through well articulated facades, an array of materials and finishes and clear delineation of space between the private and public domain. Balcony elements, the chosen materials and finishes, louvres, screens, slab projections along with the creation of a strong base, middle and top of building identification assist in defining the levels within the development and works to appropriately modulates the facades.

Varying setbacks will create recesses in the overall form which contributes to a visual interest through an enhanced articulation.

- (c) *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.*

Appropriate exposure to sunlight to both Drummond Street and Lachlan Lane is maintained. During mid-winter, Drummond Street will be free of shadows from 11am onwards, with Lachlan Lane being free of shadows up until 1pm. Given the orientation of the subject site, a degree of overshadowing to southern properties is inevitable. Given the extent of shadows being cast it is not considered that the lift overrun, rooftop canopy and balustrading would result in a material difference with respect to overshadowing, given these are centralised elements at the site and building. It should also be noted that compliant degrees of separation are proposed to the southern boundary, ensuring adequate separation between sites and built forms is provided. Through the breaching elements, it is not considered that the impacts upon neighbouring properties would be worsened.

The proposed development has also been designed to maximise solar access with 73% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 63% of units across the development will be naturally cross ventilated in keeping with objective.

- (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposal will allow for a development that encourages a high-quality urban form with the inclusion of carefully designed landscaped areas and communal open space at the subject site. Additionally, the proposed development has been positively articulated to the street with varying setbacks also proposed to side boundaries.

This will ensure that the actual and perceived bulk of the proposed built form is minimised when viewed from adjoining properties.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- The predominant extent of the height exceedance occurs at the lift overruns for all buildings. The lift overruns are located centrally on the roof of the buildings and are not readily visible when viewed from street level and do not generate additional overshadowing on adjoining properties.
- The extent of the variation is 10.57% which is considered minor in this instance and will not contribute to additional visual bulk and scale of the development.
- The development provides a consistent floor to floor height of 3.050m, which exceeds the minimum the ADG. The additional height provides added amenity for the units by enabling better solar access and cross-ventilation and enables a better urban design outcome. The floor-floor height may be reduced to achieve a height compliance, however, will result in a less the ideal design outcome.
- The proposed buildings remain consistent with the expected number of storeys envisaged by the maximum height limits on the site. It envisaged that a 35m height limit will cater for a 11-storey building when considering the minimum 2.7m floor to ceiling height and a 3.050m floor to floor height.
- Notwithstanding the height exceedance the proposed development does not create any additional overshadowing or privacy impacts on the adjoining developments.
- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG.

Comments: It is considered that the proposed development is consistent with the objectives of Clause 4.3 in that the proposed development encourages high quality urban form. Despite the minor non-compliance, the proposed development achieves the required solar access to living areas and POS as required by the ADG. The exceedance does not add any additional FSR, density or bulk and scale with the proposed development providing an appropriate density outcome for the site.

4) Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 High Density Residential Zone under the LLEP 2008 are as follows;

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

The applicant has provided the following response to how the development is consistent with the objectives of the R4 High Density Residential Zone;

- *To provide for the housing needs of the community within a high density residential environment.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The proposed development provides a positive response to the evolving high-density character of the Liverpool city centre which will contribute to the housing stock within the local government area and specifically within the Liverpool City Centre.

- *To provide a variety of housing types within a high density residential environment.*

The proposal offers an appropriate mix of 1, 2 and 3-bedroom apartments to cater for the diverse housing needs of the community.

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

No other land uses are proposed. The proposed residential nature of the development will compliment surrounding uses which are characterised by residential accommodation.

- *To provide for a high concentration of housing with good access to transport, services and facilities.*

With the subject site located within the Liverpool City Centre, the site benefits from its proximate location to an array of local businesses, shops, amenities and infrastructure which are located throughout the Liverpool City Centre. Warwick Farm Railway Station along with several bus stops are located within a proximate location to the site, offering alternative transport modes for the benefit of future residents.

- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

There is no fragmentation of land that would result from the proposed development. It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard, noting the development will be in the public interest.

Comments

The proposed variation in height does not prevent the ability of the proposed development to provide the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R4 High Density Residential Zone.

5) Consistency with Clause 4.6 objectives

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

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

6) Recommendation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Clause 7.1 – Objectives for Development in Liverpool City Centre

This Clause of the LLEP requires that the consent authority must be satisfied that the proposed development is consistent with the objectives for the redevelopment of the city centre.

The objectives are:

- (a) *to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- (b) *to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) *to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) *to improve the quality of public spaces in the city centre,*
- (e) *to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- (f) *to enhance the natural river foreshore and places of heritage significance,*
- (g) *to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

With respect to these objectives, the following comments are offered:

- The development provides setbacks and building alignments consistent with the requirements of the DCP 2008.
- The residential units within the development will receive adequate solar access. The surrounding development will be impacted to an extent commensurate with the anticipated scale of development on the site.
- Extensive communal open space is provided at ground level as well as at roof top terrace allowing residents to have access to areas with good solar access.
- The site is not located adjacent to the Hume Highway. Pedestrian and vehicular traffic generated by the development are safely separated with vehicular access being provided from the rear laneway.
- The development will have no impact on public spaces within the city centre.
- The development will have no direct impact on the physical area surrounding the Liverpool Railway Station or Warwick Farm Railway Station.
- The site is within a 15 minute walk to Warwick Farm Railway Station and 15-20 minute walk to Liverpool Railway Station and thus will provide residents good access to public transport.
- The development will have no direct physical relationship with the Georges River foreshore but is well located so as to provide direct convenient and safe pedestrian links to the commercial area of the city centre and to transport.

Clause 7.5 – Design Excellence in Liverpool City Centre

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (2) *Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.*
- (3) *In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
 - (c) *whether the proposed development detrimentally impacts on view corridors,*
 - (d) *whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),*
 - (e) *any relevant requirements of applicable development control plans,*
 - (f) *how the proposed development addresses the following matters:*
 - (i) *the suitability of the site for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain*

Comment

The design excellence provisions contained within the LLEP 2008 have the objective to deliver the highest standard of architectural and urban design in the Liverpool City Centre, and to this end, consent may not be given unless the consent authority considers that the development exhibits design excellence. The application was considered by the Design Excellence Panel on one occasion during the Pre DA stage and again during the Development Application Assessment stage as detailed in section 4 (Background) above.

The panel noted design changes to the facade, apartment layouts, issues with circulation areas on most levels as requiring further treatment. The panel indicated that the development is considered to be appropriate for the site, does not overshadow any areas of public open space, and is generally consistent with the relevant provisions of the ADG with some minor variations to controls in the DCP 2008 which relate to number of units of a circulation area, setbacks to street frontage and building height.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The application does not require an architectural design competition as the site is not identified as a 'key site' in Council's LEP.

Having regard to the above, the proposal is permitted in the zone and is consistent with the objectives of the zone and relevant development standards in LLEP 2008.

Other Provisions		
Clause	Comments	Compliance
Clause 7.6 – Environmentally Significant Land	The site is not environmentally significant land.	N/A
Clause 7.7 – Acid Sulfate Soils	The site does not contain acid sulfate soils.	N/A
Clause 7.8 – Flood Planning	The site is not identified as being flood prone.	N/A
Clause 7.14 – Minimum building street frontage	One street frontage must be at least 24 metres. The site has frontages of approximately 46.27m to Drummond Street and 46.27m to Lachlan Lane.	Yes
Clause 7.17 – Airspace operations – Development in flight paths	Development in the Bankstown Airport flight path.	Yes, see below
Clause 7.17A – Hospital helicopter airspace	The site is directly north of the Liverpool Hospital and the application was referred to the Careflight Australia who provided concurrence within 21 days and raised no concerns with the proposal and its proposed height.	Yes, see below.
Clause 7.31 – Earthworks	<p>(a) The proposal was referred to Council's Land Development Engineer who has provide specific conditions of consent to ensure the existng drainage is not impacted.</p> <p>(b) Whilst a basement is proposed, future development potential of the site will allow all permissible uses to be considered.</p> <p>(c) The site has predominantly been used for residential purposes since at least 2002 and there is no evidence that any dumping of contaminates has occurred in that time.</p> <p>(d) The proposed basement is proposed to be constructed wholly within the boundaries of the subject site Furthermore, the developer is responsible for ensuring that appropriate measures are in place to minimise impacts to neighbouring site defined under the National Building Code.</p> <p>(e) The applicant has indicated that 8375m³ of the excavated material will be re-used on site in the waste management plan.</p> <p>(f) Considering the site and area has been utilised</p>	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>for residential use for at least the last 14 years, it is unlikely that any relics will be found or disturbed. Notwithstanding, conditions of consent will be imposed ensuring that if any unaccepted find are made during construction, works will be required to cease, and appropriate experts are to be bought in to address any finds.</p> <p>(g) The site is not in the vicinity of water course or environmentally significant land, therefore is not anticipated to have a negative impact on drinking water or the environment significant land.</p>	
--	--	--

Clause 7.17 – Airspace Operations - Development in flight paths

The development site is affected by the obstacle limit height for Bankstown Airport. This height limit is required to ensure the following:

- (a) to provide for the effective and on-going operation of airports, and
- (b) to ensure that any such operation is not compromised by proposed development in the flight path of an airport.

Clause 7.17 of the LEP states that:

- (1) The objective of this clause is to protect airspace around airports.*
- (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.*

The obstacle height limit applying to the site is between 80m and 90m AHD and is shown in Figure 14 below. As the maximum height of the building is RL 48.450 AHD, there is no intrusion into the obstacle height limit.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

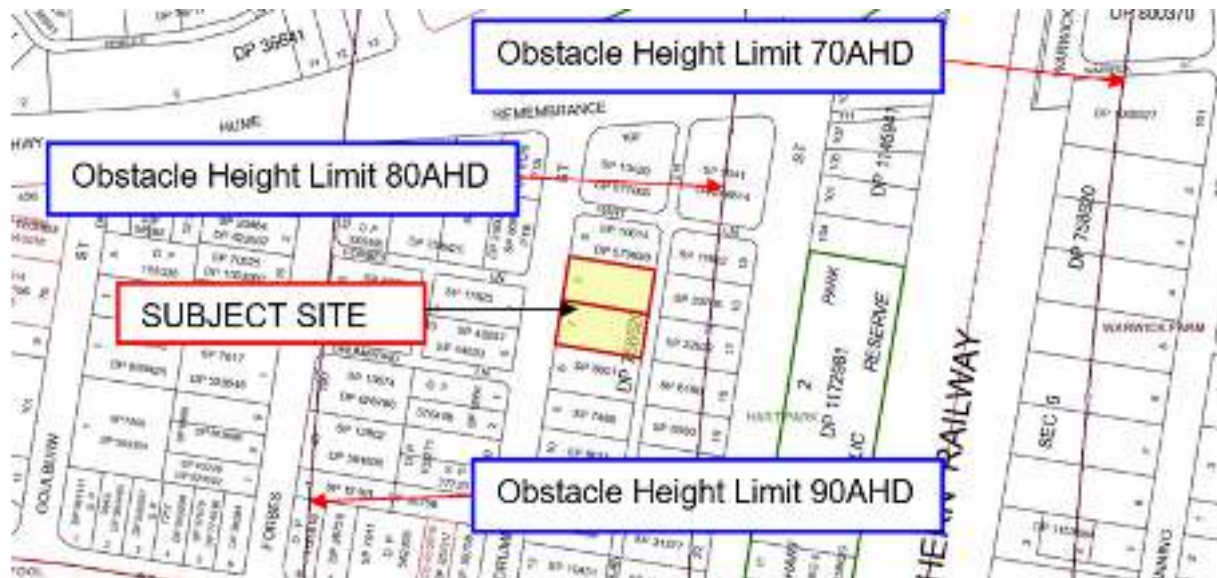


Figure 14: Bankstown Airport High Limit Map extract (Source: GeoCortex Data, Liverpool City Council August 2020)

Clause 7.17A Hospitale helicopter airspace

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

As a precautionary measure, the proposal was referred top Careflight Australia. Careflight Australia responded within 21 days and raised no concerns. As a result, the proposed development is considered satisfactory in respect to Clause 7.17A of the LLEP 2008 as it is not located under hospital helicopter airspace.

2. Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No applicable draft EPIs.

3. Section 4.15(1)(a)(iii) – Any Development Control Plan

Liverpool Development Control Plan 2008

Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the DCP 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Part 1.1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	<p>The subject site contains existing trees which are proposed to be removed to facilitate the development. The applicant has provided an Arboricultural Impact Assessment and Tree Management Plan in addition to Landscape Plans which was reviewed by Council's Natural Environment Landscape Officer who supports the proposed tree removal and retention of trees.</p> <p>It is noted that the report concludes by indicating that six (6) trees are nominated for removal and four (4) trees are proposed to be retained.</p>	Complies
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	A Landscape Plan has been prepared for the site. Where possible, trees have been proposed to be retained on the site and incorporated into the landscape design.	Complies
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The site does not contain bushland nor is it adjacent to bushland.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is not identified on Council's bushfire prone land maps as being bushfire prone.	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater Management Plans and details has been submitted by Quantum Engineers and is considered to be satisfactory by Council's Development Engineer subject to conditions of consent.	Complies
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Development is not located in proximity to any watercourse or riparian corridors.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	An erosion and sediment control details have been submitted. Appropriate conditions have been imposed regarding the implementation of erosion and sediment control during construction works.	Complies
Section 9 – Flooding Risk	Flood affection of property to be considered	The subject site is not identified as flood prone land but is impacted by overland flow. The application was referred to Council's Floodplain Management Officer and the proposal is supported subject to conditions of consent.	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	<p>An assessment of the proposal has been undertaken against the relevant provisions of SEPP 55 in the body of this report. Furthermore, a Phase 1 Contamination report was submitted with the application and reviewed by Council's Health Officer who is satisfied with the proposal and concluded that the site has been used for residential purposes for greater than 9 years and the potential for contamination is considered minor.</p> <p>Notwithstanding, a condition will be imposed in the recommended conditions of consent requiring appropriate action to be taken in accordance with legislative requirements if site contamination comes to light during construction works.</p>	Complies
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Appropriate salinity management conditions have been incorporated into the advisory note has included in recommended conditions of consent, drawing the applicant's attention to salinity potential.	Complies by condition
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	Site not identified as containing acid sulfate soils.	N/A
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	A condition of consent has been imposed requiring the removal of any noxious weeds which may be present on the site.	N/A
Section 14 – Demolition of Existing Development	Appropriate measures proposed	<p>The existing building on the site is proposed to be demolished as part of the development application. Demolition details have been submitted, and conditions of consent will be imposed to ensure demolition complies with the Australian Standards.</p> <p>Furthermore, a Waste Management Plan has been submitted and appropriate conditions imposed.</p>	Complies
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	The proposal does not propose any such facilities. The site is connected to sewer.	Complies
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	No known items of aboriginal archaeology are present on the subject property.	N/A
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	Site is not associated with any heritage items nor is it known to have any indigenous or non-indigenous heritage or archaeological sites.	N/A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	No charity bins located on site.	N/A
Section 20 – Car Parking and Access	<p><u>Car Parking Controls Residential & Business Zones</u></p> <p>1 space per small dwelling (<65sqm) or 1 bedroom</p> <p>1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms</p> <p>2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms</p> <p>1 visitor car space for every 4 dwellings or part thereof</p>	<p>Required: 1 space per small dwelling (<65sqm) or 1 bedroom. 1 space per medium dwelling (65-110sqm) or 2 bedrooms. 1.5 spaces per large dwelling (>110sqm) or 3 or more bedrooms. 1 visitor car space for every 10 dwellings.</p> <p>Car parking has been provided in accordance with the requirements of Part 4 of the DCP 2008 as outlined below. The proposed car parking has been reviewed by Council's Traffic Engineer who raised no objections.</p> <p>Proposed: 1 bedroom: 1 x 17 = 17 parking spaces 2 bedroom: 1 x 47 = 47 parking spaces 3 bedroom: 1.5 x 6 = 9 parking spaces Visitor 1/10 units = 7 parking spaces Total = 80 Car Parking Spaces provided</p> <p>Motorcycle Parking: 1 space per 20 units = 4 Parking Spaces</p> <p>Bicycle Parking: 1 space per 200m² = 28 bicycle spaces. 15% to be visitor bicycle spaces. Total Bicycle Spaces provided = 34</p>	Complies
Section 21 - Subdivision	<p>Subdivision of land shall meet the minimum lot width requirements as set out below:</p> <p>R1, R2, R3 requires a minimum lot width of 8 metres</p>	Subdivision is not proposed.	N/A
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State</i>	A BASIX Certificate has been provided which outlines water and energy conservation commitments.	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<i>Environmental Planning Policy – Building Sustainability Index (BASIX).</i>		
Section 23 – Energy Efficiency	Dwellings, including multi-unit development within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	A BASIX Certificate has been provided which outlines water and energy conservation commitments.	Complies
Section 25 – Waste Management	Waste Management Plan shall be submitted for demolition, construction and on-going waste management. In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site.	An amended waste management plan has been submitted, which outlines procedures for demolition, construction and ongoing waste management. The proposal was also referred to Council’s Waste Management Officer who was satisfied with the proposal and provided standard and special conditions of consent.	Complies by Condition

Part 4 Liverpool Development Control Plan – Development in Liverpool City Centre

Controls for Building Form

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

CONTROLS	COMMENT	COMPLIES
Part 2.1 – Building Form		
Street building alignment and street setbacks are to comply with Figure 3.	<p>Figure 3 requires a 4 - 4.5m landscaped building setback to both Drummond Street and Lachlan Lane. The building is generally setback greater than 4.5m toward Drummond Street with a reduction to 3.3m on a minor portion of the northern part of the façade.</p> <p>The encroachment of the ground floor terrace is proximity 2.8m Along the Lachlan Lane frontage is primarily setback 6.m except for a minor portion of the south portion of the façade. The Ground floor terrace encroaches into the minimum setback by approx. 2.5mm minimum in accordance with this section.</p> <p>The minor variations to the setback are primarily as result of the ground floor units appearing as attached terraces with entries directly to the street and is consistent with advice provided by the DEP and Council comments at Pre-DA stage.</p>	Primary Complies with minor variations supported.
The external facades of buildings are to be aligned with the streets that they front.	The external facades of the buildings are aligned with the buildings frontages to Drummond Street and Lachlan Lane, however it is important to note that this is the first modern apartment building in the street that utilises the 35m height limit so variations are expected.	Yes
The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 5.	Figure 5 requires a street frontage height (SFH) of 15-25m (5-7 storeys). The proposal provides an SFH of 8.2m minimum across levels 5-10, before stepping back for the uppermost roof level. Despite the reduced numeric control in the LDCP, the proposal complies to the Apartment Design Guidelines for setbacks which overrides the LDCP 2008.	Variation supported.
The maximum floor plate sizes and depth of buildings are specified and illustrated in Figure 6 and Table 1.	<p>Maximum GFA per floor 400sqm</p> <p>Max. GFA above 25m 14%</p> <p>Building depth (excluding balconies), ranges from 18 to 23 meters as the exterior is made of recessed elements around the perimeter. 18m</p> <p>The upper level above 25m has a max depth of 23m and GFA of 400sqm per level (less than 500sqm and 14% of total GFA). The variation is satisfactory. The proposal complies to the objectives of the ADG and the site depth is increased with two street frontages providing additional distance from adjacent buildings to the West and East.</p>	<p>Partially complies.</p> <p>The variation to building depth is satisfactory.</p>
Boundary Setbacks	The proposal provides setbacks greater than those required under this section. The proposal complies with the building separation provisions of the ADG as discussed in the body of this report.	Yes

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Part 2.3 – Site Cover and Deep Soil Zones		
Maximum site coverage 50%	The proposal occupies 50% of the site.	Yes
Deep soil zone no less than 15% of site area	Deep soil zone provided 9.5% (199.30m ²) which is greater than the 7% required by the ADG.	N/A
Part 2.4 – Landscape Design		
Landscaping plan to be provided for all landscaped areas.	Comprehensive landscape plan has been submitted.	Yes
Part 2.5 – Planting on Structures		
Any planting on structures shall provide for appropriate irrigation, soil depth and volume and drainage	Comprehensive landscape plan has been submitted detailing compliance.	Yes

Section 3: Amenity

CONTROLS	COMMENT	COMPLIES
Part 3.1 – Pedestrian Permeability		
Through site linkages	Site is not identified in Figure 11 or Figure 12 of DCP to be required to provide through site links.	N/A
Part 3.2 – Active Street Frontages		
Active street fronts are required on ground level.	The site is not identified by the relevant Figure 11 as requiring an active street frontage.	N/A
Active street frontages to be in the form of non-residential uses on ground level.	As above.	N/A
Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	Clear entrance to residential apartments is provided from each of the building's frontages. In addition, where possible ground floor units have been provided with direct 'front door' access or access into the court.	Yes
Residential buildings are to provide not less than 65% of the lot width as street address.	Greater than 65% of the building is designed to address the street.	Yes
Part 3.3 – Front fences		
Front fences are to be designed in accordance with Figures 14 and 15 and must not present a solid edge to the public domain greater than 1.3m above the footpath/public domain level	Front fencing of 1.75m is proposed around the ground floor terraces and is setback from the street boundary on Drummond Street and Lachlan Lane.	Yes
Part 3.4 – Safety and Security		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

<p>Safer by design principles to be incorporated into development</p>	<p>The principles of CPTED have been considered throughout the design and assessment of the proposal. Further, appropriate conditions of consent have been imposed recommending further consideration of CPTED in the preparation of the CC documentation.</p>	<p>Yes</p>
<p>Part 3.5 – Awnings</p>		
<p>All residential buildings are to be provided with awnings or other weather protection at their main entrance area.</p>	<p>Weather protection of the main entrances has been provided.</p>	<p>Yes</p>
<p>Part 3.6 – Vehicle footpath crossings</p>		
<p>One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p>	<p>Vehicular access is from a single driveway accessed via Drummond Street.</p>	<p>Yes</p>
<p>Part 3.7 – Pedestrian Overpasses and Underpasses</p>		
<p>Overpasses are discouraged</p>	<p>No pedestrian overpasses are proposed.</p>	<p>Yes</p>
<p>Part 3.8 – Building exteriors</p>		
<p>Building design</p>	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features, including windows, projecting walls and balconies, framed elements and fixed timber louvres. The proposed façade is considered a quality design outcome comparable with other modern RFB developments in the northern portion of the Liverpool City Centre.</p>	<p>Yes</p>
<p>Part 3.9 – Corner Treatments</p>		
<p>Building control treatments</p>	<p>The building addresses the corner of Drummond Street, Hart Lane (to a degree) and Lachlan Lane and through the use of distinguishing architectural features and an appropriate street frontage height.</p>	<p>Complies</p>
<p>Part 3.10 – Public Artworks</p>		
<p>Major developments in the Liverpool City Centre (i.e. over 5,000sqm in floor space) are required to prepare a Public Art Plan as part of their development proposal.</p>	<p>No public art is proposed. It is considered that a holistic approach to public art is more appropriate in the Liverpool City Centre. As a consequence of the development, payment of a developer contribution pursuant to Section 7.12 will be payable by the developer which may be attributed to public art in the future, should Council deem this to be appropriate.</p>	<p>Considered acceptable</p>

Traffic and Access

CONTROLS	COMMENT	COMPLIES
<p>Part 4.1 – Pedestrian Access and Mobility</p>		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Main building entry Drummond Street is enhanced as required.	Yes
The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	Facilities comply with relevant Australia Standards	Yes
Part 4.1 – Pedestrian Access and Mobility		
Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.	All dwellings are accessible through the use of lifts to each floor and basement and podium	Yes
The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	A pedestrian entrance is provided with a barrier free access.	Yes
The development must provide accessible internal access, linking to public streets and building entry points.	Internal access is accessible through the use of ramps and lifts.	Yes
Part 4.2 – Vehicle Driveways and Manoeuvring Areas		
<p>Driveways should be:</p> <ul style="list-style-type: none"> - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 	The car parking area will be serviced via a driveway/ramp that will be accessible from Drummond Street. It is considered that the proposed vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.	Yes
Vehicle access is to be integrated into the building design so as to be visually recessive.	Vehicular access has been integrated into building design	Yes
All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	All vehicles can enter and exit the site in a forward direction. .	Yes

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Driveway widths must comply with the relevant Australian Standards.	Complies	Yes
Car space dimensions must comply with Australian Standard 2890.1.	Complies	Yes
Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies with applicable Australian standards	Yes
Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies	Yes

Environmental Management

CONTROLS	COMMENT	COMPLIES
Part 5.1 – Energy Efficiency and Conservation		
New dwellings, including dwellings within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	Complies. A BASIX certificate has been provided confirming the environmental performance of the development.	Yes
Part 5.2 – Water Conservation		
New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies. A BASIX certificate has been provided confirming the environmental performance of the development.	Yes
Part 5.3 – Reflectivity		
Reflectivity shall not exceed 20%. A reflectivity report may be required.	The development has attempted to include measures to avoid reflective materials. To ensure this is incorporated, Conditions of consent has been imposed to limit the reflectivity of glazing in accordance with this requirement.	Yes
Part 5.4 – Wind mitigation		
A wind effects report is required for all buildings greater than 35m.	The building is primary up to 35m with the canopy and lift overrun exceeding the height limit on the rooftop level. Therefore, a wind report is not required.	N/A
Part 5.5 – Noise		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

An acoustic report is required for all noise affected locations as identified in Figure 25.	The site is not identified as a noise affected location. Despite this, the applicant has provided an Acoustic Assessment which concludes that appropriate internal noise levels are achieved. The assessment has been reviewed by Council's Environmental Health Section who have raised no objection to the proposal.	Yes
Part 5.7 – Floodplain and Water Cycle Management		
Flood liable land	The site is not identified as being flood affected.	N/A
Part 5.8 – Sewage Treatment Plant		
Development within 400m of the Schrivener Street Sewage Treatment Plant needs to be referred to Sydney Water for assessment.	The site is located greater than 400m from the sewer treatment plant.	Yes

Controls for Residential Development

CONTROLS	COMMENT	COMPLIES
Part 6.1 – Housing Choice and Mix		
<p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development, - three or more bedroom units must not to be less than 10% of the total mix of units within each development, <p>10% of all dwellings must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved.</p>	<p>The apartment mix proposed is: 17 x 1 bed, 47x 2 bed and 6 x 3 bed.</p> <p>One bedroom apartments represent 24.3% of the total number of apartments</p> <p>Two bedroom apartments represent 67.10% of the total number of apartments</p> <p>Three bedroom apartments represent 8.6% of the total number of apartments.</p> <p>10% of dwellings are adaptable.</p> <p>The variation in numerical value of three bedroom apartments is considered acceptable in this instance as the building cater for a variety of unit sizes and arrangements.</p>	Variation supported

Given the assessment above, the proposal is considered to be consistent with the key controls outlined in the DCP 2008.

4. **Section 4.15(1)(a)(iiia) 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**

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

5. Section 4.15(1)(a)(iv) - The Regulations

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent will be imposed.

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

(b) The Likely Impacts of the Development on the Natural Environment

The impacts of the development on the natural environment have been assessed and the site is not in the vicinity to environmental sensitive land or any bushland. As a result, no negative impacts on the natural environment are anticipated and the development is considered to be acceptable.

(c) The Likely Impacts of the Development on the Built Environment

The built form is appropriate to the site in terms of alignment and proportion. The proposed residential building has been designed in a manner that minimises the obtrusion to adjoining properties with compliant side setbacks and complements the character of the street in terms of architectural style, design and materials. The site is zoned R4 High Density Residential with a height limit of 35m and is located on the northern edge of the Liverpool CBD which promotes higher density residential close to the CBD, transport, education, health precincts and shopping.

Overall, it is considered that the proposal is unlikely to generate any unreasonable impacts on the surrounding built environments and is considered to improve the area by incorporating modern architecturally styled building to the area.

(d) The Likely Social Impacts of the Development in the Locality

The proposed development will have a positive social impact in the area through increasing housing choice in the locality. It will assist in promoting lifestyle choice closer to the Liverpool CBD. It is considered that the proposal is unlikely to generate any unreasonable social impacts on the surrounding area.

(e) The Likely Economic Impacts of the Development in the Locality

The proposed development will have a positive economic impact in the area through investment and employment generation during construction. Furthermore, the development will provide for greater opportunity for residents to be close to employment opportunities. It is considered that the proposal is unlikely to generate any unreasonable economic impacts on the surrounding area.

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

The proposal is a permissible development and satisfies the key planning controls for the site as detailed above and is generally considered to be suitable for the site.

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

(a) Internal Referrals

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

DEPARTMENT	COMMENTS
Land Development Engineer	No objection raised subject to conditions of consent.
Environmental Heath – Acoustic Odour Health	No objection raised subject to conditions of consent.
Flooding and Catchment	No objection raised subject to conditions of consent.
Waste Management	The proposal is supported with recommendation provided in regard to the storage cages being in close proximity to the bin room and the potential of the area being narrowed and make it difficult for large items to be stored A condition of consent will be imposed to ensure that the area allows large item to be moved through.
Natural Resources and Landscape	No objection raised subject to conditions of consent.
Traffic	No objection raised subject to conditions of consent.
Heritage	No objection raised subject to conditions of consent.
Building	The proposal is generally supported exception to the location of the padmount substation which must comply with fire separation requirements. A condition of consent will be imposed ensuring that the substation is constructed to comply with fire rating standards.

(b) External Referrals

ORGANISATION	COMMENTS
Bankstown Airport	No concerns or objections to the proposal raised.
CareFlight Australia	No concerns or objections to the proposal raised.

(c) Community Consultation

Pursuant to the notification requirements outlined in the Liverpool Community Participation Plan 2019, the application was notified between 25 February 2020 and 10 March 2020. No submissions were received.

9. Section 4.15(1)(e) - The Public Interest

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Liverpool. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Given the assessment undertaken, the proposal is considered to be in the public interest and therefore is recommended for approval subject to conditions of consent.

7. DEVELOPMENT CONTRIBUTIONS

The subject site is within the boundary of the Liverpool Contributions Plan 2007 (Liverpool City Centre) under which the applicable contribution payable is 2% of the development cost. The Contribution required is **\$365,493.00**.

8. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for a residential flat building at 4 to 6 Drummond Street, Warwick Farm.
- The proposal is permissible with consent within the R4 High Density Residential zone under the LLEP 2008, for which the site is zoned, and is consistent with the objectives of the R4 zone.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the Apartment Design Guide. The scale and built form are consistent with the desired future character of the area envisaged under the LLEP 2008 and DCP 2008.
- The LDCP 2008 variations indicated in the report are not anticipated to create additional negative impacts and accordingly strict compliance with the LDCP does not enhance the amenity of residents in this instance.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. The proposed development is considered an efficient use of the site and will result in well-designed, high amenity residential dwellings.
- The proposed development will have impacts (both positive and negative) on the surrounding area, but those impacts are largely anticipated by the zoning of the site and surrounding areas. The development is in accordance with the zone objectives and the desired future character of the area.

Given the above, the proposed development is considered to be satisfactory and is recommended for approval, subject to conditions.

9. RECOMMENDATION

THAT Development Application DA-952/2019 be approved subject to conditions of consent.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENTS

1. Recommended conditions of consent
2. Architectural Plans
3. Design Excellence Panel (DEP) Comments
4. Clause 4.6 Variation to Building height Control
5. Section 7.12 Contributions

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 1: RECOMMENDED CONDITIONS OF CONSENT

A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural Plans - Job No. 08632

Plan Name	Plan Number	Date	Revision	Prepared by
Cover Sheet	Drawing No. DA:00	12/06/2020	C	Zhinar Architects Pty. Ltd.
Demolition Plan	Drawing No. DA:03	12/06/2020	C	Zhinar Architects Pty. Ltd.
Site Plan	Drawing No. DA:04	12/06/2020	C	Zhinar Architects Pty. Ltd.
Basement 2	Drawing No. DA:05	12/06/2020	C	Zhinar Architects Pty. Ltd.
Basement 1	Drawing No. DA:06	12/06/2020	C	Zhinar Architects Pty. Ltd.
Ground Floor Plan	Drawing No. DA:07	12/06/2020	C	Zhinar Architects Pty. Ltd.
First to Third Level Floor Plans	Drawing No. DA:08	12/06/2020	C	Zhinar Architects Pty. Ltd.
Fourth Level Floor Plan	Drawing No. DA:09	12/06/2020	C	Zhinar Architects Pty. Ltd.
Fifth to Tenth Level Floor Plans	Drawing No. DA:10	12/06/2020	C	Zhinar Architects Pty. Ltd.
Roof Top Level Plan	Drawing No. DA:11	12/06/2020	C	Zhinar Architects Pty. Ltd.
Section A Plan	Drawing No. DA:12	12/06/2020	C	Zhinar Architects Pty. Ltd.
Section B Plan	Drawing No. DA:13	12/06/2020	C	Zhinar Architects Pty. Ltd.
Section C Plan	Drawing No. DA:14	12/06/2020	C	Zhinar Architects Pty. Ltd.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

North Elevation	Drawing DA:15	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
South Elevation	Drawing DA:16	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
East Elevation	Drawing DA:17	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
West Elevation	Drawing DA:18	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Street Elevation	Drawing DA:19	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Materials Schedule 1	Drawing DA:24	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Materials Schedule 2	Drawing DA:25	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Materials Schedule 3	Drawing DA:26	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Materials Schedule 4	Drawing DA:27	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Photomontage	Drawing DA:28	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
BASIX Stamped Plans	Drawing DA:30	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Perspective Street View Plans	Drawing DA:31	No.	12/06/2020	C	Zhinar Architects Pty. Ltd.
Landscape Plans	Drawing No.				

(b) Landscape Plans – Job No. 19/2026

Plan Name	Plan Number	Date	Revision	Prepared by
Landscape Plan – Ground Floor Plans	Sheet 1 of 3	17/06/2020	C	Paul Schrivener Landscape Architecture
Landscape Plan – Roof Terrace Plan	Sheet 2 of 3	17/06/2020	C	Paul Schrivener Landscape Architecture
Landscape Plan – Planting Schedule	Sheet 3 of 3	17/06/2020	C	Paul Schrivener Landscape Architecture

(c) Engineering Plans

Plan Name	Plan Number	Date	Revision	Prepared by
Details Notes & Legends	190254/D1	16/06/2020	B	Quantum Engineers
Basement Level 2 Plan	190254/D2	16/06/2020	B	Quantum Engineers

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Basement Level 1 Plan	190254/D3	16/06/2020	B	Quantum Engineers
Site Ground Floor Plan	190254/D4	16/06/2020	B	Quantum Engineers
Roof Plan	190254/D5	16/06/2020	B	Quantum Engineers
Combined Storm filter / OSD & Rainwater tank details / Calculations	190254/D6	16/06/2020	B	Quantum Engineers
Water Quality Catchment Details & Calculations	190254/D7	16/06/2020	B	Quantum Engineers
Sediment Control Plan & Details	190254/D8	16/06/2020	B	Quantum Engineers
Stormwater & Sediment Control Details	190254/D9	16/06/2020	B	Quantum Engineers

c) Documents

Report Name	Date	Reference	Prepared by
Statement of Environmental Effects	Dec. 2019	P3518	GAT & Associates
Applicants Response to Additional Information Comments	11/06/2020	08632	Zhinar Architects Pty. Ltd.
BASIX Certificate	20/12/2019	Certificate No. 1065515M	Gradwell Consulting
Acoustic Report	18/12/2019	SYD2019-1074-R001B	Acouras Consultancy
Access Report	5/12/2019	19286	Vista Access Architects
Arborist Report	21/12/2019	5572	Redgum Horticultural
Phase 1 Preliminary Site Investigation - Contamination Report	18/12/2019	EBG-02817.Stage 1.PSI.12.19	EBG Environmental Geoscience
Geotechnical Report	13/12/2019	2019-204	Crozier Geotechnical Consultants
SEPP 65 Verification Statement	Dec. 2019	---	Zhinar Architects Pty. Ltd.
Traffic & Parking Assessment	18/12/2019	19449	Varga Traffic

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Report			Planning Pty Ltd
Traffic Response to Additional Information Comments	9/06/2020	19449	
Waste Management Plan	---	Job No. 8632	---

Works at cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Comply with EP&A Act

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

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

Prescribed Condition

4. In accordance with Section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions, or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Access

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(Temporary Covid-19) Section 7.12 Payment (Liverpool Contributions Plan 2018 Liverpool City Centre)

6. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2018 Liverpool City Centre.

The total contribution is **\$365,493.00** and will be adjusted at the time of payment in accordance with the contributions plan. 50% of the total amount is **\$182,746.50** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution plan).

A breakdown of the contribution's 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.

Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.

Fee Payments - Land Development

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 Development Application/Construction Certificate.

The following fees are applicable and payable:

- d) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- e) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- f) 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*.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

These fees are reviewed annually and will be calculated accordingly.

Electrical Substation

8. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Endeavour Energy Mains Construction Instruction Document No. MCI 0006

As the proposed Electrical Substation does not comply to minimum separation distances, revised plans are required that ensure that the electrical substation is separated a minimum of 6.0m away from any openings of the building. Plans are to be to the satisfaction of the Manager Development Assessment of Liverpool City Council and must meet all Endeavour Energy requirements.

Notification

9. 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.

Work in the Public Road

10. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - (c) Road occupancy or road closures.

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

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

S138 Roads Act – roadworks requiring approval of civil drawings

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

11. 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 Construction in Lachlan Lane

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

Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Fees – Road Opening

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

On-Site Detention

13. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Quantum Engineers, reference number 190254, Revision B, dated 16/06/2020.

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.

Stormwater Discharge – Basement Car parks

14. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

No loading on easements

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

Water Quality

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

The Construction Certificate must be supported by:

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

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

Dilapidation Report Private Property (Excavations)

17. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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.

Road Reserve Works

18. Prior to the issue of any Construction Certificate detailed plans must be submitted to and approved by Council under Section 138 for the reconstruction of the road pavement in Lachlan Lane for the full width of the Lane for the full frontage of the development. Plans must also include kerb and gutter for the full frontage of the development.
19. Prior to the issue of any Construction Certificate detailed plans must be submitted to and approved by Council under Section 138 for the Footpath construction for the full frontage of the site to Drummond Street. Plans must be in accordance with Council's current specification for CBD footpath paving.

Cladding

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

Products banned under the Building Products (Safety) Act 2017

21. 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.

Access, Car Parking and Manoeuvring – General

22. 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.

Access Car Parking and Manoeuvring – Minor Development

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Site Development Work

24. 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.

Liverpool CBD – Street Lighting Upgrade

25. The applicant/developer shall upgrade the street lighting system for entire frontage of the development including any side streets. Any street light poles shall be multi-function poles including all necessary accessories. The specification and accessories details are to be obtained from the Infrastructure and Environment Group of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council for review and approval prior to any construction works.

Liverpool CBD – Communication Conduits

26. The applicant/developer shall supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170.

Liverpool CBD – Footpath Paving and Landscaping Works

27. Periphery Type/Core Type paving shall be installed along the entire **Drummond Street** frontage/s, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005 as amended in Implementation Note 12/2015 – Liverpool CBD Paving.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Land Development Section on 1300 36 2170 for further information.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

Retaining Walls on Boundary

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

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

Flooding Requirements

29. The applicant must ensure that the ramp crest to the basement parking is at or above the 1% AEP flood level (i.e. 10.1m AHD).
30. The applicant shall ensure that the habitable floor levels to be equal to or greater than the 1% AEP flood level plus 300mm freeboard (i.e. 9.7m + 0.3m = 10.0m AHD).

Water Quality Requirements

31. On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream.
32. On-site water quality treatment devices shall be in accordance with the *Stormwater Management Plan (DA Submission) Proposed Residential Flat Building No.4-6 Drummond Street, Warwick Farm* prepared by *Quantum Engineers*, dated 19/12/2019, and MUSIC link model provided.

Traffic and Parking

33. Detailed design plan for the access driveway and car park including gradient, swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.

Construction Traffic Management Plan

34. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

35. Street lighting is to be provided to Council's specifications.

Traffic Management Plan

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

Garbage Services

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

Waste Storage Area

38. Any bin bays must be:
- a. Provided with mechanical ventilation,
 - b. Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,
 - c. Provided with sufficient light to permit usage at night,
 - d. Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
 - e. Bin bay signs are available from Council,
 - f. Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and
 - g. Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - i. Garbage is to be placed wholly within the garbage bins provided,
 - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - iii. The area is to be kept tidy,
 - iv. A phone number to be displayed for arranging disposal of bulky items; and
 - v. 50% of all messages are to be displayed using graphic illustrative content.

Waste Management

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

39. Prior to the issue of a Construction Certificate, the ground floor plan (Drawing No. DA-06), will be revised to show that an access control, in the form of a horizontal bar that can be unlocked and raised on a pivot, or slid across, has been supplied to the Lachlan Lane frontage of the waste truck loading bay. This is to ensure that no resident or visitor can park in the truck loading bay, obstructing access.
40. Prior to the issue of a Construction Certificate, the Basement 1 Plan (Drawing No. DA:05), will be revised to remove the row of storage cages which are shown closest to the bulky household waste store, to remove the impediment to large household items being placed in that storage area. The storage case will have to be relocated to ensure storage requirements are met.
41. Prior to the issue of a Construction Certificate, a revised waste management plan (WMP) must be submitted, clearly stating what legislation and regulations with respect to the handling and disposal of asbestos will be complied with, and acknowledging that all removal, wrapping and tipping of asbestos materials must be carried out by a licenced asbestos contractor.
42. Prior to the issue of a Construction Certificate, the revised WMP will confirm that the internal dimensions of the waste bin cupboards on each level of the building are sufficient to take two standard-size 240 litre mobile bins side by side. It will also confirm that the requirements of the Liverpool DCP 2008 in respect to lighting, ventilation, durability and washability of floor and wall surfaces in these bin storage cupboards is being complied with.
43. Prior to the issue of a Construction Certificate, the revised WMP will state that all the features required under the Liverpool DCP 2008 will be supplied to the main bin storage room on the ground floor, including lighting, ventilation, grading of the floor surface to a sewer-connected drainage point fitted with a fine grade drain cover, provision of durable, washable wall and floor surfaces, provision of a water supply point and an electricity supply point etc.
44. Prior to the issue of a Construction Certificate, the revised WMP will confirm that permanent fixed signage will be prominently installed in every waste bin storage cupboard and also in the main bin storage room on the ground level, which will direct that:
 - (i) Bagged general household waste only is to be placed in the red-lidded general waste bins, with a description/pictures of what comprises items of general waste;
 - (ii) Recyclable items be placed, loose and unbagged, in the yellow-lidded recycling bins, with a description/pictures of what comprises acceptable recyclable materials;
 - (iii) Items too large to be placed easily in the waste bins, or which are hazardous or are not items of general household waste, must be referred to the strata management for instructions regarding disposal.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (iv) The area is to be kept tidy, no materials are to be placed next to, or on top of the bins.
45. Prior to the issue of a Construction Certificate, the revised WMP will confirm that permanent signage will be supplied to the outside face of the wall or door of the residential bulky waste storage room, stating:
- (i) That the room is for the storage of bulky household waste only, not any other materials;
 - (ii) That residents should contact building management to store unwanted items in the room prior to disposal.
46. Prior to the issue of a Construction Certificate, the revised WMP will state that a bin lifter of a capacity suitable for lifting a fully loaded 240 litre waste bin will be supplied by the developer.
47. Prior to the issue of a Construction Certificate, the revised WMP will state that as part of the kitchen fit-out of each residential unit, two waste bins will be provided, clearly differentiated by colour and labelled as 'general waste' and 'recycling'. These together are to have a capacity sufficient to take at least one day's worth of waste and recycling for that unit.

Provision of Services – Sydney Water

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

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the

Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

Provision of Services – Endeavour Energy

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

Provision of Services – Telecommunications

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

50. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
- a. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - b. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Recommendations of Acoustic Report

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

Design Verification Statement

52. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Crime Prevention Through Environmental Design

53. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
- (a) Back to base alarm systems shall be installed;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Security Access to car park

- 54. Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the Construction certificate.

Balcony and courtyard window and door design

- 55. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
 - enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings
 - assist in the proportioning of elevations
 - ensure maximum light to the interior of the dwellings
 - create a seamless relationship between the balcony / courtyard and the interior

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

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

- 56. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

57. 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.

Commencement of Building work

58. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act,

Tree Removal

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

Notification

60. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- a. Any excavation, below the base of the footings of a building on an adjoining allotment of land, and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- b. The notice shall be given seven (7) days prior to the commencement of work.

Commencement of building works

61. 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.

Residential Building Work

62. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates has been given written notice of the following information:
- (a) In the case of work for which a principal contractor is required to be appointed:
- (i) The name and licence number of the principal contractor; and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

Cladding

64. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Fire Safety Measures

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

Site Notice Board

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

Construction Requirements

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

Site Facilities

68. 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.
69. Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Demolition Works

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

Waste Management

71. Prior to any works commencing, including demolition, any residential waste bins that remain on site at 4 or 6 Drummond Street Warwick Farm must be returned to Liverpool City Council. Ring 1300 36 2170 to notify Council that the waste bins are ready to remove and so that their removal can be noted.
72. The name, address and licence details of the asbestos contractor performing the asbestos removal must be lodged in writing with both the Council and the Principal Certifying Authority.
73. If the dwellings to be demolished have air-conditioning or refrigeration systems that must be dismantled, then prior to any works commencing, all refrigerants that remain within those systems must be extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent to a facility licensed to undertake refrigerant destruction (e.g. Refrigerant Reclaim Australia) and destroyed in accordance with the established procedures, so as to render them environmentally neutral. The written evidence that this has been carried out (if these systems are indeed present), must be sighted by the Principal Certifying Authority and included as part of the documentation for the Occupation Certificate.

Sydney Water

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

“DIAL BEFORE YOU DIG”

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

75. 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.

Dilapidation Report

76. Prior to the Commencement of Works, a dilapidation report of all infrastructure fronting the development in **Drummond Street and Lachlan Lane** is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend **10m** either side of the development.

Waste Classification

77. 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).

Sediment & Erosion Control

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

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

Matters to be addressed prior to commencement of Subdivision Works

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

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

Traffic Management Plan

80. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
81. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can be requested from the Council's Customer Services.

Traffic Control Plan

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

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

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

Demolition Inspections

83. The following inspections are required to be undertaken by Council in relation to approved demolition works:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Environmental Management

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

- 85. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

D. DURING CONSTRUCTION

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Building Inspections

86. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
87. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

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

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

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

Construction Requirements

89. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Hours of Construction Work and Deliveries

91. 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.

Building Work

92. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
93. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.
94. 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 do works continue, until the PCA has advised the builder/developer that the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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.

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

Sign Notice Board

96. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- (a) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - (b) name, address and telephone number of the principal certifier
 - (c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Excavation

97. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Toilet Facilities

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Craning and Hoardings

99. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

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

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

Refuse Disposal

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

Security Fence

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

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

Removal of Dangerous and/or Hazardous Waste

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Traffic management

104. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings
105. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
106. Applications must be made to Council's Traffic & 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.

Waste Management Plan

107. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued

Waste Management

108. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins.
109. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Drainage Connection

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

General Site Works Surface Contours

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

General Site Works – Sediment

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

Imported Fill Material

114. Any filling material must be limited to the following:
- (a) Virgin excavated natural material (VENM)
 - (b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment (Waste) Regulation 2014; and/or
 - (c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW 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

115. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - (b) the results of a preliminary contamination assessment carried out on any fill material used in the development, and the results of any chemical testing of fill material.

Major Filling/Earthworks

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Air Quality – Dust Screens

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

Air Quality – Vehicle Movement

118. 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.

Erosion and sediment control

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

Erosion Control – Maintenance

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

Water Quality

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

Pollution Control – Truck Movements

121. 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.

Aboriginal Cultural Heritage – Unexpected Finds

122. As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

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

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

Unidentified Contamination

123. 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.

BASIX

124. 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.

Road Works (Laybacks)

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

Car Parking Areas

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Termite Protection

127. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
- (a) The method of protection;
 - (b) The date of installation of the system;
 - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - (d) The need to maintain and inspect the system on a regular basis

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

Ventilation

128. The premises shall be ventilated in accordance with the requirements of the NCC/BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
129. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

External

130. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
131. The mailboxes are to be consistent with the design and colours and materials for the development.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- 132. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
- 133. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
- 134. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

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

Construction Requirements

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

Security and Safety

- 137. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
- 138. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
- 139. The underground car park is required to be locked with access to be provided to residents only.
- 140. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

142. 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.
143. 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.
144. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
145. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

Waste Storage Area

146. Any bin bays must be:
- (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (i) Garbage is to be placed wholly within the garbage bins provided;
 - (ii) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (iii) The area is to be kept tidy;
 - (iv) A phone number to be displayed for arranging disposal of bulky items;
 - (v) 50% of all messages are to be displayed using graphic illustrative content;
 - (vi) Bin bay signs are available from Council;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (vii) Signage on how to use any garbage chutes is to be located prominently next to the chute;
- (viii) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate, and not of Council;
- (ix) Maximum compaction ratio is 2:1;
- (x) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

Occupation Certificates

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

Fire Safety Certificate

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

Inspections

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

Certificates

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

151. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:

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

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

Cladding

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

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Works as executed – General

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

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

Stormwater Compliance

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

- (a) On-site detention system/s
- (b) Stormwater pre-treatment system/s
- (c) Basement Carpark pump-out system

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

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

- (a) On-site detention system/s
- (b) Stormwater pre-treatment system/s
- (c) Basement carpark pump-out system

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

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

Any rectification works within **Drummond Street and Lachlan Lane** will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

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

Section 73 Sydney Water

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

Stormwater Devices

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

160. The Operation and Maintenance Manual for the stormwater devices shall be submitted to Council.

Display of Street Numbers

161. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Landscape

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

Garbage Services

163. Prior to the issue of an Occupation Certificate, if onsite waste and recycling collection is required the following restriction as to user must be registered on the title of the property:

The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.

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

Waste Management

164. All waste management facilities, equipment (including the bin-lifter, but excluding the waste bins themselves), waste room features and permanent fixed signage will be installed and operational prior to the issue of an Occupation Certificate.

165. A 'restriction as to user' is to be placed on the title of the property at the applicant's expense, which may not be altered or removed without Council's consent, stating:

'The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.'

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Fire Safety Certificate

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

(Temporary Covid-19) Section 7.12 Payment (Liverpool Contributions Plan 2007- Liverpool City Centre)

167. Prior to the issue of any occupation certificate all outstanding section 7.12 contributions must be paid as required by condition 6 of DA-952/2019. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

Access Report

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

Design Verification Statement

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

BASIX

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

G. CONDITIONS RELATING TO USE

Car Parking / Loading

171. All parking areas shown on the approved plans must be used solely for this purpose.
172. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.

Car Parking / Loading

173. A total of 80 off street (73 residential, 7 visitor car parking spaces, 4 Motorcycle space and 34 Bicycle spaces) must be provided. 7 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
174. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
175. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

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

Mail-boxes

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Washing on Balconies

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

Lighting

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

Waste

181. All solid and liquid waste is to be removed from the site by a registered waste contractor.
182. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Waste Storage Area

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

Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.

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

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

- (a) Garbage is to be placed wholly within the garbage bins provided,
 - (b) Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - (c) The area it to be kept tidy,
 - (d) A phone number for arranging disposal of bulky items, and
 - (e) Graphic illustrative content to be 50%
184. Sufficient space shall be provided within each dwelling for the storage of a minimum of the one day's waste and recycling.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

185. It is a requirement of this development consent that the supplied waste features and infrastructure be used as intended. The strata management or residents are not permitted to circumvent or not use the waste features or facilities for their intended purpose.
186. After the issue of an Occupation Certificate but prior to residents moving in, the Waste section of Council must be contacted to arrange delivery of the waste bins and confirm the bin service days. Please ring Council on 1300 36 2170 for this purpose. These waste and recycling bins are to be kept within the waste storage rooms, being presented for collection no earlier than the afternoon before emptying.
187. Waste bins are to be presented to the back of the waste truck loading bay by agents of the building management, where they will be emptied by Council's waste contractors and the bins will be replaced promptly by the agents of the building management back in the bin storage area.
188. Council will issue to the property the number of 660 litre residential general waste and recycling bins that will be tipped to the Council contractor's waste truck, all other bins that will be required for transfer of waste around the development must be provided, maintained and replaced when necessary by the strata/building proprietors.
189. The bin-lifter provided in the ground floor bin storage area must be used whenever the 240 litre transfer bins are being decanted into the 660 litre bins, manual lifting is not permitted.
190. The bin-lifter is to be maintained to ensure that it is in an operable condition when needed.
191. The waste bin storage cupboards on each level and the main bin storage room at ground level are to be cleaned and the operation of all the features of those rooms checked to ensure correct operation at least once per week.
192. The strata/building manager or cleaner is to ring Council on 1300 36 2170 to book in bulky household waste collections when needed. The items that can be disposed of will be as per current Council policy.
193. The strata management and their agents must pro-actively educate, provide feedback and, where necessary, enforce how to use the waste systems and features of the building with all residents. This includes which materials must be placed in the general waste bins and which materials should be placed in the recycling bin in a loose and unbagged condition. The strata management and their agents must also educate all residents as to what must be done with items that either too large to be put into the bins or are of a type that is unsuitable to go into household bins. It is recommended that the strata work with Council to identify

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

options and provide information to residents regarding recycling materials outside of those which can be placed in the standard co-mingled recycling bins.

194. The strata management and their agents are responsible for ensuring that the waste transfer bins on each level are rotated for emptying and cleaning with a regularity that ensures that the residents always have sufficient capacity to place their general and recyclable wastes, and that the bins are kept in a hygienic and non-odorous condition.

H. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- 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”

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 for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) Care shall be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agents may be liable

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

- m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

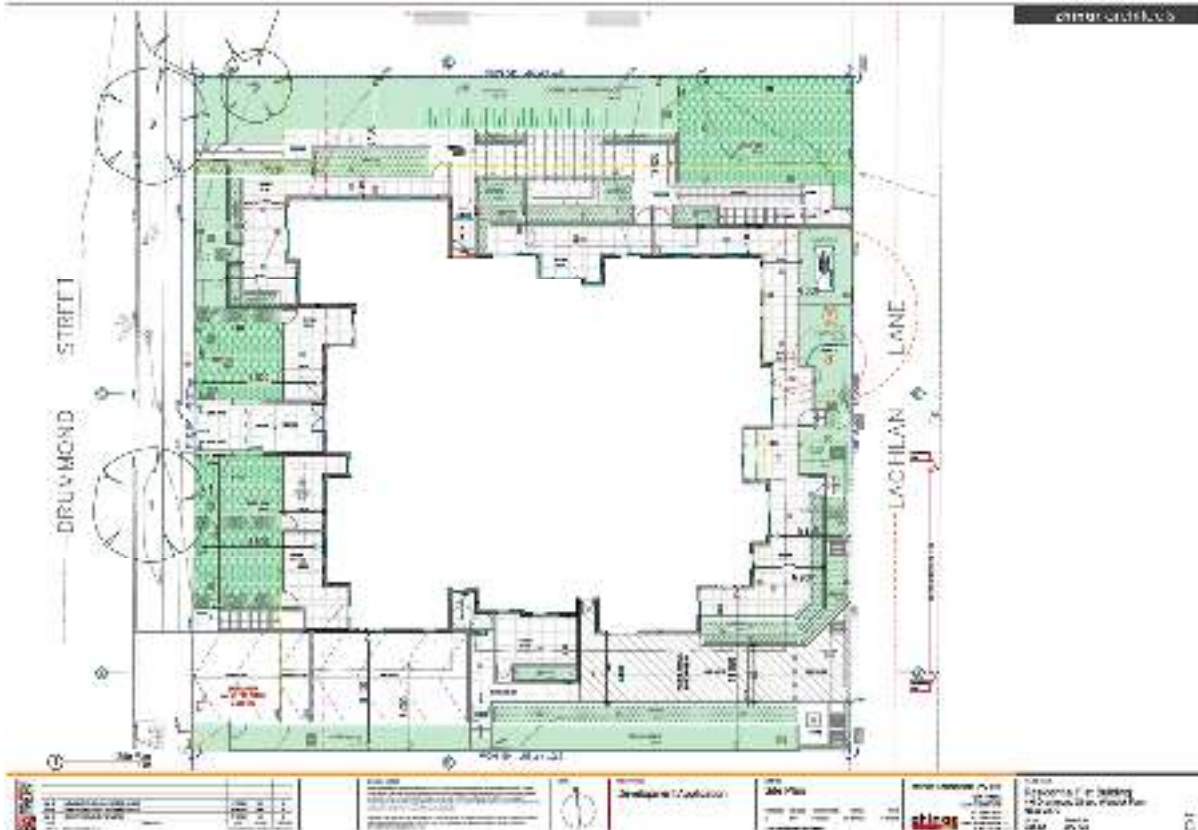
LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHEMENT 2: ARCHITECTURAL PLANS



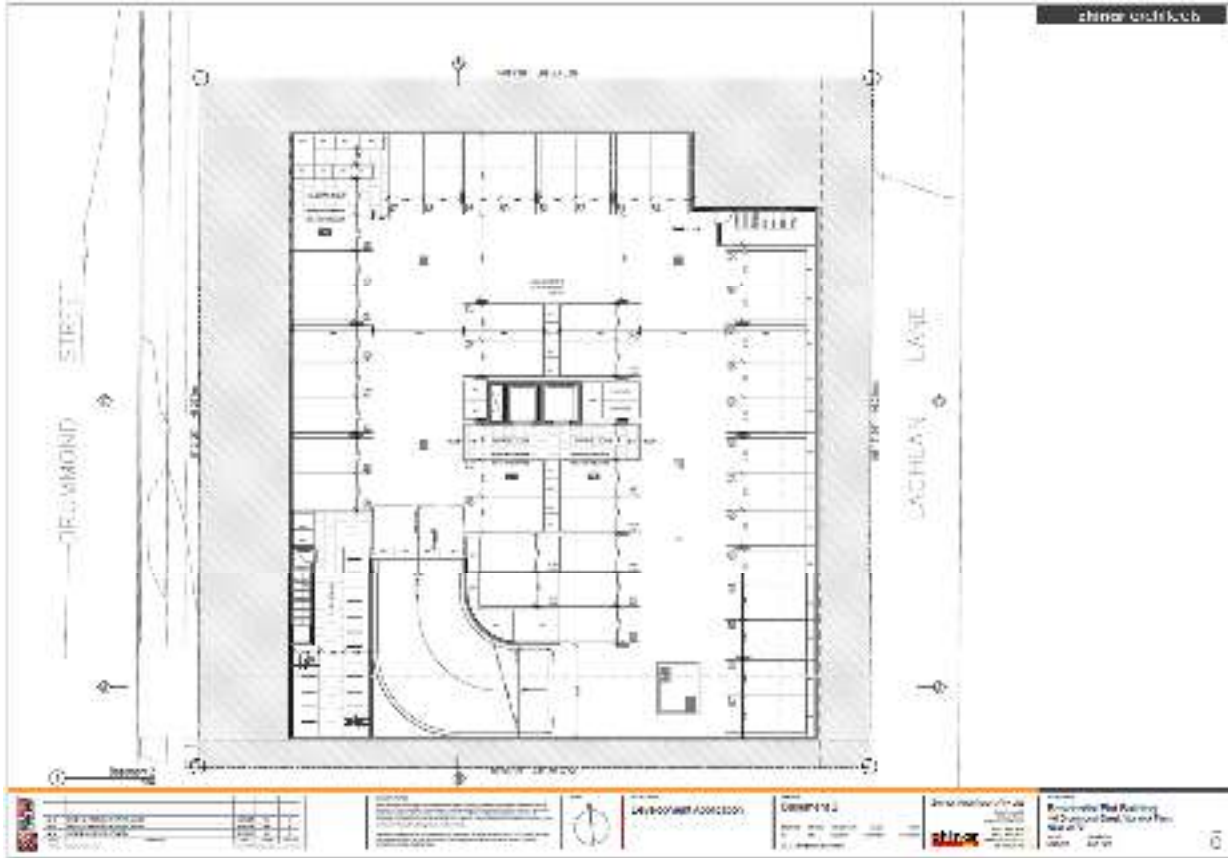
Demolition Plan



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

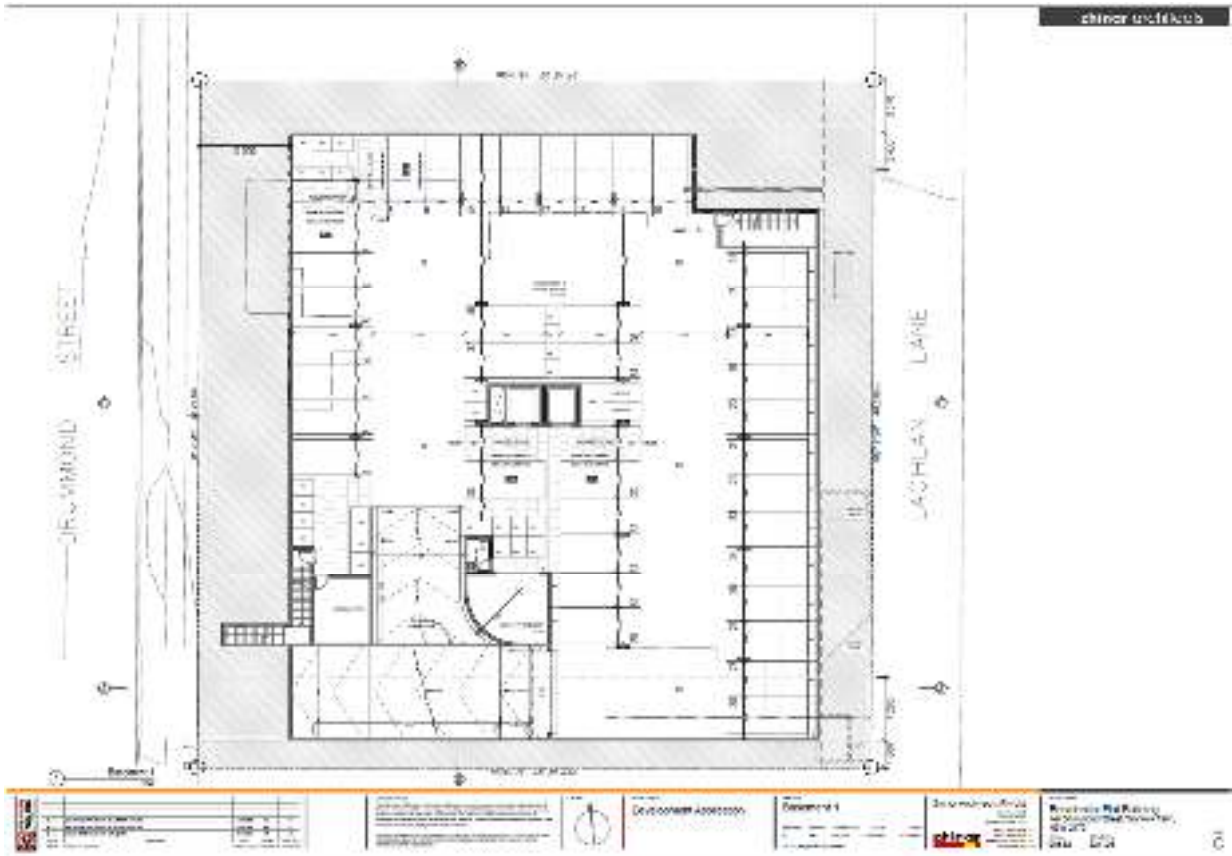
Site Plan



Basement 2

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

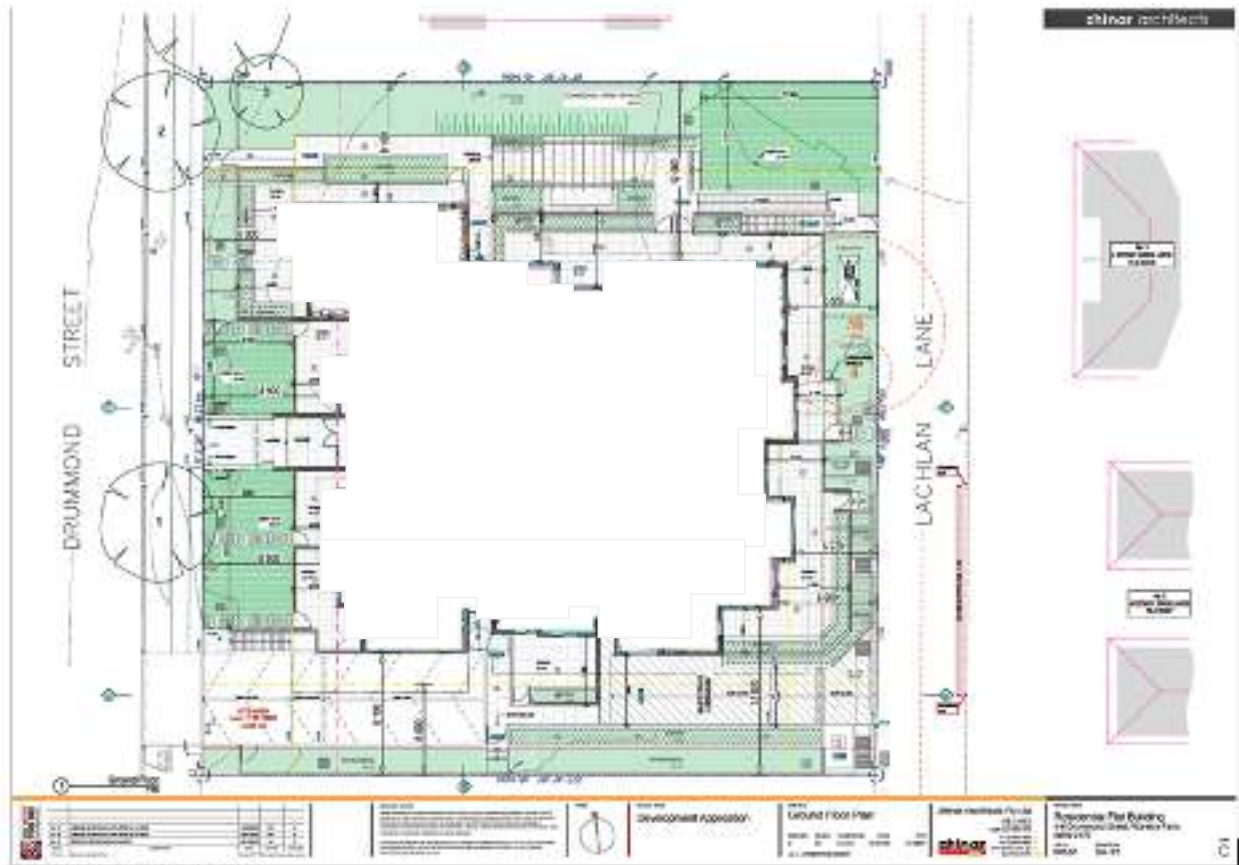
28th September 2020



Basement 1

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

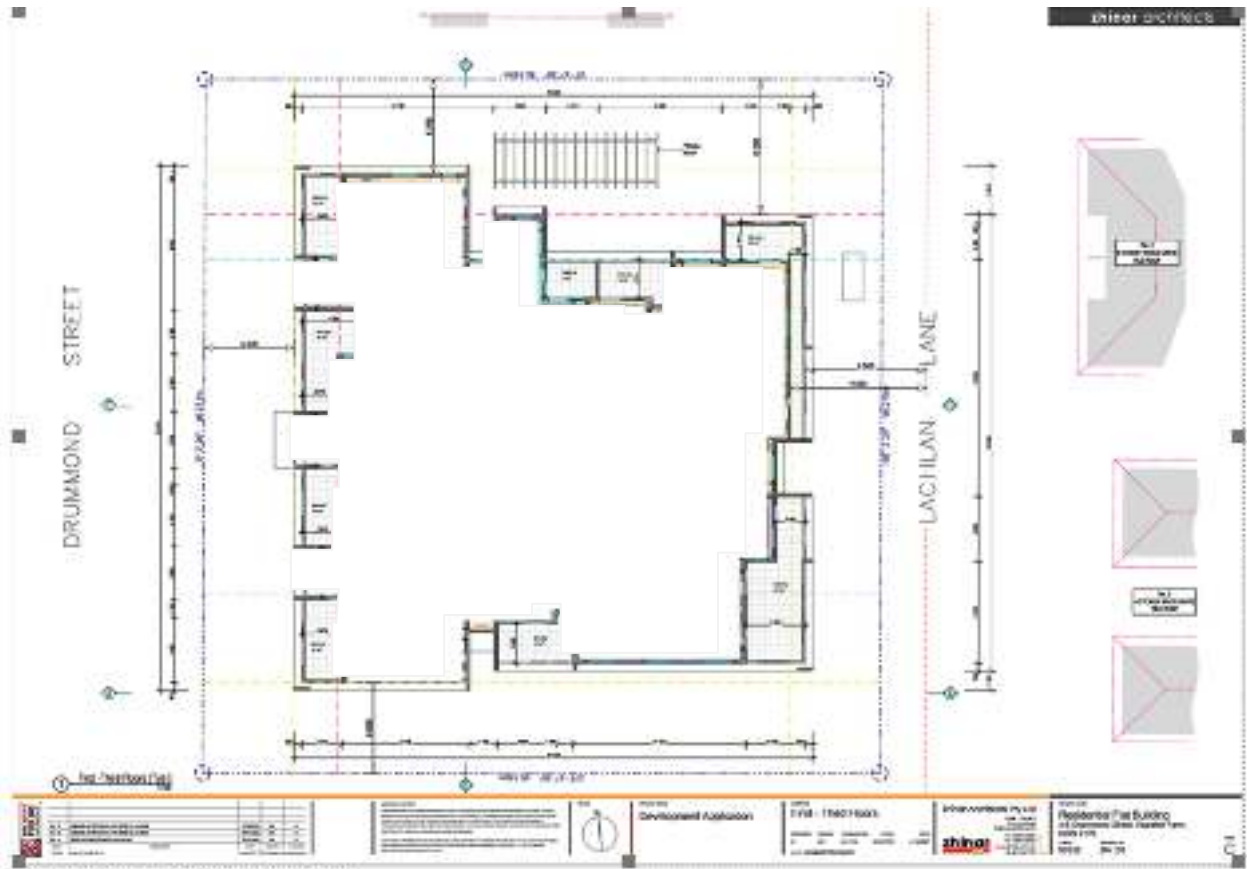
28th September 2020



Ground Floor Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

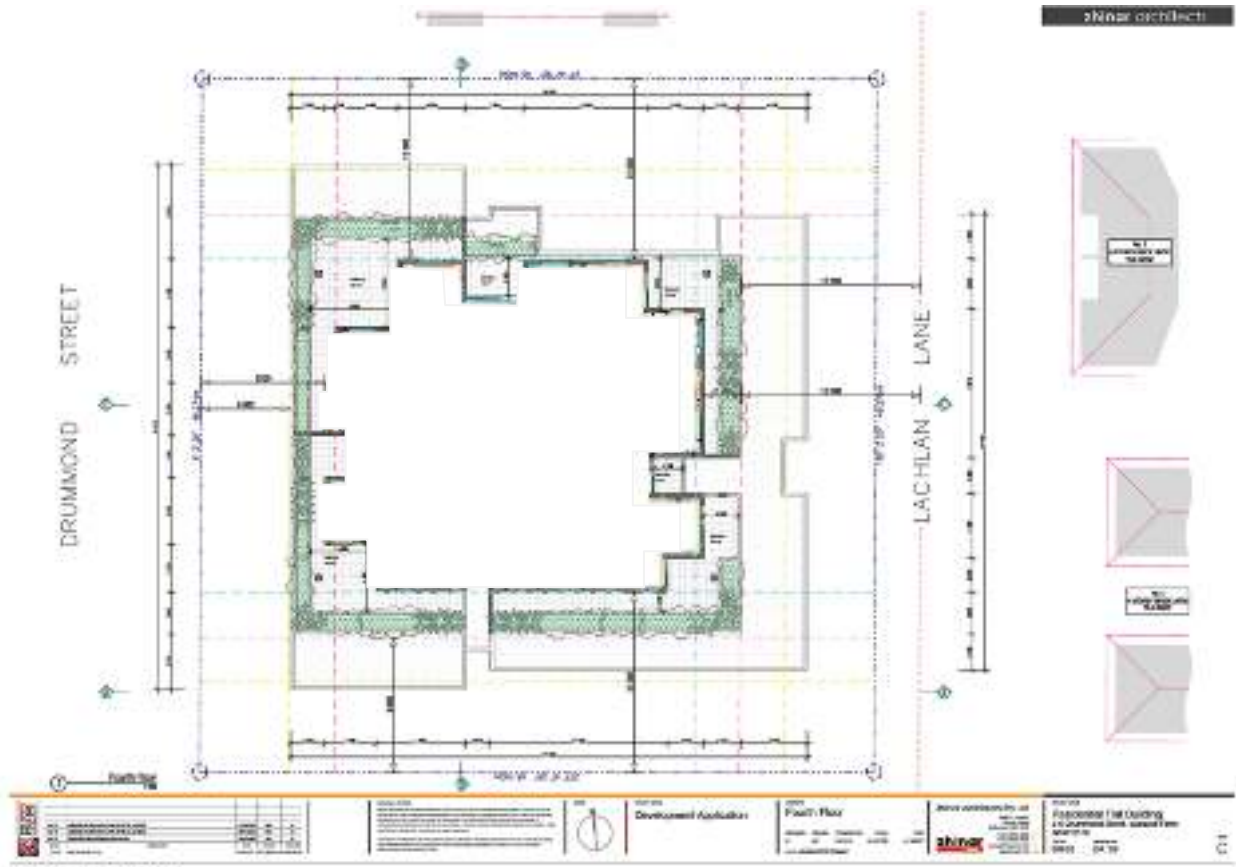
28th September 2020



First Floor to Third Floor

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



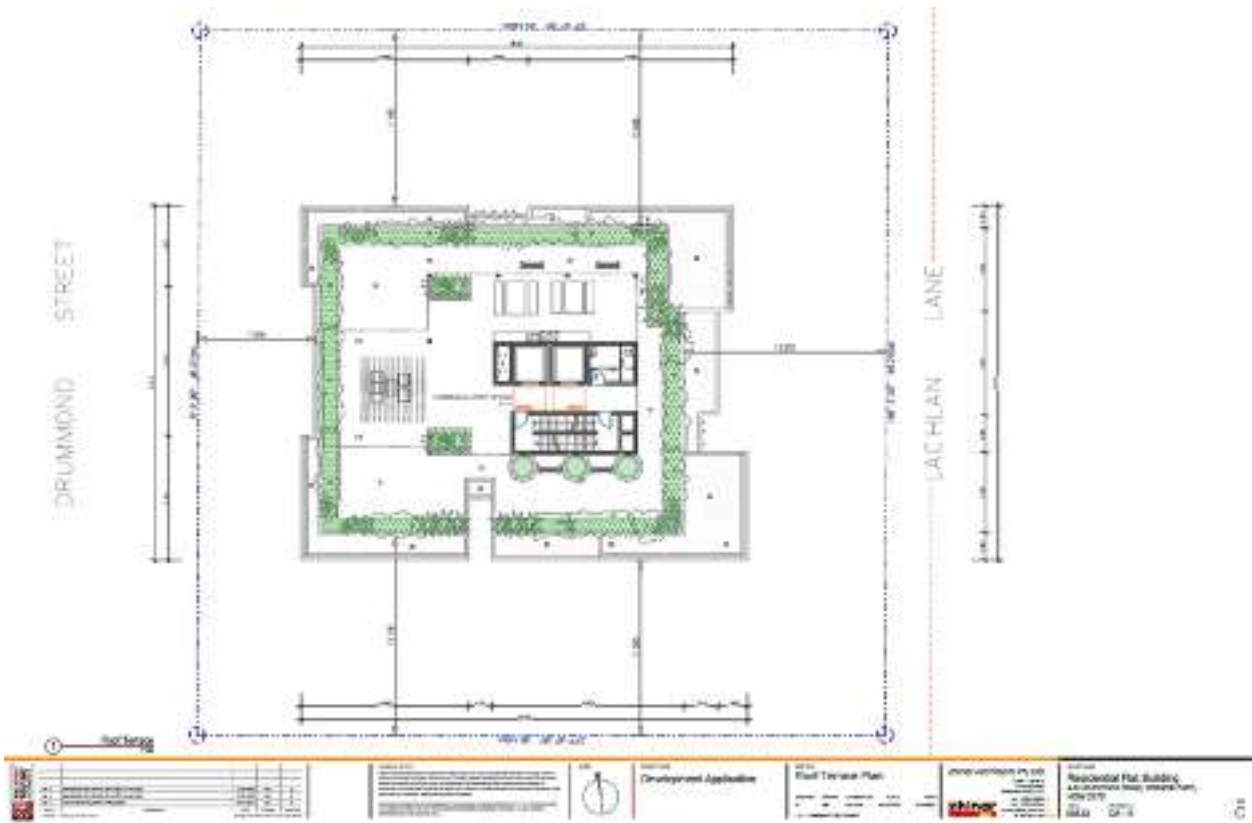
Fourth Floor

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

28th September 2020



Fourth Floor



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

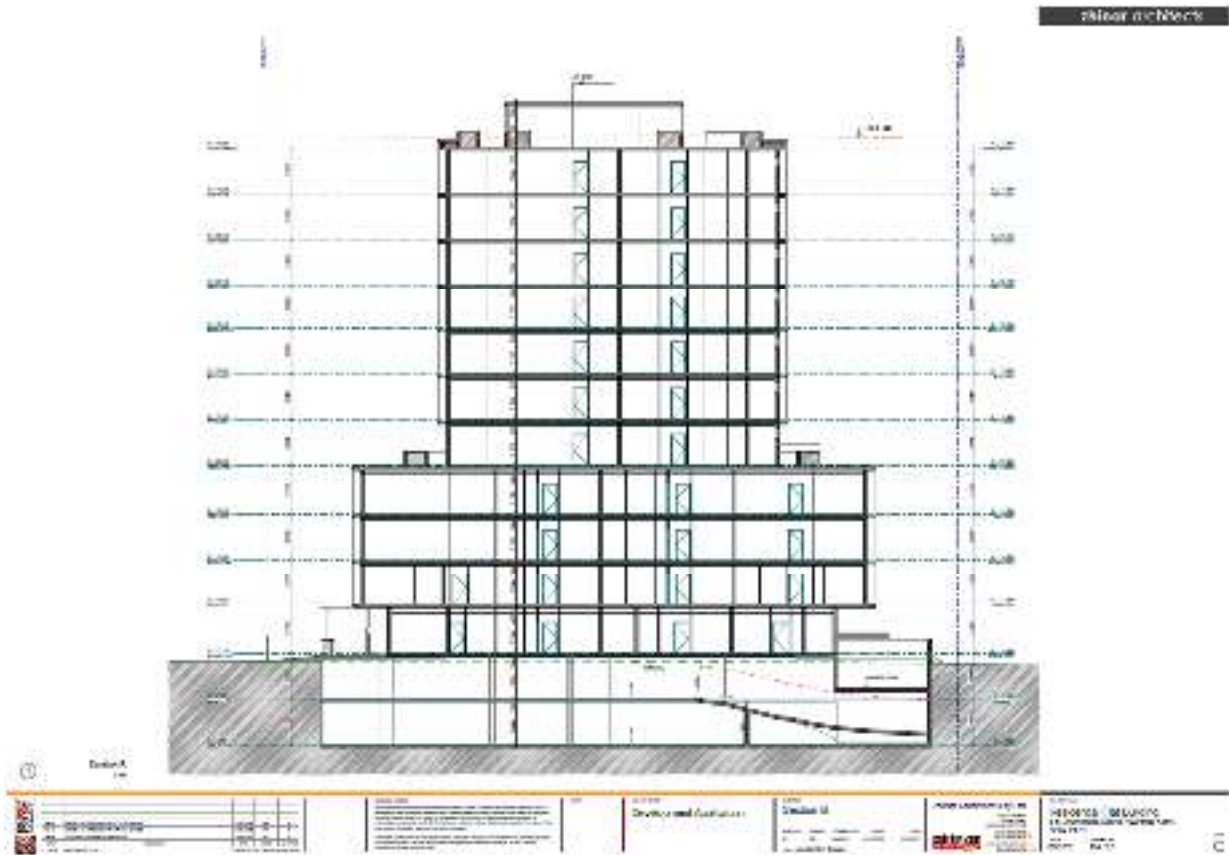
Roof Terrace Plan



Section A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Section B

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Section C



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

North Elevation



South Elevation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



East Elevation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



West Elevation

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

28th September 2020

shin architects



<p>Project Name: [REDACTED]</p> <p>Client: [REDACTED]</p> <p>Address: [REDACTED]</p>	<p>Development Application</p> <p>Street Name: [REDACTED]</p>	<p>Shin Architects</p> <p>100-102, [REDACTED]</p> <p>Liverpool, Merseyside, L3 5 [REDACTED]</p>	<p>100-102, [REDACTED]</p> <p>100-102, [REDACTED]</p> <p>100-102, [REDACTED]</p>
--	---	---	--

Streetscape Elevation

shin architects

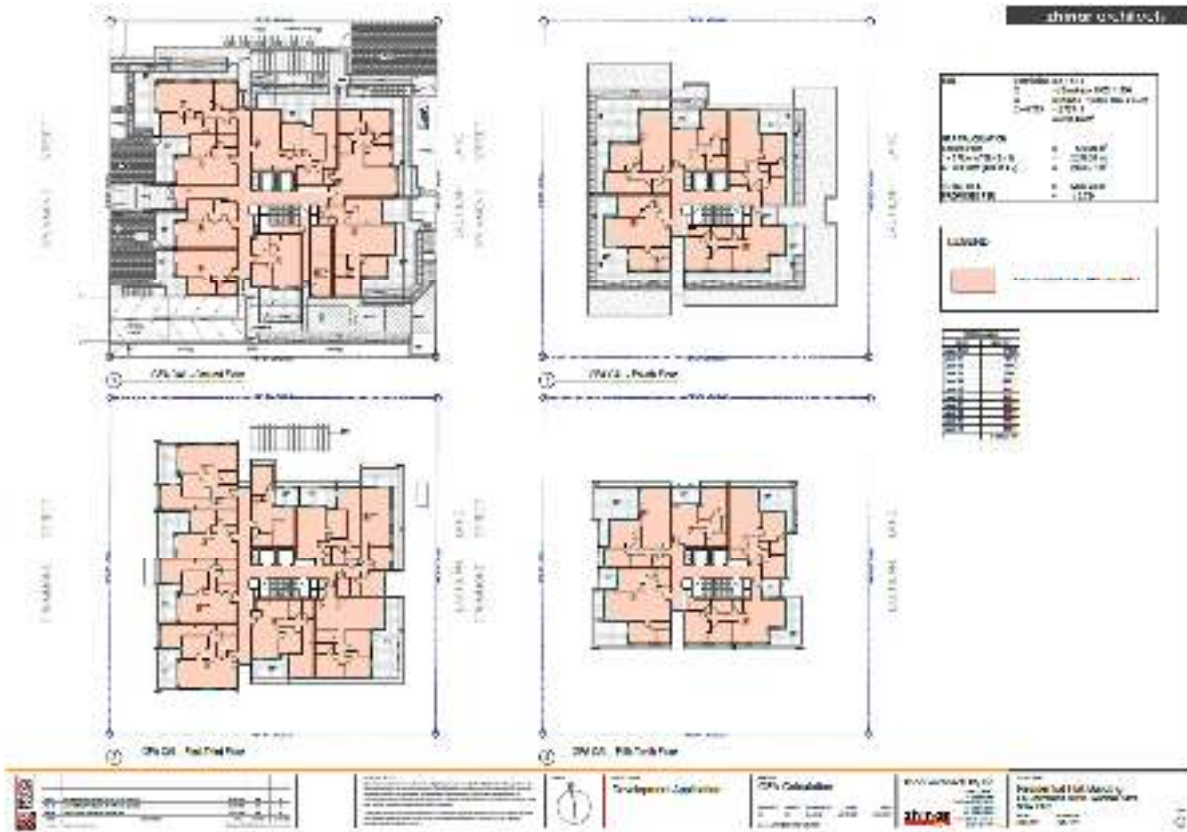
Architectural site plan and floor plans. The site plan shows building footprints, landscaping, and technical specifications. A legend for landscaping is provided, detailing materials and colors. The drawing is labeled 'Site Plan' at the bottom.

<p>Project Name: [REDACTED]</p> <p>Client: [REDACTED]</p> <p>Address: [REDACTED]</p>	<p>Development Application</p> <p>Street Name: [REDACTED]</p>	<p>Shin Architects</p> <p>100-102, [REDACTED]</p> <p>Liverpool, Merseyside, L3 5 [REDACTED]</p>	<p>100-102, [REDACTED]</p> <p>100-102, [REDACTED]</p> <p>100-102, [REDACTED]</p>
--	---	---	--

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

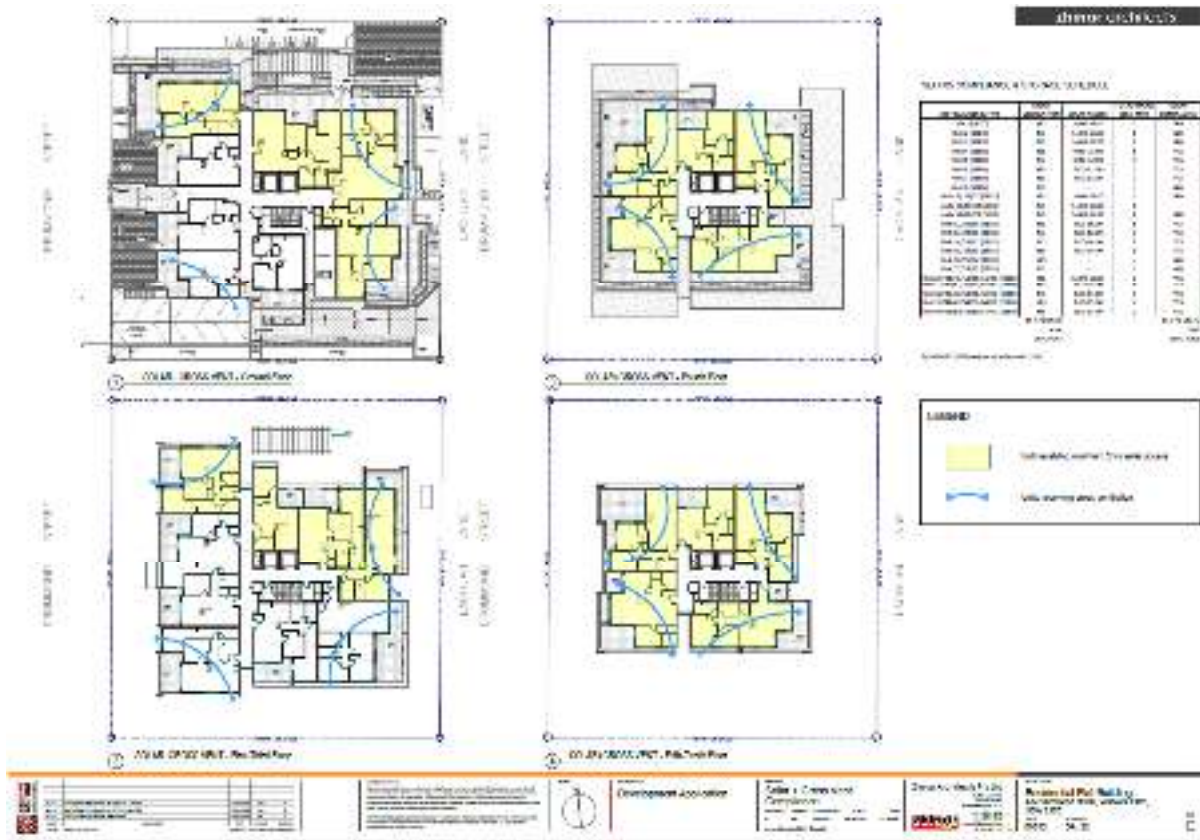
Deep Soil Calculations



GFA Calculations

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

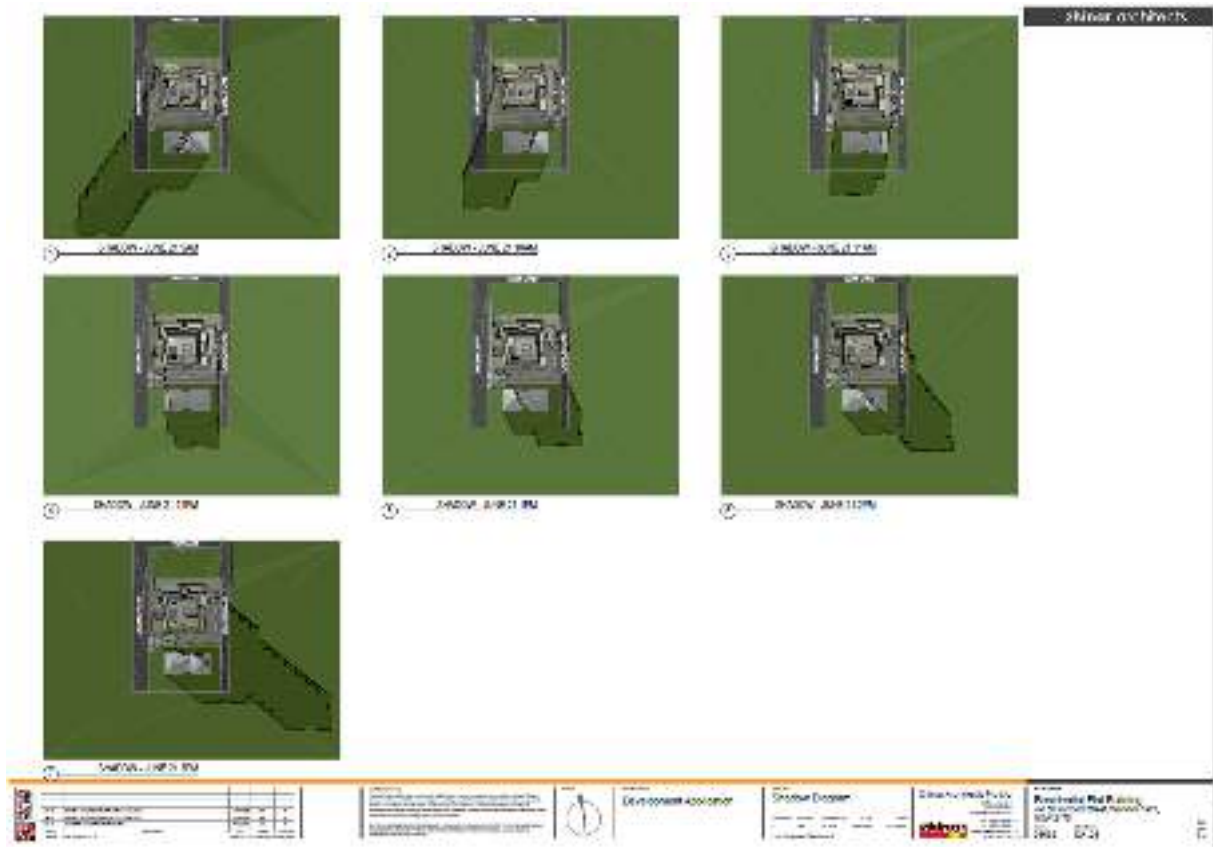
28th September 2020



Solar Access and Cross Ventilation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Shadow Plans

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 3: DESIGN REVIEW PANEL COMMENTS



Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING
15th April 2020

DEP PANEL MEMBERS PRESENT:

Rory Toomey	Chairperson	Government Architect Office
Alf Lester	Panel Member	LFA
Caroline Pidcock	Panel Member	Pidcock

ITEM DETAILS:

Application Reference Number: DA-952/2019

Property Address: 4-6 Drummond Street, Warwick Farm

Council's Planning Officer: Nabil Alaeddine

Applicant: Zhinar Architects

Proposal: Demolition of existing structures and the construction of an 11 storey residential flat building comprising 70 units (17 x 1-bedroom units, 47 x 2-bedroom units and 6 x 3-bedroom units), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works.

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-952/2019, 4-6 Drummond Street, Warwick Farm, NSW, 2170.

4.0 DEP PANEL RECOMMENDATIONS

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

Following a presentation on the 10th October 2019, the following DEP recommendations were made:

Application Reference Number: PL-72/2019

Property Address: 4-6 DRUMMOND STREET, WARWICK FARM NSW 2170

Council's Planning Officer: Nabil Alaeddine

Applicant: ZHINAR ARCHITECTS

Proposal: Eleven storey residential flat building comprising of seventy apartments, roof top communal open space and two level of basement parking

If this proposal is submitted as a Development Application, Liverpool City Council will be the consent authority and the Liverpool Planning Panel has the function of the determining authority.

APPLICANT REPRESENTATIVES:

Ian Conry	Zhinar Architects
Valdis Aheidcans	GAT & Associates
Gerard Turrisi	GAT & Associates
Robert Ienco	Land owner

OBSERVERS:

Nabil Alaeddine	Senior Development Planner	Liverpool City Council
Glenn Ford	Senior Development Planner	Liverpool City Council
Gorana Dubroja	Development Planner	Liverpool City Council

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

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

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

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

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented the proposal for PL-72/2019, 4-6 Drummond Street, Warwick Farm This is the first time that the proposed development has been presented to the Panel.

4.0 DEP PANEL RECOMMENDATIONS

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

The Design Excellence Panel reviewed the submitted documentation, had an informal discussion with the Applicant and have advised the Applicant:

- There is too much GFA at the ground level of the building which contributes to an awkward layout for that level and Levels 1 to 3. The upper levels (4 - 11) have a more rational foyer and floor plate layout for access and amenity.
- The western façade needs to look and act differently to the other facades given its direct western orientation. The layout of units needs to be addressed to provide better orientation for living areas, internal and external.
- There is too much hardstand area proposed at ground level. The footprint should reduce GFA to provide useable open space and strong and durable landscaping. Strong consideration needs to be given to landscaping at ground level as hardstand areas are proposed exclusively on the roof top. What potential is there to retain existing trees and increase deep soil planting?
- It is noted that the flood risk to the site has pushed up the ground floor level. The challenge of the design is to provide good floor to floor separation (at least 3.1m) and comply with the Height of Building control. This is technically possible and any shade structure on the roof top Community Open Space should be designed to avoid adding apparent height to the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

building. The building should be topped out with a horizontal element at the habitable level. Consideration could be given to solar panels on the roof top area.

Additional comments are provided below against the nine design principles for RFBs:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

Context	<p>There is a good established streetscape and therefore an opportunity to develop a design that fits with existing development and provides a marker for future development that reflects recommended setbacks. The concept of differentiating the lower storeys (to match datums of established development) from the upper levels is appropriate but more work is required on the change level (Level 4 / fifth floor).</p>
Built Form + Scale	<p>The ground floor footprint should be rationalised and the GFA extending into the north-western corner should be removed. It is identified that Levels 1-3 propose 9 units off one circulation core which does not comply with the ADG recommendation for 8 units. A reduced footprint will provide better access to units and improve opportunities for solar access and cross ventilation over these levels</p> <p>The height non-compliance should be removed at the front façade of the building. The floor plate for the roof top does not appear to benefit from the elevated feature. A more recessed treatment is warranted to diminish the visual appearance of any structures on the roof top.</p>
Density	<p>The design needs to massage the GFA in accordance with comments above. Setbacks should be straightened.</p>
Sustainability	<p>West facing façade needs significant work. A resolved solution to deal with sun penetration is not seen in the planning and appearance presented with this design. The Panel would expect to see different fenestration and screening to address the western and eastern facades of the building.</p> <p>There appears to be much glazing proposed in the preliminary design and the impact of this on comfort levels in the upper units needs to be considered and addressed in detail. Symmetry in plan is not necessarily the best outcome for interior amenity and other planning arrangements should be considered.</p>
Landscape	<p>The design needs to maximise the deep soil for the site. Adjustment of the ground plane is recommended to provide better communal open space and to provide a linear park along the northern part of the site.</p>
Amenity	<p>Comments on solar access from "Sustainability" apply here. Some units could be improved by swapping living spaces and bedrooms. For north facing units, the bathroom could be pushed into the south western corner to provide better amenity.</p> <p>Break up the symmetry to improve solar access to balconies. Focus on the south facing units in the tower section and use the lane separation to advantage here.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

Safety	Ensure swept paths work for vehicles and for servicing the site. Does the substation need to be at the front of the site when there is frontage to Lachlan Lane at the rear? Can a below ground option be considered?
Housing Diversity + Social Interaction	It was noted that the proposed mix is close to the mix required by Council.
Aesthetics	Understand that the proposed development will provide a precedent for the street and will be there for some time into the future. The finishes need to be specified and consideration be given to the choice of surface finish/cladding. The Panel noted that the existing development in Drummond Street has used face brick which is durable and seems to have weathered well in the locality. A well detailed and attractive use of this material should be considered.

5.0 OUTCOME

The Panel appreciates the opportunity to review the proposal at Pre-DA stage.

As a Pre-DA design, many aspects of the proposal are supported but the DEP considers that the reworked design should return to the Panel with all feedback incorporated or addressed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

The Design Excellence Panel reviewed the amended documentation, considered the various issues that were raised and prepared the following recommendations

Overall, the Panel supports the design refinement associated with the proposal following the previous DEP meeting. The design team has made substantial changes to implement the recommendations made by the Panel, in particular in terms of the landscape design for the site.

- There is increased clarity in the design of the building which is now reading as two distinct components (i.e. podium and tower). The Panel questioned the vertical screens associated with the podium given they did not appear to provide a shading function and the relationship between the lower and upper screens was awkward.
- The Panel is concerned about the impacts of heat on the west-facing apartments and recommends examining how façade elements could provide relief to the building envelope. A detailed analysis of solar heat gain on the western elevation should be provided to demonstrate how the building envelope and sun shading will reduced heat impacts.
- The Panel recommends the provision of double glazing to windows on all façades. Double glazing will limit heat entering the apartments in summer, help retain heat in the apartments in winter and reduce energy consumption. It will also provide improved acoustic control given the site's proximity to the train line and helicopter flight path to Liverpool Hospital.
- The Panel raised issues with energy transfer and thermal bridging related to the extensive concrete balconies.
- The Panel noted that an alternative landscape plan which related to access from the street to ground floor apartments had been submitted. The Panel recommended reinstating the previous landscape scheme given that it provides enhanced vibrancy and character of the streetscape and also suggested that the landscape design be reviewed to address CPTED issues.
- Updated landscape plans should be prepared in accordance with the public domain treatments shown in the draft Liverpool City Centre Public Domain Master Plan (available at <https://listens.liverpool.nsw.gov.au/liverpool-city-centre-public-domain-master-plan>). This includes specifications for street tree species, paving typology and streetscape infrastructure.
- Overall, the Panel considered that the planning of the apartments has improved. However, some apartments still have snorkel windows and internal rooms that are too far from sources of natural light. This could be improved by relocating some windows and reconfiguring layouts to maximise light into small apartments (eg. reconfiguring the layouts of some of the bedrooms to achieve windows on both sides of the room).
- The Panel considered that the light quality in the lobbies on the lower three levels would be attenuated given that it would be reliant on sunlight from the south via long corridors. It was questionable whether light would effectively reach the lift lobbies. To address this issue, the Panel recommended the inclusion of additional windows (eg. on the eastern façade).
- The Panel also recommended that the Proponent explore opportunities to embed Ecologically Sustainable Development (ESD) principles into the proposal, including natural rather than artificial ventilation (eg. in bathrooms on Level 4 and above).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Minutes

5.0 OUTCOME

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

The project is supported. Recommendations made by the Panel should be addressed and incorporated with the amended plans to be reviewed/approved by Council.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 4: CLAUSE 4.6 VARIATION TO HEIGHT OF BUILDING

**CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF THE LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008**

1. INTRODUCTION

This submission seeks a variation to Clause 4.3 of the Liverpool Local Environmental Plan 2008 (LLEP08), which relates to height of buildings.

This submission has been prepared with regards to a development application over Nos. 4-6 Drummond Street, Warwick Farm for the demolition of all existing structures and proposed redevelopment of Nos. 4-6 Drummond Street, Warwick Farm for a residential flat building development with basement car parking, landscaping and associated site works.

As detailed in this written request for a variation to building height being a development standard under LLEP08, the proposed development meets the requirements prescribed under Clause 4.6 of LLEP08.

2. SITE BACKGROUND

The subject site is commonly referred to as Nos. 4-6 Drummond Street, Warwick Farm and is legally described as being Lot 6 and Lot 7 in Deposited Plan 758620.

The subject site is located within the Liverpool City Centre, on the eastern side of Drummond Street and is bound by Lachlan Lane to the rear. The site is located in the north-eastern corner of the Liverpool City Centre just south-east of the Hume Highway. Refer to Figure 1 below.



Source: <https://maps.six.nsw.gov.au/>

Figure 1 - Site Location Map

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The development site is a regular shaped allotment with the sites frontage to Drummond Street measuring 46.27m in length. To Lachlan Lane, the sites frontage also equals a length of 46.27m. The sites side boundaries each provide for a length of 45.14m, respectively. Overall the site provides for total area of 2,088.6m².

Located across the subject site at present is a single storey detached dwelling along with metal and timber shed on No. 4 Drummond Street and a single storey residential development at No. 6 Drummond Street. All existing structures will be demolished as part of the proposed works.

Development in vicinity of the site is typically of a higher density and residential in nature. Built form in the immediate vicinity is typically characterised by residential flat building developments that are generally 3-4 storeys in height. These are typically of an older housing stock. Immediately adjoining the subject site to the north at No. 2 Drummond Street is a 4-storey residential flat building development. The neighbouring site to the south at No. 8 Drummond Street also consists of a 4-storey residential flat building development that is of an older character.

In view of the R4 High Density Residential zone afforded to the site and those nearby, the development has conformed with the transition to higher density built forms and is therefore representative of the desired future character.

Development on the opposite side of Lachlan Lane which addresses Hart Street is also of a comparable character as described above.

The subject site is well serviced by large expanses of public green open space with Liverpool Pioneers Memorial Park situated west of the site at an approximate distance of 700m. Hart Park is situated east of the subject site at an approximate distance of 70m. Berryman Reserve is located at an approximate distance of 120m north of the site. These spaces are suitable in facilitating a range of both active and passive recreation opportunities for residents within the community.

In proximate locations of the subject site to the south and south-east are several education establishments namely, All Saints Catholic Primary School, Liverpool Boys High School, Liverpool Girls High School and Liverpool TAFE. Notably, Sydney South West Private Hospital and Liverpool Hospital are also situated within proximity of the site being to the west and south, respectfully.

There are several local services and amenities situated nearby the subject site with Westfield Liverpool Shopping Centre being approximately 700m of the site to the south-west. Just south of the Westfield Shopping Centre is the Core of the Liverpool City Centre, further enhancing accessibility to goods and services for future residents.

The site is well serviced by public transport infrastructure with Warwick Farm Railway Station located at an approximate distance of 240m north-east of the subject site. There is also a bus stop located along Remembrance Avenue and numerous along Hume Highway. These offer connections to a more expansive public transport network along with nearby suburbs, amenities and services.

It is acknowledged that careful planning was considered with the design to provide for a well-integrated residential flat building development on the site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

3. CLAUSE 4.6

This submission is made under clause 4.6 of the LLEP08 – Exceptions to development standards. Clause 4.6 states the following:

“4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**
- (2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.**
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**
 - (b) the concurrence of the Director-General has been obtained.**
- (5) In deciding whether to grant concurrence, the Director-General 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 development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.**
- (6) Development consent must not be granted under this clause 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**

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(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 Plan was made it did not include any of these Zones.

- (7) After determining a development application made pursuant to this clause, 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 subclause (3).*
- (8) This clause 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) clause 5.4*
 - (ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (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*

This submission has been prepared having regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3');*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

The Environmental Planning Instrument to which these variations relate to is the LLEP 08.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

- “(1) The objectives of this clause are as follows:*
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
 - (b) to permit building heights that encourage high quality urban form,*
 - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Note. Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map”.

As demonstrated in Figure 2 below, the subject site is limited to a maximum building height of 35m.



Source: NSW Legislation, LLEP 08 map 011.

Figure 2 – Height of Buildings Map

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The proposed residential flat building will exceed the standard with a proposed building height of 38.7m as measured from the existing ground level to the top of the lift overrun. The variation is equivalent to 3.7m or 10.57%. The breach of height does not relate to any habitable floor space with this being contained within the prescribed height control specified across the site. The maximum height sought to the habitable floor space of the building equals 34.45m which complies with the standard, ensuring no habitable floor area contributes to the breach in height.

A written justification is therefore required for the proposed variation to the maximum building height development standard, in accordance with Clause 4.6 of the LLEP 08.

4. EXTENT OF NON-COMPLIANCE

As noted above, Clause 4.3 of the LLEP 08 states that the maximum building height for the site is 35m.

The current proposal seeks a maximum building height of 38.7m to the top of the lift overrun. It should be noted that the rooftop canopy also exceeds the maximum height standard by a maximum of 2.4m, with balustrading also minimally breaching beyond the height limit equalling 0.45m. At a maximum, the proposal therefore exceeds the standard by 3.7m or 10.57%. The maximum height sought to the habitable floor space of the building equals 34.45m which complies with the standard, ensuring no habitable floor area contributes to the breach in height. Figure 3 below details the breaching elements. Figures 4-6 also demonstrate the degree of breach.

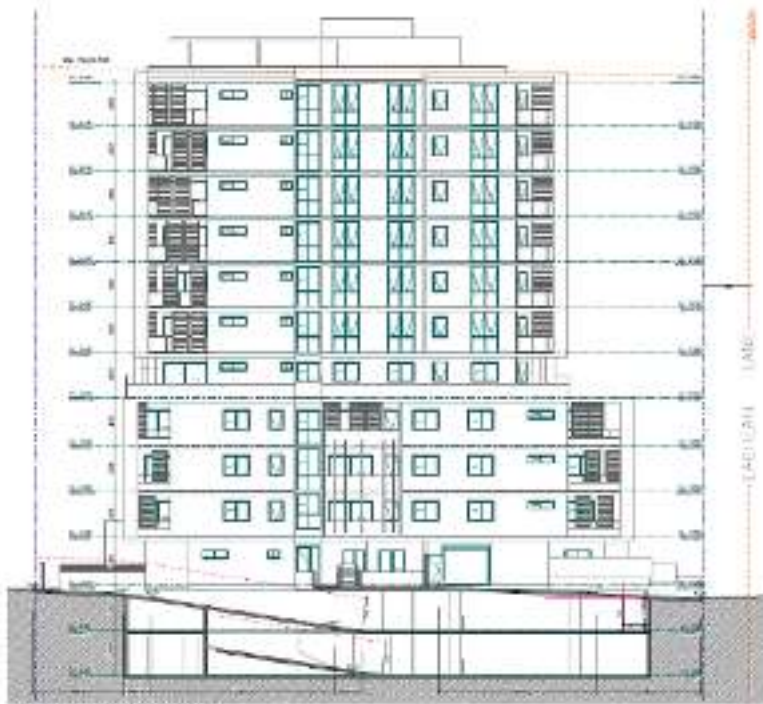


Source: Zhinar Architects

Figure 3 – Height Plane

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Source: Zihmar Architects

Figure 4 - Section A

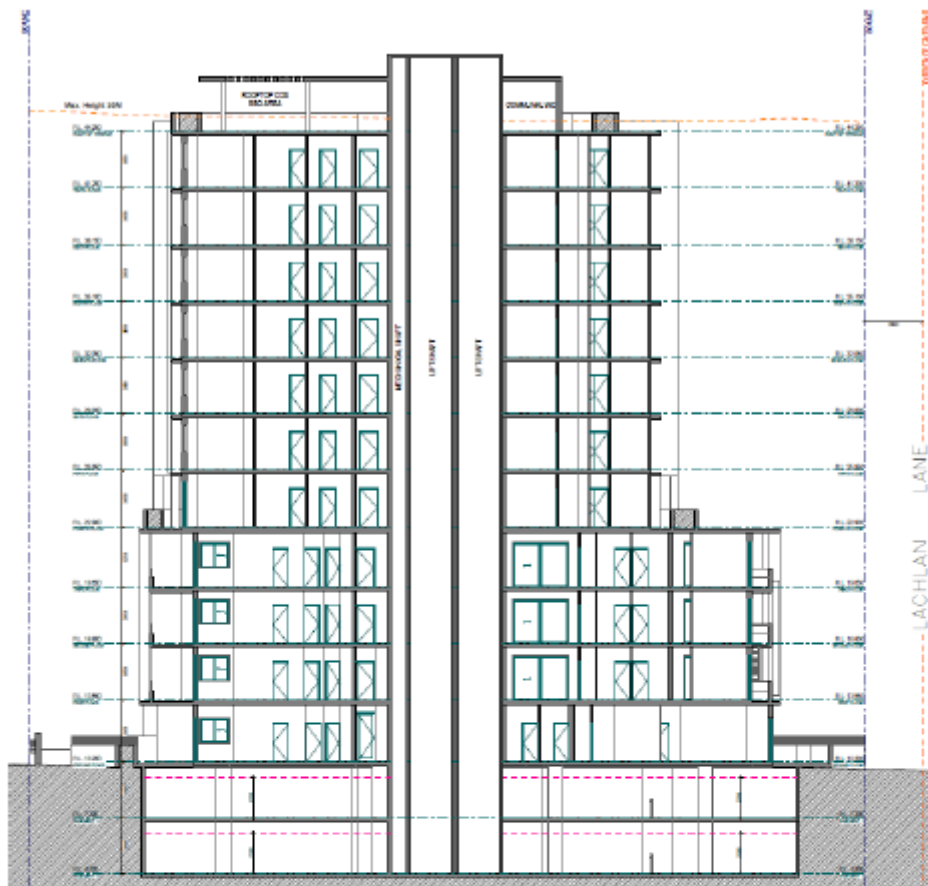


Source: Zihmar Architects

Figure 5 - Section B

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Source: Zhinar Architects

Figure 6 - Section C

It is our submission that the breach to the building height control will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

A degree of flexibility is considered reasonable in this instance.

5. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

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 matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 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	<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> <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. (applicable)</i>
Second	<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>
Third	<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>
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>

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

- "(1) The objectives of this clause are as follows:*
(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved.

The subject site has a maximum building height limit of 35 metres and floor space ratio control of 2.725:1 under LLEP08. The proposed building height will allow the maximum FSR afforded to the subject site to be achieved.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The tallest component of the building contributing to the breach in height is therefore limited to a relatively small portion of the built form comprising part of the lift overrun. The lift overrun has been centred over the site to reduce its visual prominence. No variation is sought in terms of habitable floor area, with this being contained within the prescribed maximum height control. The roof top canopy will sit 2.4m above the height plane, however, is considered to be a lightweight structure which would not add any unreasonable bulk above the height plane. This has been designed to offer shadowing over the communal open space for the benefit of future residents.

(b) to permit building heights that encourage high quality urban form,

The proposed development offers a positive interface with the streetscape through well-articulated facades, an array of materials and finishes and clear delineation of space between the private and public domain. Balcony elements, the chosen materials and finishes, louvres, screens, slab projections along with the creation of a strong base, middle and top of building identification assist in defining the levels within the development and works to appropriately modulates the facades.

Varying setbacks will create recesses in the overall form which contributes to a visual interest through an enhanced articulation.

(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

Appropriate exposure to sunlight to both Drummond Street and Lachlan Lane is maintained. During mid-winter, Drummond Street will be free of shadows from 11am onwards, with Lachlan Lane being free of shadows up until 1pm. Given the orientation of the subject site, a degree of overshadowing to southern properties is inevitable. Given the extent of shadows being cast it is not considered that the lift overrun, rooftop canopy and balustrading would result in a material difference with respect to overshadowing, given these are centralised elements at the site and building. It should also be noted that compliant degrees of separation are proposed to the southern boundary, ensuring adequate separation between sites and built forms is provided. Through the breaching elements, it is not considered that the impacts upon neighbouring properties would be worsened.

The proposed development has also been designed to maximise solar access with 73% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 63% of units across the development will be naturally cross ventilated in keeping with objective.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity".

The proposal will allow for a development that encourages a high-quality urban form with the inclusion of carefully designed landscaped areas and communal open space at the subject site. Additionally, the proposed development has been positively articulated to the street with varying setbacks also proposed to side boundaries.

This will ensure that the actual and perceived bulk of the proposed built form is minimised when viewed from adjoining properties.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

6. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The additional height which is being sought will allow for areas of communal open space to be provided at the roof level for an enhanced residential amenity. These areas will have ample exposure to sunlight and will offer a heightened usability and diversity of communal open space for the site. The additional height will also ensure safe and equitable access to this space.

The additional height would in no way compromise the architectural quality or integrity of proposed built form. A well-designed and articulated development will result which is reflective of the desired future character of Drummond Street and more broadly the Liverpool City Centre. The use of balconies, glazing, materials and finishes along with the creation of defined strong, base, middle and top throughout the development work coherently to provide a visually appealing and articulated form.

The proposal will provide for the efficient use of the land and revitalisation of the overall site and building. The development is a well-designed infill residential flat building development. The development provides people from various backgrounds and lifestyles with the opportunity to live, study, work and play in an area that is close to public transport services and the amenities that are offered by the Liverpool City Centre.

In this case, strict compliance with the height of buildings development standard of the LLEP 08 is unnecessary and unreasonable.

7. IS THE VARIATION IN THE PUBLIC INTEREST?

Clause 4.6 states that development consent must not be granted for development that contravenes a development standard unless 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 to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 6 of the report.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The development will provide for the efficient use of the land and revitalisation of the overall site and building. The development is a well-designed infill residential flat building development. The development provides people from various backgrounds and lifestyles with the opportunity to live, study, work and play in an area that is close to public transport services and the amenities that are offered by the Liverpool City Centre.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development. These are provided below, with a response to each objective also provided. These are as follows:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Zone R4 High Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a high density residential environment.*

The proposed development provides a positive response to the evolving high-density character of the Liverpool city centre which will contribute to the housing stock within the local government area and specifically within the Liverpool City Centre.

- *To provide a variety of housing types within a high density residential environment.*

The proposal offers an appropriate mix of 1, 2 and 3-bedroom apartments to cater for the diverse housing needs of the community.

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

No other land uses are proposed. The proposed residential nature of the development will compliment surrounding uses which are characterised by residential accommodation.

- *To provide for a high concentration of housing with good access to transport, services and facilities.*

With the subject site located within the Liverpool City Centre, the site benefits from its proximate location to an array of local businesses, shops, amenities and infrastructure which are located throughout the Liverpool City Centre. Warwick Farm Railway Station along with several bus stops are located within a proximate location to the site, offering alternative transport modes for the benefit of future residents.

- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

There is no fragmentation of land that would result from the proposed development.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard, noting the development will be in the public interest.

8. PUBLIC BENEFIT OF MAINTAINING THE STANDARD

It is considered that there is no benefit to the public or the community in maintaining the development standard. The proposed development will allow for the creation of a high-quality residential development which as stated above meets the desired objectives of the standard and the land zoning.

The proposed residential flat building development has been designed of a high architectural quality and fabric and in a manner, which respects adjoining sites and developments in terms of bulk, scale, privacy mitigation and retention of view lines. It is considered that the proposal has been designed to provide occupants with a high level of internal amenity and comfort in a location that is in close proximity to infrastructure and services to meet the day to day needs of residents.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The additional height will notably allow for an area of communal open space to be provided at the roof level for an enhanced residential amenity. This will ensure a diversity of space and function is provided for future residents. Safe and equitable access will also be facilitated through the additional height which is being sought.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the LLEP 08 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. IS THE VARIATION WELL FOUNDED?

It is considered that this has been adequately addressed in Parts 6 and 7 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the LLEP 08 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;
- The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R4 High Density Residential zoning of the land;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State or Regional Significance; and
- The development submitted aligns with the desired future character envisioned for the locality and the broader Liverpool City Centre.

Based on the above, the variation is considered to be well founded.

10. GENERAL

Clause 4.6 also states that:

- “(6) Development consent must not be granted under this clause 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 Plan was made it did not include any of these zones.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (7) *After determining a development application made pursuant to this clause, 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 subclause (3).*
- (8) *This clause 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) clause 5.4,*
 - (ca) clause 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate was provided for the development.

Clause 5.4 of the LLEP 08 does not apply to the proposal.

Clauses 6.4, 6.5, 6.6, 7.22, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30. of the LLEP 08 do not apply to the site.

11. CONCLUSION

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the LLEP 08. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the LLEP 08 are satisfied as the breach to the controls does not create any adverse environmental impacts.

The proposal would not result in any unacceptable impacts with regards to the amenity of the streetscape or adjoining sites.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the LLEP 08 to vary this development control is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application and is in the public interest.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHEMENT 5: SECTION 7.12 CONTRIBUTIONS

**CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2007 (Liverpool City Centre)

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

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

APPLICATION NO.: DA-952/2019
APPLICANT: ZHINAR ARCHTECTS PTY LTD

PROPERTY: Lot 6 & 7 DP 758620

PROPOSAL: Demolition Of Existing Structures And The Construction Of An 11-Storey Residential Flat Building Comprising 70 Units (17 X 1-Bedroom, 47 X 2-Bedroom And 6 X 3-Bedroom), With Two Levels Of Basement Carparking, Rooftop Communal Open Space, And Associated Landscaping And Site Works.

<u>Facilities</u>	<u>Amount</u> <u>(\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$93,035	GL.10000001869.10105
Pioneer Park	\$13,291	GL.10000001869.10105
Apex Reserve	\$6,645	GL.10000001869.10217
Georges River Pedestrian Crossing	\$16,613	GL.10000001869.10218
Discovery Park	\$16,613	GL.10000001869.10219
Community Facility Upgrade	\$39,872	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$99,680	GL.10000001865.10220
Peripheral Streetscape works	\$66,453	GL.10000001865.10221
Footpath widening in City Centre	\$13,291	GL.10000001865.10222
<u>TOTAL</u>	<u>\$365,493</u>	

----- OFFICE USE ONLY -----
RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Item no:	3
Application Number:	DA-30/2020
Proposed Development:	Construction of a warehouse with attached office building, with associated loading facilities and car parking. The Proposal is identified as Designated Development as specified in Clause 10 of State Environmental Planning Policy (Coastal Management) 2018
Property Address	5 Yarrowa Street, Prestons
Legal Description:	Lot 100 DP 1249662
Applicant:	Loftex Prestons Pty Ltd
Land Owner:	Loftex Prestons Pty Ltd
Cost of Works:	\$13,205,000
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Robert Micallef

1. EXECUTIVE SUMMARY

This Development Application (DA) seeks consent for the construction of a warehouse with attached office building, with associated loading facilities and car parking, at 5 Yarrowa Street, Prestons, known as Lot 100 DP 1249662.

The site is zoned IN3 Heavy Industrial under Liverpool Local Environmental Plan 2008 (LLEP), for which the proposed warehouse development is permissible with consent.

The key issues associated with the proposal relate to the subject site being land mapped as part of coastal wetlands pursuant to Clause 10 of the State Environmental Planning Policy (SEPP Coastal Management) 2018. As the DA involves development on land nominated as a coastal wetland under the SEPP, the proposal is classified as Designated Development. It should be noted however, that the subject site has been erroneously mapped as effected by coast wetlands in the SEPP Coastal Management 2018 as advised by the Department of Planning, Industry and Environment (DPIE). Notwithstanding this, the applicant has provided an Environmental impact Statement (EIS) with the application, based on specific advice from the DPIE. The EIS has been assessed and is considered to be acceptable. The proposal also involves a variation to Council's setback requirements for the primary frontage, as it fails to provide a 10m wide landscaped setback from the Yarrowa Street frontage. This has been considered by Council's public domain and urban design section who are supportive of the variation subject to additional landscape design mitigation measures, including landscaped mounds, advanced tree planting and permeable paving. Despite the variation to the primary setback, the development is considered acceptable as discussed further in this report.

It should be noted that the application did propose the erection of signage, however, specific details were not able to be provided by the applicant. Accordingly, this component of the development was not considered in the assessment of the DA and conditions of consent are recommended that stipulate that signage is not consented to as part of the application.

The proposal was required to be advertised in accordance with Liverpool Community

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Participation Plan 2019, as it is Designated Development. No submissions were received during the advertisement period between 11 March and 9 April 2020.

Due to the application being identified as Designated Development, it is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of sensitive development.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979, and the assessment has concluded that the proposal can be approved by conditions of consent to achieve compliance with the planning controls relevant to the proposal including LLEP 2008, LDCP and SEPP (Coastal management).

2. SITE DESCRIPTION AND LOCALITY

2.1 Site Description



Figure 1: Aerial view of site

The site is irregular in shape with a primary frontage to Yarrowa Street of approximately 185m and an area of approximately 2.723ha. The secondary frontage adjoins the Westlink M7 motorway and is approximately 318m in length.

The site is relatively flat falling approximately 1m from the south to the north and is identified as being entirely flood affected, containing wetlands, and being entirely bushfire prone. The site is currently vacant with minimal vegetation present on site. Prior to the removal of vegetation, conducted under development consent DA-719/2018, existing on-site was a community of Cooks River Castlereagh Ironbark Forest and Acacia Scrubland understory which was of limited ecological value, due to its fragmentation by other vegetation including weeds and exotic tree species and partially cleared areas. Historically, the site was used for

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

agriculture, and the vegetation is established re-growth since cessation of that use.

The site was significantly affected by the compulsory land acquisition required for the construction of the Westlink M7 motorway.

Adjoining the site to the east and north is the Westlink M7 motorway, to the west is a TransGrid electricity substation, to the south opposite Yarrowa Street is vacant land. West further along Yarrowa Street is a Freight Transport Logistics business.

A site inspection was carried out on 10 March 2020, and no works as proposed had commenced.

Site Inspection Photos



Front of Site from Yarrowa Street

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Frontage at Yarrowa Street near Bernera Road with some remaining trees in the front corner to be kept as part of Development Consent DA-719/2018

2.2 Locality Description

The area is predominately characterised by a mix of light to heavy industrial uses and vacant land zoned for heavy industrial use, within close proximity of main road corridors M7 Motorway, Hoxton Park Road and Bernera Road. It is located approximately 75m from Cabramatta Creek to the north and as such is in the Georges River Catchment.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

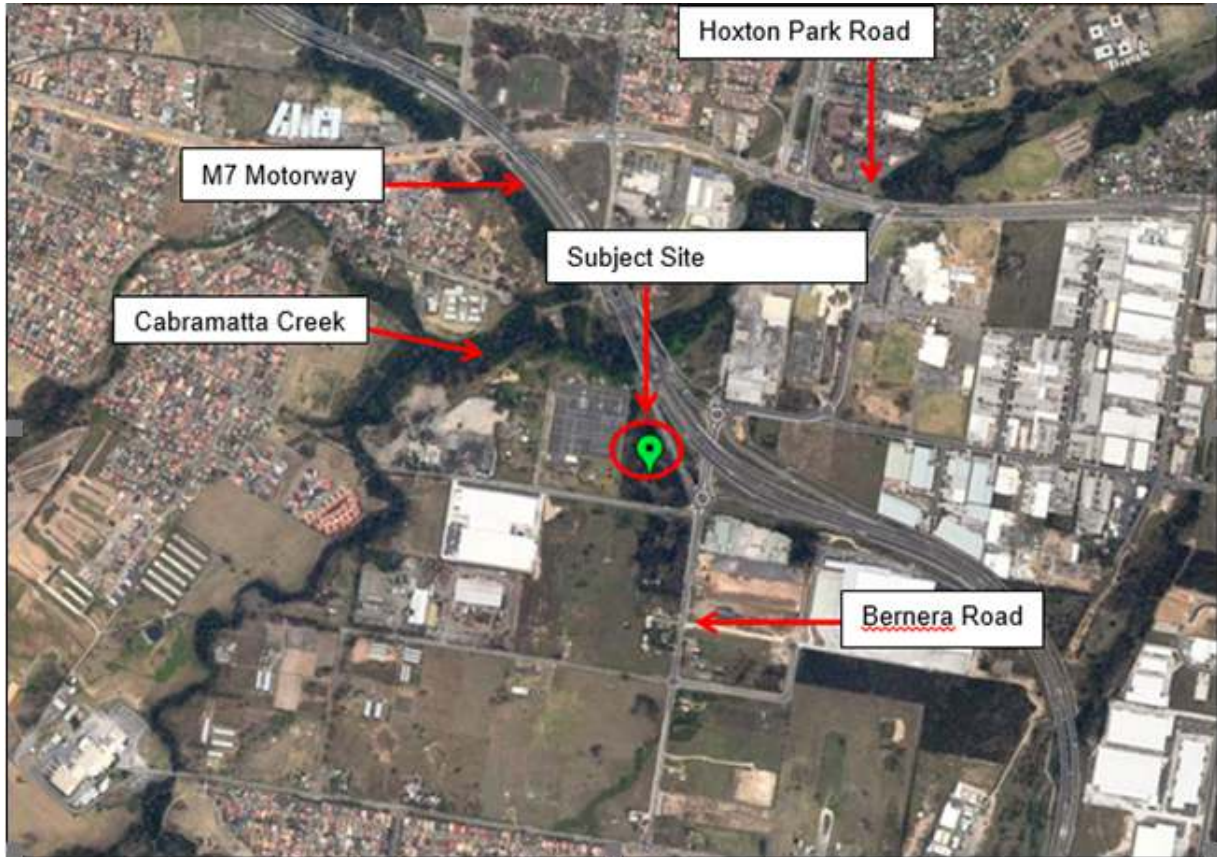


Figure 2: Locality surrounding the proposed development

2.3 Constraints

<p>Potential Site Constraints:</p> <ul style="list-style-type: none"> • Bushfire • Flooding • Heritage Items • Aboriginal heritage • Environmentally Significant Land • Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination 	<p>Site Constraints:</p> <ul style="list-style-type: none"> • Bushfire prone in entirety. • Flood affected in entirety. • The site is contaminated requiring remediation. • Identified as potentially containing moderate saline soils. • Identified on LEP mapping as: <ul style="list-style-type: none"> - containing Environmentally Significant Land - containing Forest Red Gum - having regional core conservation significance - being a Threatened Ecological Community - containing an area of remnant native vegetation • Identified on SEPP Coastal Management mapping as being a wetland. • Affected by Classified Road Noise • Next door to TransGrid substation
<p>Are there any restrictions on title?</p>	<p>Nil</p>

Note: The LLEP and SEPP (Coastal Management) mapping, indicating the native vegetation and wetlands on-site has been demonstrated by documentation assessed in this report and the vegetation removal application DA-719/2018 as being outdated and incorrect. As such, it is considered that previous mapping of the site has not been updated.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

In particular, the mapping indicates that the site is affected by riparian corridors which do not currently exist, and it is assumed that the mapping provides layers for certain significant vegetation usually associated with sensitive land surrounding waterbodies and wetlands.

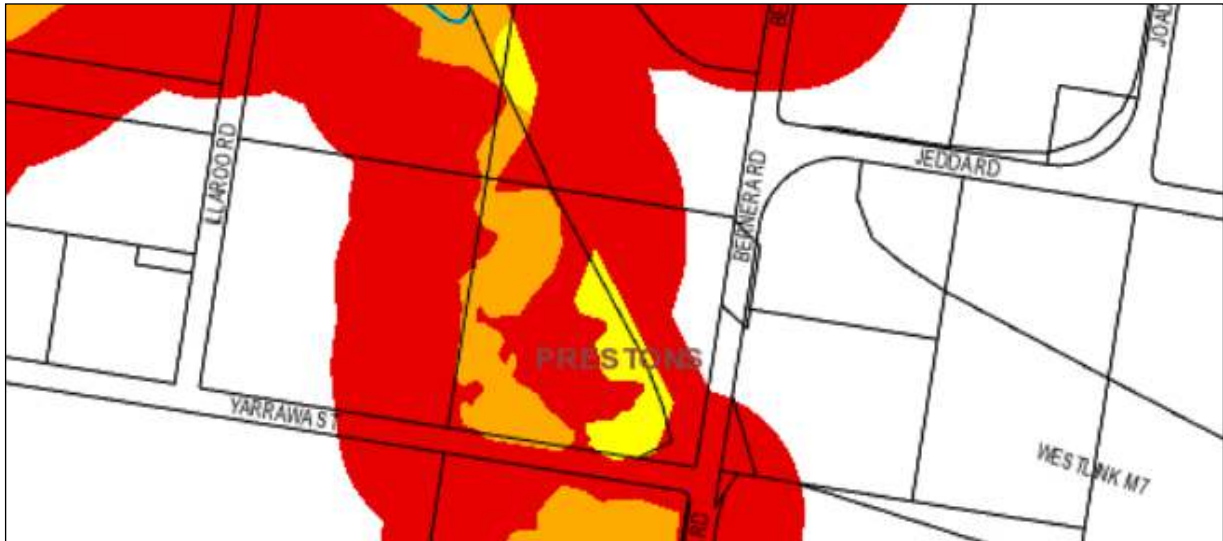


Figure 3: Bushfire Affectation

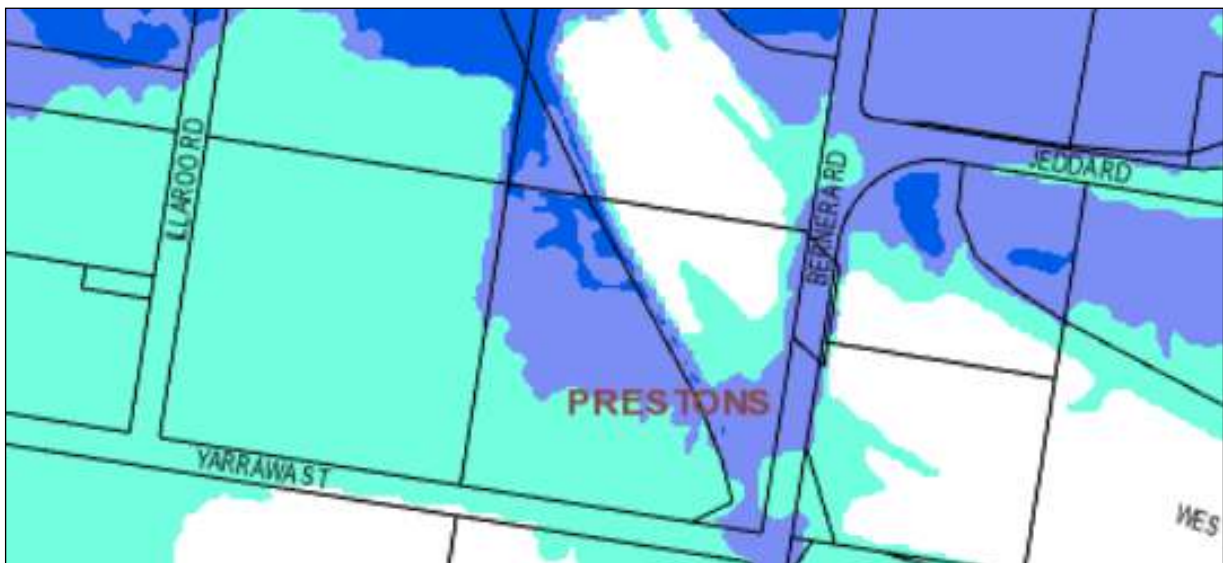


Figure 4: Flood affectation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 5: Extent of land identified as wetlands



Figure 6: Area on-site identified as Environmentally Significant Land

3. DA History on Subject Site

The following applications have been lodged on the site. A summary of the applications is provided below the table.

DA Number	Proposal	Status
DA-719/2018	Removal Of All Vegetation From The Site And Earthworks To Accommodate Future Industrial Development.	Approved by the Liverpool Local Planning Panel on 20 May 2019
DA-796/2018	Proposed two lot Torrens Title subdivision and strata subdivision into fifty six lots and construction of one hundred and twenty five warehouse units and twenty three storage units with ancillary offices and construction of parking and hardstand site landscaping.	Application withdrawn on 24 February 2020
DA-719/2018/A	Modification to Development Consent DA-719/2018 under Section 4.55 of the Environmental Planning and Assessment Act 1979, for minor amendments to the bulk	Modification withdrawn on 11 June 2020

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	earthworks component including cut & fill volumes.	
DA-30/2020	Construction of a warehouse with attached office building, with associated loading facilities and car parking.	Subject Application

DA-719/2018

- Application approved by Liverpool Local Planning Panel on 20 May 2019.
- Determination Minutes from the Panel requested that the existing mature trees within the front building line setback at the corner of Yarrowa Street and the M7 on-ramp and the triangular portion of land at the northern tip of the site should be retained. The streetscape benefit of retaining these trees outweighs the small burden on the applicant resulting from their retention. The Panel's concern is capable of being addressed by conditions of consent in the form of conditions 9(b) and (c) and accompanying marked up landscape plan. Condition 9 reads as follows:

Design Amendment

9. The following design amendments are required to be submitted and approved by Council's Manager of Development Assessment, prior to the issue of a Construction Certificate.
 - a) No consent is expressed or implied for the proposed ancillary display suite and advertising signage located on a container, as shown on the approved Site Plan. An amended site plan is to show the removal of the ancillary display suite and advertising, to ensure that only vegetation removal and earthworks is given approval by this consent.
 - b) No consent is expressed or implied for the removal of existing mature trees which are within the front building line setback, as marked up in red on the approved Landscape Plan – Overall Site Plan (L000 – Revision C). An amended site plan and an Arborist Report is to be submitted, identifying and showing the trees to be retained with recommendations for protection measures during works, to satisfy this condition of consent.
 - c) The approved Bulk Earthworks and Cut/Fill plan is to be amended to reflect the retention of trees as expressed in condition 9b) of this consent.
- An amended landscape plan, arborist report and bulk earthworks plans were submitted and approved by Council. These plans indicated the retention of 5-6 trees within the corner of the site and along the frontage of Yarrowa Street. Additionally, it was expressed that the trees in the northern corner of the site were to be removed.
- The plans provided with the subject application (DA-30/2020) only indicate the retention of 3 trees within the front corner of the site. As such, the development is not deemed to be in accordance with the approved landscape design from DA-719/2020.
- The planting of more mature trees around the site and replacement plantings are included as part of the subject application.

DA-796/2018

- Application required to be determined by the Sydney Western City Planning Panel (SWCPP) as the CIV exceeded \$30 million.
- Briefing with the SWCPP was held on 22 July 2019. The following matters were raised by the panel during the briefing:
 - The application is compliant when measured against the key development controls of height, FSR and Minimum Lot size.
 - The Panel notes the Council staff's concern over the adequacy of parking provision. The RMS requirements should be seen as a minimum benchmark. The proposed use of the mezzanine ought to be nominated. If it is not, the Council could reasonably impose an additional requirement for the mezzanine areas, given that plainly the addition of significant areas of floorspace at

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- mezzanine level would be expected to add to the parking demand arising without that floorspace. The Panel also agrees with the Council that the Applicant should report on whether it is intended to use any units for purposes which might generate parking demand higher than warehouse use.
- If the RMS guidelines are adopted, the Panel would anticipate that the traffic management issues can be satisfactorily resolved.
 - The conditions should protect against the site being utilized to inappropriately advertise to motorists on the adjacent freeway.
 - The Panel notes that the site is mapped as protected coastal wetland, despite the fact that most of the vegetation across the site has been removed. There is some remaining vegetation adjacent to the Freeway. The report should provide information to allow the Panel to consider the statutory matters raised by the biodiversity protection legislation.
 - Sediment control and water quality management requires close attention to ensure that monitoring in the long term can be efficiently attended to. The Panel would be grateful if Council's engineers could report on this issue.
 - The design should address energy efficiency with features such as solar panels, non-heat absorbent materials, and passive temperature regulation being incorporated.
- A number of recommendations from the panel have been incorporated into this development in regards to parking compliance and energy efficiency.
 - Concerns were raised regarding signage not being detailed at this stage and should be considered as a future application due to proximity to the M7, location and size of signage.
 - Application was formally withdrawn on 24 February 2020 after the subject application was lodged. The feasibility of the proposal with 125 industrial units did not meet the market conditions and as such, was withdrawn.

DA-719/2018/A

- Modification to tree removal and earthworks application to modify the earthworks scheme to accommodate the subject application for a warehouse.
- Applicant was advised that modification was a 4.55(2) application and not a 4.55(1A) as it was not appropriately demonstrated that the works would cause minimal environmental impacts.
- Modification application withdrawn on 11 June 2020.
- Bulk earthworks incorporated as part of the subject application.

DA-30/2020 – Subject Application

- Lodged 16 January 2020.
- Application put on Stop the Clock 21 February 2020
- Application allocated on 6 March 2020.
- Application put on Advertising from 11 March 2020 to 9 April 2020.
- Request for additional information on 15 April 2020. Items addressed on 9 June 2020.
- Request for additional information on 5 August 2020. Items addressed on 18 August 2020.
- To be referred to the Liverpool Local Planning Panel for approval at it's meeting dated 28 September 2020.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

4. Details of the Proposed Development

The proposed development consists of the following:

- Site Remediation consistent with the strategies proposed in the provided Remediation Action Plan;
- Bulk earthworks to accommodate the warehouse development and flood mitigation measures.
- Construction of a warehouse with associated office, parking and loading facilities.
- Landscaping works

It is to be noted that although indicative signage is nominated on the plans, signage is not to be approved as part of this application due to the lack of detail. Further detail was requested for the signage plans, however the details provided as indicative of what the signs are to look like and do not have specific details of the actual signs for the future occupants. Considering the size, location and proximity of the site to a classfield road, being the Westlink M7, which would require referral to Transport NSW for concurrence, a separate development application for signage is to be lodged for the future signs for the development.

Extracts of the proposed site plan and elevations are provided below.

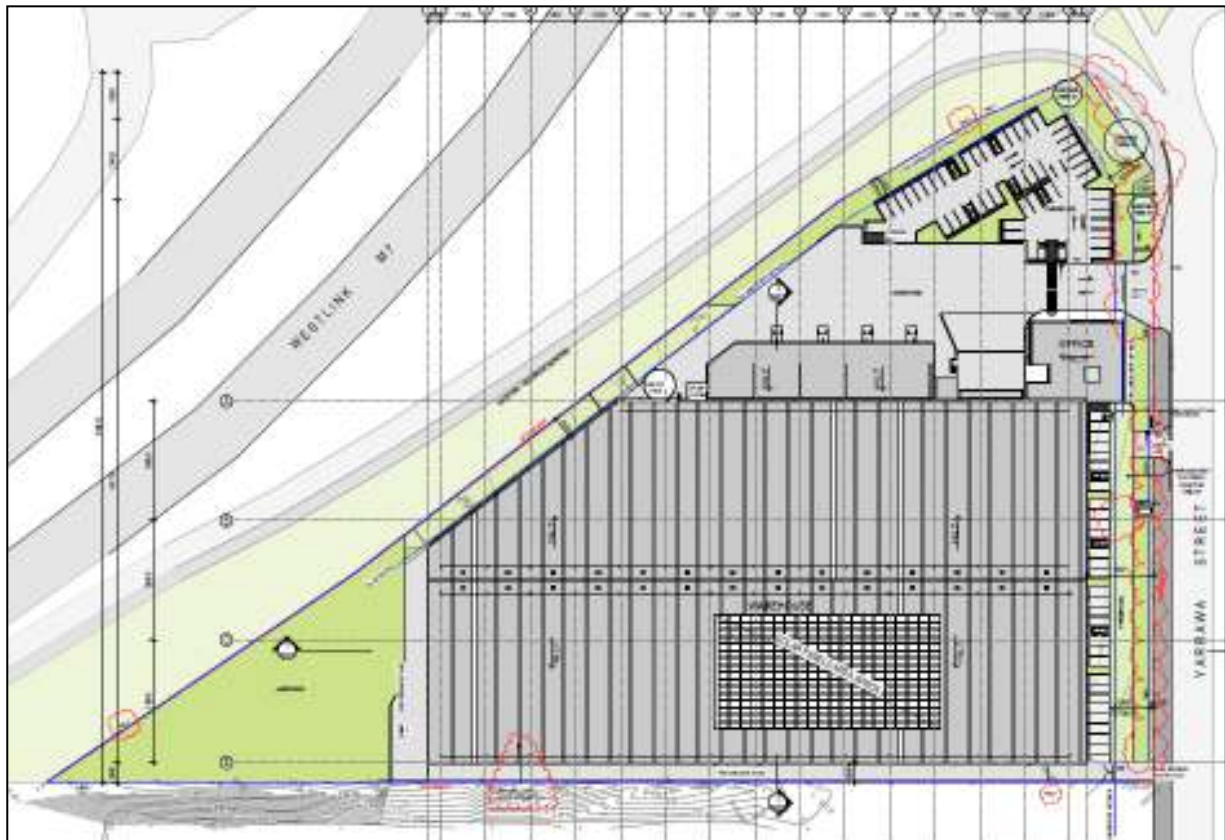


Figure 7: Proposed Site Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 8: Proposed Elevations



Figure 9: Proposed Elevations

5. STATUTORY CONSIDERATIONS

Relevant matters for consideration

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

- Environmental Protection and Biodiversity Conservation Act 1999
- Biodiversity Conservation Act 2016

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development
 - Part 7: Development in Industrial Areas

6. ASSESSMENT

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

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

(a) Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The provisions of the EPBC Act were taken into consideration during the assessment of the vegetation removal as part of DA-719/2018. The following is a recount of the assessment within DA-719/2018 under this Act.

The provisions of the EPBC Act require referral to the Federal Department of the Environment and Energy where matters of national environment significance are assessed to be required.

Although the Cooks River / Castlereagh Ironbark Forest (CRCIF) listed as critically endangered, is identified on site by the submitted Flora and Fauna Report, it was identified as covering only 0.38ha of the 2.7ha site and of being in a degraded state in the southern and central portion of the site, interspersed amongst other species of native and exotic vegetation. Ultimately, the report recommends that referral under the EPBC Act is not required as the extent of the CRCIF identified is not deemed to meet the necessary criteria, as the proportion of native species in the understorey is below 50%.

Council's Sustainable Environment Natural Resources Planner concurs with this assessment and agrees with the findings of the report that the vegetation on site is of limited ecological value containing no threatened flora, and that the site contains no threatened fauna species.

(b) Biodiversity Conservation Act 2016 (BC Act)

The provisions of the BC Act are now applicable to this development considering it was lodged on 16 January 2020. The Environmental Impact Statement and the Biodiversity Validation Letter prepared by Eco Logical dated 11/12/2019 were reviewed by Council's Sustainable Environment Natural Resources Planner who notes the following:

It has been noted that in the biodiversity validation letter, the subject property has been entirely cleared (associated with DA-719/2018). Given that no additional biodiversity impacts are apparent, further consideration of ecological matters is not

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

considered warranted.

Pertinent conditions are recommended below to avoid impacts on adjacent vegetation.

For reference, the assessment under the BC Act for DA-719/2018 is noted below.

The provisions of the BC Act are not yet applicable to the Liverpool City Council LGA as they are subject to transitional arrangements (until 24 November 2019) which defer to the otherwise repealed Threatened Species Conservation Act 1995 (TSC) requirements.

As required by the EP&A Act, where a proposed development is assessed to likely cause a significant impact to a threatened species listed under the TSC Act, a Species Impact Statement is to be prepared and submitted for assessment and concurrence of the Office of Environment and Heritage NSW.

In this instance the Flora and Fauna Report identified 2 Ecologically Endangered Communities (EEC) and 2 non EECs which make up the entirety of the 2.73ha site area, and which are all in a degraded condition, being;

EEC

*River-Flat Eucalypt Forest (RFEF) over 0.6ha
CRCIF over 0.38ha*

Non EEC

*Acacia scrub over 1.93ha
Weeds and exotics over 0.36ha*

Further, the report did not identify any threatened fauna on the site. Due to the findings of the report it was recommended that a Species impact Statement would not be required, and that due to the limited ecological value, that impacts of the removal of all of the vegetation would be minimal with respect to the local and regional ecological processes.

Council's Sustainable Environment Natural Resources Planner concurs with this assessment and agrees with the findings of the report that the vegetation on site is of limited ecological value containing no threatened flora species, and that the site contains no threatened fauna species.

(c) State Environmental Planning Policy (Coastal Management) 2018

The site is identified on DPIE mapping as containing a wetland and being in the proximity of a wetland. The applicant provided documentation to Council indicating that there is no wetland on the site and that the DPIE mapping is incorrect. Further, the applicant obtained Secretary's Environmental Assessment Requirements (SEARs) documentation from DPIEs *Industry Assessments* office explaining that the formal process for approval was still to be followed (irrespective of the possibility of incorrect mapping of the site), which was to prepare and submit an EIS addressing the provisions of SEPP (Coastal Management) 2018, to satisfy the SEARs as required for Designated development.

In correlation with the DPIEs SEARs assessment, Council's Development Assessment

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

section concurs with the EIS methodology, Biodiversity Validation Report and assessed outcomes, including those within DA-719/2018 (including references to an historical study / Flora and Fauna Report / Soil typography Study / Hydrology and Flood assessment of the site), that the site does not contain any wetlands and thus complies by default with SEPP (Coastal Management) 2018 Part 2 Division 1 Clause 10 as is presented below:

Relevant Clauses	Proposed	Comment
Clause 10 Development on certain land within coastal wetlands and littoral rainforests		
(1) Permissible with development consent on land mapped as coastal wetlands a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013 , (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994 , (c) the carrying out of any of the following: (i) earthworks (including the depositing of material on land), (ii) constructing a levee, (iii) draining the land, (iv) environmental protection works, (d) any other development.	The land was cleared under DA-719/2020. The proposed earthworks are permissible. The proposed warehouse and ancillary works are permissible.	Complies Development consent is sought for works on land mapped as coastal wetlands in accordance with clauses: (c) the carrying out of any of the following: (i) earthworks (including the depositing of material on land) and (d) any other development.
(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.	The development is identified as Designated and was advertised and referred to DPE in accordance with requirements of the Act.	Complies SEARs approval was provided
(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.	Applicant provided an EIS establishing that the site does not contain a coastal wetland, and a technical studies identifying limited ecological value on-site as originally found within DA-719/2020.	Complies
(5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the <i>Biosecurity Act 2015</i> .	There are no priority weeds identified on the site.	Not Applicable

As per the above, the development is considered acceptable in accordance with the provisions of the Coastal Management SEPP 2018.

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

The proposal has been assessed under the relevant provisions of SEPP 55 as the proposal involves the development of land to accommodate a change of use with the potential under the SEPP 55 guidelines to be a site that could be contaminated (*agricultural/horticultural*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

activities). Therefore under the SEPP 55 guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

The following documents relating to contamination and remediation were submitted to Council for review, and are supported by Council's Environmental Health Officer subject to conditions of consent:

- Re: Interim Audit Advice #2: 5 Yarrowa Street, Prestons, NSW Review of Background Reports and Remedial Strategy Documentation prepared Melissa Porter (site Auditor) of Senversa Pty Ltd dated 22 May 2020
- Remedial Action Plan (58014/126430 (Rev 4)) prepared by JBS&G Australia Pty Ltd dated 7 August 2020

Pursuant to Clause 7 of SEPP 55, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The land is contaminated as reports submitted by the applicant identify.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The RAP was submitted as part of this application and reviewed by Council's Environmental Health Staff. The land is considered suitable for its proposed future industrial use, subject to remediation works carried out in accordance with the contamination assessment, recommendations proposed by the site auditor and subject to conditions of consent, as recommended by Council's Environmental Health Officer.
(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.	Conditions of any consent shall require the remediation of the land as per recommendations in the submitted remediation action plan, recommendations from the site auditor and as recommended by Council's Environmental Health Officer.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site is suitable for the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

proposed development

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

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

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

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

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Proposal reviewed by Council's Engineers. Water quality features not required to be incorporated at this stage of site development.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The earthworks plan was submitted and reviewed by Council's development engineers. Conditions of consent apply with respect to sediment and erosion mitigation measures.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred, not closer than 40m to a water body. Further, correspondence with Water NSW was made regarding potential impacts on groundwater. No referral was required as advised by Water NSW.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for industrial development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No bank disturbance is proposed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

(3) Flooding	Flood affected lot. Proposal reviewed by Council's Floodplain Engineers. Impacts have been assessed to be manageable through recommended conditions of consent.
(4) Industrial discharges	The proposed development is unlikely to cause any industrial discharge into the creek system.
(5) Land degradation	An erosion and sediment control plan to manage salinity and minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and approved by condition of consent by Council's Engineers.
(10) Urban development areas	The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction. Salinity measures to be implemented in earthworks and construction.
(13) Wetlands	Not applicable (view assessment under SEPP Coastal Management)

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

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned IN3 Heavy Industrial pursuant to the Liverpool Local Environmental Plan 2008 (LLEP 2008). An extract of the zoning map is provided in the Figure below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Figure 10: Extract of Zoning Map

(ii) Permissibility

The proposed development is best described as a **warehouse or distribution centre** which is identified as a permitted land use with consent within the IN3 Heavy Industrial Zone under LLEP 2008. A warehouse or distribution centre is defined in the LLEP 2008 as follows:

***warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.*

(iii) Objectives of zone

The objectives of the IN3 Heavy Industrial Zone are;

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.*

The proposed development is not inconsistent with the above objectives of the IN3 zone as it provides a suitable area for the industry, encourages future employment opportunities and is

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

located and designed to help minimise it's impact on other land uses.

(iv) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with the LLEP 2008, where applicable.

Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Not Applicable Vacant Site.
4.1 Minimum subdivision lot size	V = 2000sqm	Not Applicable No subdivision proposed.
4.3 Height of Buildings (as per HOB Map)	U = 30m	Complies Maximum height of the building would be 15.8m from natural ground level.
4.4 Floor Space Ratio (as per FSR Map)	No nominated FSR	Not Applicable Building proposed subject to no FSR standard.
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	Complies by condition Not identified as a heritage listed site and not in the vicinity of a heritage listed item. The application was referred to Council's heritage officer regarding Aboriginal Archaeology. Council's heritage officer has no objections subject to the imposition of conditions of consent.
7.6 Environmentally Significant Land	(1) The objectives of this clause are as follows: (a) to Maintain bushland, wetlands and wildlife corridors of high conservation value, (b) to identify areas of significance for revegetation to connect to or buffer bushland , wetlands and wildlife corridors, (c) to protect rare and threatened native flora and native fauna, (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.	Complies on merit The site is identified as containing Environmentally Significant Land. It should be noted however, that the site was approved for land clearing under DA-719/2018. As part of this DA a Flora and Fauna Report identified limited ecological value on-site. This report was reviewed and supported by Council's <i>Sustainable Environment Natural Resources Planner</i> . Further, it was assessed that the proposed vegetation removal complied with the requirements of the LLEP. Accordingly, there are considered to be no further ESL considerations for the subject DA and these were addressed under DA-719/2018.
7.7 Acid Sulfate Soils	Affected properties to consider impact of development on soils	Not Applicable The site is not identified as being impacted by acid sulfate soils.
7.8 Flood Planning	To allow development on land that is	Complies by condition

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	compatible with the land's flood hazard	The site is identified as being flood prone. The development was reviewed by Council's Flood Plain Engineers, who have assessed the flood impacts and mitigation measures and are satisfied subject to conditions of consent.
7.31 Earthworks	This section contains controls relating to earthworks	Complies by condition This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the bulk earthworks, subject to conditions of consent.

Given the above assessment, it is considered that the proposal satisfies the relevant provisions of the Liverpool LEP 2008.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development*, *Part 7 Development in Industrial Areas*.

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 tree removal is proposed. 3 trees are to be retained in the south east corner of the site.	Complies
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	The landscaping plan includes the incorporation of 3 existing trees within the south east corner of the site as well as the planting of more mature native trees along the boundaries and tubestock within the bio-retention basin area.	Complies
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The site does not include any significant native vegetation or fauna as previously found through DA-719/2018.	Complies
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS	The site is bushfire prone land. The development was referred to the NSW Rural Fire Service, who have	Complies by condition

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	requirements	provided conditions to be included in a consent.	
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	The stormwater plans have been reviewed by Council's Land Development Engineer who had no objections to the proposal subject to conditions of consent.	Complies by condition
Section 7 – Development Near Watercourse	Consideration of impact to riparian corridors	Cabramatta Creek is located to the north west of the subject site. The location of works are located more than 40 metres from the watercourse.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Erosion and sediment control details have been provided and can be conditioned.	Complies by condition
Section 9 – Flooding Risk	Flood affection of property to considered	The site is mapped as flood prone land. The proposal has been referred to Council's floodplain engineers and the proposal is considered satisfactory subject to conditions.	Complies by condition
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	As assessed under SEPP 55, the site is contaminated. The development was referred to Council's Environmental Health Officer, who is satisfied with the development subject to conditions regarding remediation of the contaminated land.	Complies by condition
Section 11 – Salinity Risk	Salinity Management response required for affected properties	To comply with BCA requirements	Complies by condition
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The subject site is not identified as containing acid sulphate soils LLEP2008 map.	N/A
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	No noxious weeds are known to be present on site.	N/A
Section 14 – Demolition of Existing Development	Appropriate measures proposed	No demolition of any structures is proposed.	N/A
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	No OSSMS proposed.	N/A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The application was referred to Council’s Heritage Officer who has no objections subject to conditions relating to any unexpected finds during the development.	Complies by condition
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	Site is not a heritage item or within a heritage conservation area.	N/A
Section 18 – Notification of Applications	Applications to be notified in accordance with Table 10.	Superseded by the Liverpool Community Participation Plan 2019.	N/A
Section 20 – Car Parking and Access	1 space per 35sqm of office LFA 1 space per 75sqm factory/warehouse LFA Warehouse developments of GFA >1000sqm: 1 space per 250sqm in GFA	14,151sqm warehouse = 57 spaces 935sqm office = 27 spaces 84 spaces required 85 spaces provided The development was also accompanied by a traffic impact statement, which was reviewed by Council’s Traffic Planning Engineer who is satisfied with the proposed parking, access and road safety arrangements, subject to conditions of consent.	Complies by conditions
Section 22 - Water Conservation	Non-residential developments to provide water efficiency measures	The development will include 3 star water fixture appliances and fixtures as well as an underground rainwater tank for reuse within the landscaped areas.	Complies
Section 23 - Energy Conservation	Non-residential developments to provide energy efficiency measures	The development includes a 200kW solar photo-voltaic panel system on the roof, as well as insulation on the western wall, passive roof ventilation system and translucent panels on the roof to enable natural light to enter the building.	Complies
Section 24 - Landfill	This section applies to development, which involves cutting and or filling of land. It does not involve land cut and filling in conjunction with a development application for a building(s).	The proposal involves cut and filling in conjunction with a development application for a warehouse.	N/A
Section 25 – Waste Management	Waste Management Plan shall be submitted for demolition, construction and on-going waste management.	A waste management plan has been provided with the proposal and is to be conditioned to ensure appropriate measures are carried out to manage waste.	Complies by condition

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Section 26 – Outdoor Advertising and Signage	Controls relating to signage and advertising material	As previously noted, specific details of the signage have not been provided. As such, due to the size and proximity of signage to a classified road, any future signage on the site is to be subject to a future development application.	Signage to be excluded and conditions applied.
---	---	---	--

LDCP 2008 - Part 7 Development in Industrial Areas			
Control	Requirement	Proposed	Comment
Site Area	Minimum site area of an allotment: 2,000sqm	No subdivision proposed	N/A
Site Planning	Where possible, site planning allows for the retention of significant trees and vegetation, particularly near the street frontage.	The site retains 3 tree within the south east corner of the site on the corner of Bernera Road and Yarrowa Street.	Complies
	The development must be designed around the site attributes such as slope, existing vegetation and land capability.	The development is designed to account for existing site conditions.	Complies
Setbacks	Classified Road (M7 on-ramp): Secondary Setback (15m)	Varies. Minimum 17m	Complies
	All other street frontages (Yarrowa Street): Primary Setback (Ground Floor) – 10m (First Floor) – 7.5m	Warehouse: 16.671m Office Ground Floor: 10m Office First Floor: 7.5m	Complies
Landscaped Area	A minimum of 10% of the site is to be landscaped at ground level.	17.9% of the site is to be landscaped.	Complies
	A development must provide a landscaped area along the primary and secondary frontages of an allotment in accordance with Table 2: <u>Greater than 4,000sqm:</u> Primary Setback: 10m Secondary Setback: 5m	The landscaped area along the primary frontage has a variable width. The 10m landscape setback is provided within the front south east corner of the site with Yarrowa Street and the corner of Bernera Road where a portion of car parking is located. However, along the primary frontage with Yarrowa Street from the office area to the west of the site, the landscape buffer varies between 7m in front of the office, down to 5m along the parking area. Within the non-compliant landscaping area, the	Variation to landscaping is considered to be Acceptable

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

		<p>applicant has proposed a landscaping mound with more mature tree plantings and vegetation to assist in reducing the visual dominance of the warehouse and parking area to the street, from an earlier stage in the occupation of the building. Further, the applicant has taken on some of the recommendations from Council's City Design and Public Domain Section to include additional trees in this area as well as permeable paving within the driveway aisle section to assist in providing an increased permeable area for the development. Furthermore, the development provides greater than the required 10% landscape area and sufficient areas for deep soil planting around the site. Accordingly, landscaping onsite is considered to be suitable in terms of plant life and future maintenance of these areas as well as providing a streetscape that improves the current streetscape within Yarrowa Street. As such, strict compliance with 10m wide landscaped front setback controls is not considered necessary in this case.</p> <p>The landscaped area along the secondary frontage varies between 5m-6m</p>	
<p>Building Design, Streetscape and Layout</p>	<p>The facades to a development must adopt a contemporary architectural appearance.</p>	<p>The façades would adopt a contemporary architectural appearance.</p>	<p>Complies</p>
	<p>A development must use architectural elements to articulate facades, and minimise large expanses of blank walls.</p>	<p>The development includes a number of architectural features to articulate the facades and minimize large expanses of blank walls. The development also incorporates sun shading devices along the loading docks, vertical and horizontal elements and definition of the building layers.</p>	<p>Complies</p>
	<p>Where a development proposes a portal frame or similar construction, Council does not permit the "stepping" of the parapet to follow the line of the portal frame.</p>	<p>No "stepping" of the parapet to follow the line of the portal frame proposed.</p>	<p>Complies</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	The street facade of a development on a corner allotment must incorporate architectural corner features to add visual interest to the streetscape.	The office is located on the corner of the building and incorporates a modulated design as well as a mix of building elements, materials and colours.	Complies
	Glazing shall not exceed reflectivity of 20%.	Can be conditioned.	Complies by condition
	A development must use quality materials such as brick, glass, and steel to construct the facades to a development	Th development uses a mix of these materials in the facades.	Complies
	The front door to a building should face the street.	The front door of the office faces Yarrowa Street.	Complies
	The administration office or showroom must be located at the front of the building.	The administration office is appropriately placed to the front of the building.	Complies
	Windows on the upper floors of a building must, where possible, overlook the street.	The first floor of the office has windows fronting the street.	Complies
	The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	Can be conditioned.	Complies by condition
	Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.	Transparent materials would be provided on doors.	Complies
	Waiting areas and entries to lifts and stairwells should be close to areas of active use and be visible from building entrances.	Waiting areas and entries to lifts and stairwells are in an area visible from the entry.	Complies
	Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.	Driveways provide adequate site distance for pedestrians.	Complies
	Pathways should provide direct access and any edgework should be low in height or not reduce	Pathways from the parking area to the office are incorporated. Also footpaths are to be provided along the frontage of the site.	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	visibility of the pathway.		
	Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	Landscaping and wall materials assist in breaking up the large expanses of blank walls.	Complies
	Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.	Can be conditioned.	Complies by condition
	The lighting in a car park must conform to AS 1158.1, 1680, and 2890.1.	Can be conditioned.	Complies by condition
	External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.	Can be conditioned.	Complies by condition
	The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.	Facilities would be integrated with the architectural features of the building to which it is attached.	Complies
	Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.	Service areas are to be screened from view of principal street frontages.	Complies
Landscaping and Fencing	Landscaping within industrial areas shall generally involve the	The proposal was referred to Council's Natural Environment Landscape department. Council's	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

provision of trees and shrubs in mulched garden beds.	Natural Environment Landscape officer has reviewed the submitted landscape plan and has no objections to the proposed landscaping, subject to the imposition of conditions of consent.	
Trees must be planted in the landscape area at a minimum rate of 1 tree per 30sqm of the landscape area.	A total of 164 trees are to be planted on the site, consisting of 100 tubestock trees within the bio-retention area and more mature trees around the rest of the site.	Complies
The trees must be capable of achieving a mature height greater than 8m.	Most trees are capable of achieving a mature height of over 8m with some trees capable of reaching a height of 6m. Due to the amount of trees being planted, this variation is considered to be acceptable.	Considered acceptable.
Large trees and shrubs should not be located so they can be used to access buildings on the site or adjoining properties.	The proposed trees and shrubs would not be used to access or encourage access to any buildings or adjoining properties.	Complies
Solid front fences must have a maximum height of 1.2m.	Front fencing is not solid.	N/A
Front fences higher than 1.2m shall be consistent with the following: - Maximum height of 2m. - Transparent. - Dark colour.	All fencing for the development is to be a 1.8m palisade fence in black finish.	Complies
Chain wire, metal sheeting, brushwood and electric fences are not permitted along front fences.	Noted.	Complies
Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.	The fencing does not prevent surveillance of the communal area in front of the office.	Complies
<u>Screen fencing</u> Where fencing is considered necessary to screen areas such as outside storage it shall consist of the following: - Maximum height of 2m.	No screen fencing would be proposed.	N/A

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

28th September 2020

	<ul style="list-style-type: none"> - May be solid construction. - Shall be located behind the landscaped area. 		
	<p><u>Detailed Landscape Plan</u></p> <p>A detailed landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p>	<p>A detailed landscape plan has been submitted along with the development application which has been prepared by a suitably qualified Landscape Architect. The landscape plans have been reviewed by Councils natural environment landscape officer who had no objections to the proposed landscaping, subject to conditions of consent.</p>	Complies
Car Parking and Access	<p>The layout of driveways to loading docks must enable heavy vehicles to:</p> <ul style="list-style-type: none"> - Enter and exit the site in a forward direction. - Park within designated loading areas. - When possible, loading docks are to be located in areas that: <ul style="list-style-type: none"> a. Are not exposed to public streets. b. Are generally separate from and do not interfere with car parking areas. 	<p>The proposed layout of the driveway and loading dock would allow heavy vehicles to enter and exit the site in a forward direction and park within designated loading areas. The proposed loading dock would be located in an area sheltered from public streets through landscaping and would not interfere with car parking areas.</p>	Complies
	<p>Car parking areas are to be landscaped to provide shade and reduce the visual impact of parked cars.</p> <p>Provide a 2.5m wide landscape bay between every 6 - 8 car spaces.</p>	<p>The proposed car parking areas have been sheltered from the public domain with landscape reducing the visual impact of the parked cars. Further, landscape bays are provided between every 8 car spaces, however in one section of the car parking is provided between 9 spaces. This is considered to be acceptable as the parking is located along the M7 on-ramp and is located behind a 5m landscape setback.</p>	Considered Acceptable
Amenity and Environmental Impact	<p>External processes in an industrial area and storage of materials will not be permitted along a Classified Road frontage or a road frontage opposite a residential area.</p>	<p>External processes, other than truck maneuvering, and storage of materials are unlikely to occur from the propose development.</p>	Complies
	<p>In order to comply with the</p>	<p>The proposed development is to</p>	Complies by

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>Protection of the Environment Operations Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP. The following illustration gives examples of satisfactory treatments</p>	<p>have 24/7 operations. The development was accompanied by an acoustic assessment which has found that the development is able to comply with the noise requirements. Compliance with the recommendations of the acoustic assessment will be conditioned.</p>	<p>condition</p>
	<p><u>Hazardous materials and hazardous operation</u></p> <p>Certain industrial processes are identified as Designated Development under the Environmental Planning and Assessment Act 1979. It will be necessary to contact the NSW Department of Planning for their requirements for the preparation of an environmental impact statement.</p>	<p>The applicant has stated that the development does not involve the storage of dangerous goods. If the development would require the storage of hazardous or offensive goods, a separate development application is to be submitted for the use of the premises to have dangerous goods.</p>	<p>Complies by condition</p>
	<p>Hours of operation Development which would have an adverse impact on adjoining or nearby residential areas will be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays</p>	<p>The site is not located near sensitive residential receivers and 24/7 operation is proposed. The development was accompanied by an acoustic assessment which has found that the development is able to comply with the noise requirements. Compliance with the recommendations of the acoustic assessment will be conditioned.</p>	<p>Complies by condition</p>
	<p><u>Contamination</u></p> <p>Any DA for land identified as potentially contaminated by prior land use activities and shown in Figure 8, must be supported by a phase 1 contamination assessment.</p>	<p>As assessed in SEPP 55, the site is contaminated and remediation is to occur.</p>	<p>Complies by condition</p>
<p>Site Services</p>	<p><u>Letterboxes</u></p> <p>Letterboxes shall be located along the front boundary and be clearly visible and accessible from</p>	<p>Approval subject to advisory conditions to be imposed outlining Australia Post requirements.</p>	<p>Complies by condition</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

	<p>the street.</p> <p>The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.</p>		
	<p><u>Waste management</u></p> <p>Owners are to provide their own waste management services. These facilities will vary depending on the needs of the site. Any waste management equipment must not be visible from the street. Waste bins must be provided in a designated area that is easily and safely accessible for workers.</p>	<p>A waste management plan has been provided with the proposal and is to be conditioned to ensure appropriate measures are carried out to manage waste.</p>	<p>Complies by condition</p>
	<p><u>Frontage works and damage to Council infrastructure</u></p> <p>Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that threaten Council assets. Council must give approval for any works involving Council infrastructure.</p>	<p>Approval subject to conditions of consent regarding the installation of footpaths. Additionally, Council's City Design And Public Domain section have noted that a cycleway be constructed along the Bernera Road corner of the site in accordance with the Liverpool Bike Plan 2018-2023 to establish a seamless connection for cyclists to navigate the intersection of Yarrowa Street and Bernera Road.</p>	<p>Complies by conditions</p>

The development is found to be generally compliant on merit and satisfactory. Overall, the proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent will be imposed.

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

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The development is considered to be consistent with existing site and development in the locality in terms of bulk, scale, colour and design. The proposed development is unlikely to create any adverse impacts on the surrounding built environment, including adjacent roads and the energy substation on the adjoining site. The proposal will facilitate an industrial development which is consistent with the desired future built character of the locality.

It is considered that the proposed development, has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impact is minimised during the course of the works.

Social Impacts and Economic Impacts

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Environmental Health Officer	Approval subject to conditions of consent
Floodplain Engineer	Approval subject to conditions of consent
Land Development Engineer	Approval subject to conditions of consent
Sustainable Environment Natural Resources Planner	Approval subject to conditions of consent
Heritage Officer	Approval subject to conditions of consent
Traffic Planning Engineer	Approval subject to conditions of consent
Building	Approval subject to conditions of consent
Natural Environment - Landscape	Approval subject to conditions of consent
Economic Development	No objection
City Design and Public Domain	Considered acceptable subject to conditions of consent.

(b) External Referrals

The following comments have been received from External Departments:

AGENCY	COMMENTS
Roads and Maritime Services/ Transport NSW	Concurrence provided.
TransGrid	Decision not required - The proposal does not impact on TransGrid's infrastructure.
Sydney Water	Comments provided.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

NSW Rural Fire Service	Conditions recommended under Clause 4.14 of the EP&A Act as development not integrated and General Terms of Approval not required.
WaterNSW	No referral required regarding potential impacts on groundwater.
Department of Planning, Industry & Environment	No objection.

(c) Community Consultation

The proposal was required to be advertised in accordance with Liverpool Community Participation Plan 2019, as it is Designated Development. No submissions were received during the advertisement period between 11 March and 9 April 2020.

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

It is considered that the applicant has sufficiently demonstrated that the proposed development is in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions have been applied in accordance with the Liverpool Contributions Plan 2009.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments.

The proposed development is unlikely to result in any adverse impact upon the locality and is considered to be worthy of support specifically in providing a development compatible with the desired future character of the locality.

9. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, Development Application DA-30/2020, for the Construction of a warehouse with attached office building, with associated loading facilities and car parking, be approved subject to conditions of consent.

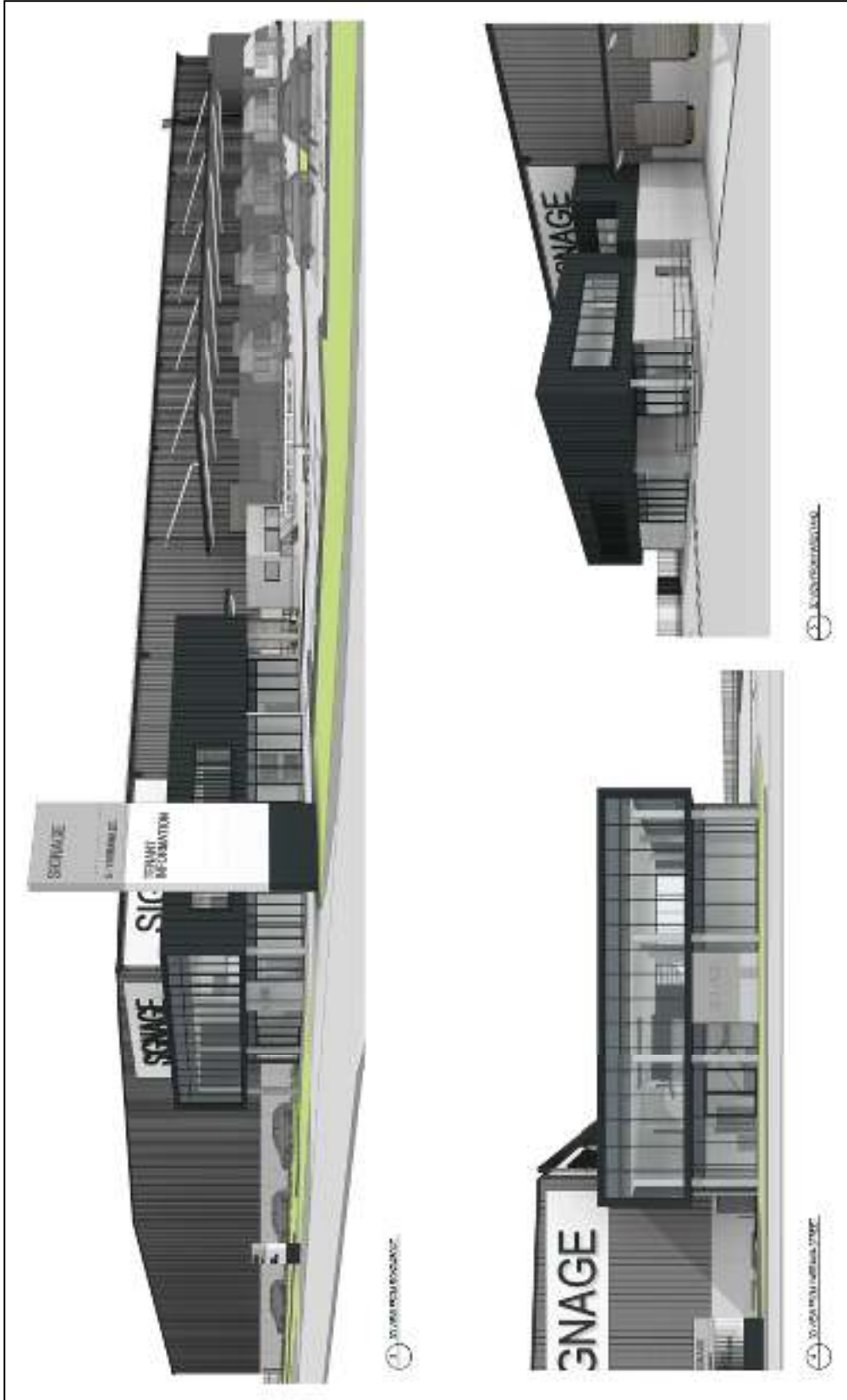
10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DRAFT CONDITIONS OF CONSENT**
- 3. SECTION 7.11 PAYMENT FORM**
- 4. NSW RURAL FIRE SERVICE COMMENTS**
- 5. TRANSPORT FOR NSW COMMENTS**
- 6. SYDNEY WATER COMMENTS**

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 1: PLANS OF THE PROPOSAL



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Proposed 3D Renders



Proposed Site Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

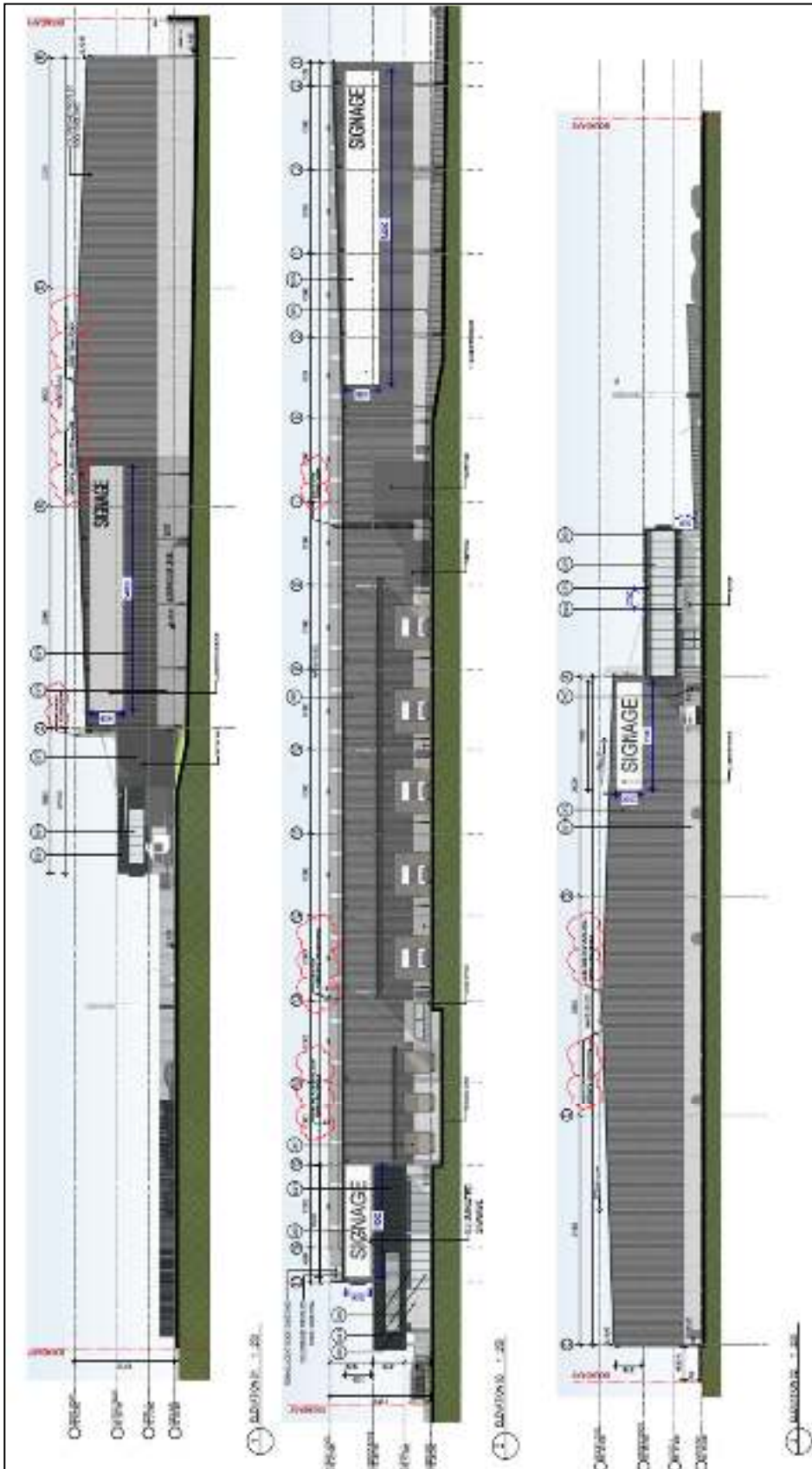
28th September 2020



Proposed Ground Floor and First Floor for Office

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

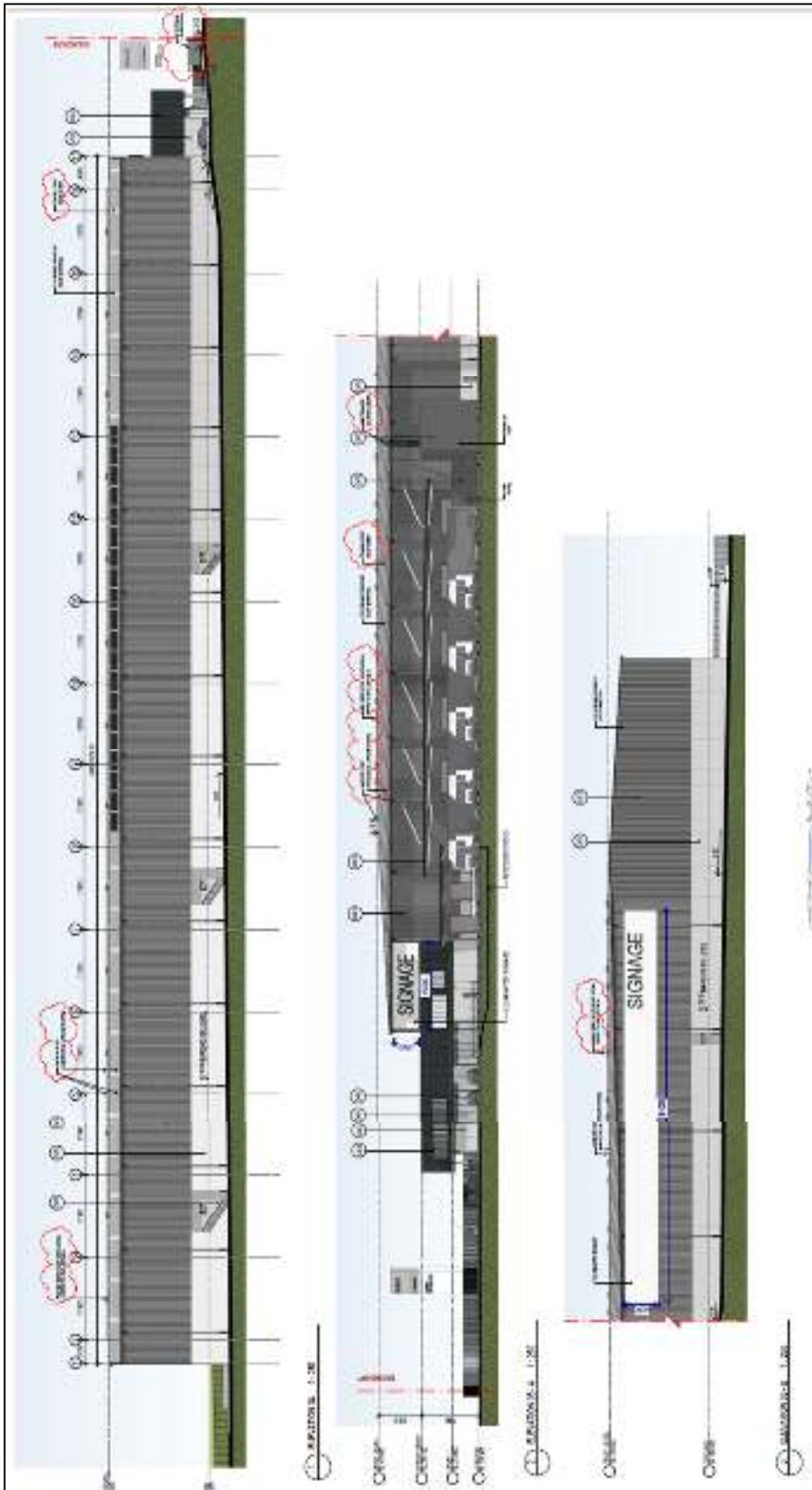
28th September 2020



Proposed Elevations

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



Proposed Elevations

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

28th September 2020



Proposed Landscaping along Yarrowa Street

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

28th September 2020



Proposed Landscaping in Northern Corner of site (Flood Detention Basin)

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

28th September 2020



Proposed Cut and Fill over the site

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 2 – DRAFT CONDITIONS OF CONSENT

DA-30/2020

5 Yarrowa Street, Prestons - Lot 100 DP 1249662

Construction of a warehouse with attached office building, with associated loading facilities and car parking. The Proposal is identified as Designated Development as specified in Clause 10 of State Environmental Planning Policy (Coastal Management) 2018

Before commencing the development please read the development consent carefully and make sure that you understand all the conditions that have been imposed. Please contact Liverpool City Council regarding any enquiry you may have in respect of the following conditions.

DEFINITIONS

AEP	Annual Exceedance Probability
NCC	National Construction Code (formerly Building Code of Australia)
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services

ATTACHMENT 1: CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

1. Development must be carried out in accordance with the following approved plans/reports marked as follows, except where modified by the undermentioned conditions.
 - (a) Architectural Plans; prepared by SBA Architects; Job No. 19117; including the following:

Plan Name	Drawing Number	Date	Revision
-----------	----------------	------	----------

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Perspectives	DA050	11.08.2020	P5
Site Plan	DA203	11.08.2020	7
Overall Ground Floor Plan	DA204	11.08.2020	9
Ground Floor Warehouse	DA205	11.08.2020	6
Office Ground Floor/ First Floor	DA206	17.12.2019	5
Roof Plan	DA220	11.08.2020	6
Elevations 1	DA301	11.08.2020	6
Elevations 2	DA302	11.08.2020	6
Office Elevations	DA303	17.12.2019	5
Sections – 01	DA310	11.08.2020	5

- (b) Landscape Plans; prepared by Habit 8; Project No. H82001; Revision D; dated 17.08.20 including the following:

Plan Name	Drawing Number
Cover Sheet	L-0001
Landscape Plan 01	L-1001
Landscape Plan 02	L-1002
Landscape Plan 03	L-1003
Specification Notes and Maintenance Program	L-2001
Landscape Details	L-2002
South Elevation (Yarrowa Street)	L-2003
Landscape Section	L-2004

- (c) Waste Management Plan; prepared for Loftex Prestons Pty Ltd; dated 19 December 2019;
- (d) Re: Interim Audit Advice #2: 5 Yarrowa Street, Prestons NSW Review of Background Reports and Remedial Strategy Documentation; prepared by Melissa Porter (site Auditor) of Senversa Pty Ltd; dated 22 May 2020;
- (e) Remediation Action Plan; Reference No. 58014/126430 (Rev 4); prepared by JBS&G Australia Pty Ltd; dated 7 August 2020;
- (f) Detailed Site Investigation; Reference No. 55077/116883 (Rev 0); prepared by JBS&G Australia Pty Ltd; dated 5 September 2018;
- (g) Arboricultural Assessment Report; Reference No. 4781A; prepared by Tree & Landscape Consultants; dated 4 June 2020;
- (h) DA Acoustic Report; Reference No. TK487-03F02 DA Acoustic Report (r2); prepared by Renzo Tonin & Associates; dated 18.12.2019;
- (i) Traffic and Parking Assessment; Reference No. 18123; Issue F; prepared by Transport and Traffic Planning Associates; dated January 2020;
- (j) Bushfire Protection Assessment; Project No. 19WOL_12754; Version V2; prepared by Eco Logical Australia; dated 18 December 2019;
- (k) Biodiversity Validation Letter – 5 Yarrowa Street, Prestons; Reference No. 18SYD-14935; prepared by Eco Logical Australia; dated 11 December 2019;
- (l) Coastal Management SEPP – 5 Yarrowa Street, Prestons; Reference No. 18SYD-10293; prepared by Eco Logical Australia; dated 22 November 2018;
- (m) Assessment of Impacts on Groundwater; Reference No. PSM3637-006L; prepared by PSM Consult Pty Ltd; dated 14 April 2020; and
- (n) BCA Assessment Report; Project No. 190225; revision 2; prepared by Blackett Maguire + Goldsmith; dated 18 December 2019.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Signage

2. No consent is expressed or implied for any proposed signage, as shown on the approved determination documents. Any future signage for the tenants of the proposed development is to be subject to a future development application.

NSW Rural Fire Service Comments

3. All comments provided by the NSW Rural Fire Service in their correspondence dated 27 March 2020, shall be complied with prior, during, and at the completion of construction. A copy of these comments are attached to this decision notice in Attachment No.3.

Transport for NSW Comments

4. All comments provided by Transport for NSW in their correspondence dated 25 March 2020, shall be complied with prior, during, and at the completion of construction. A copy of these comments are attached to this decision notice in Attachment No.4.

Sydney Water Comments

5. All comments provided by Sydney Water in their correspondence dated 19 June 2020, shall be complied with prior, during, and at the completion of construction. A copy of these comments are attached to this decision notice in Attachment No.5.

Substation

6. The proposed electrical substation is to be relocated to the western end of the landscape strip along the frontage of Yarrowa Street.
7. Should the Electrical substation be located outside the building envelope, the location of any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document NO SDI 104 (Current Version).

Works at no cost to Council

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

Comply with EP&A Act

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Site Development Work

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

Prescribed Condition

11. In accordance with section 4.16 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2009)

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

The total contribution is **\$1,015,510** and will be adjusted at the time of payment in accordance with the contributions plan.

50% of the total amount is **\$507,755** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution plan).

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

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

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

Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.

Fee Payments

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

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

Provision of Services

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

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

16. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA
17. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Disability Access

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

Fire Safety – Cladding

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

Products banned under the Building Products (Safety) Act 2017

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

Notification

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

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

Construction Environmental Management Plan (CEMP)

22. 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 plan must take into consideration the recommendations provided in the following report:
- (a) Remediation Action Plan (58014/126430 (Rev 4)) prepared by JBS&G Australia Pty Ltd dated 7 August 2020

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 remediation works, 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;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (e) Site Soil and Water Management Plan;
- (f) Noise and Vibration Control Plan;
- (g) Dust Control Plan;
- (h) Air Monitoring;
- (i) Odour Control Plan;
- (j) Occupational 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.

Retaining Walls on Boundary

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

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

S138 Roads Act – Works in the public road

24. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - (c) Road occupancy or road closures.

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

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

No Loading on Easements

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Stormwater Concept Plan

26. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT&L, reference number 18-561, revision C, dated 13-08-20.
- (a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
 - (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate.
 - (c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Water Quality

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

The Construction Certificate must be supported by:

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

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

Floodplain Engineer Requirements

28. Prior to the issue of a Construction Certificate, detailed design plans and drawings and reports are required shall be submitted demonstrating for Council's review and approval the following:
- (a) Proposed development shall be in accordance with concept civil engineering plans Rev.B (12/09/18, at&l) for elevated concrete platform and associated structures and revised engineering plans Rev. B (05/06/2020, at&l); flood assessment reports (August 2018, BMT WBM) and updated report (29/04/2020, BMT); civil engineering application report (12/09/2018, at&l) and updated report (11/05/2020, at&l); letter to Council dated 5/06/2020 from Willow Tree Planning Consulting including response letter dated 18/08/2020 LOFTEX and Civil Engineering drawings Rev.C dated 11/08/2020 by at&l.
 - (b) There shall be no adverse flooding impact in the vicinity of the site due to proposed work. Any loss of floodplain storage volume below the 1%AEP flood shall be compensated through compensatory excavation within the site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (c) Proposed flood compensatory basin and storage volume shall be in accordance with the concept design plans & drawings. The basin shall be incorporated with outlet structures to drain out of flood storage volume following each of floods.
- (d) There shall be no adverse overland flooding impact on adjoining sites due to proposed work. Existing overland flows through the site shall not be disturbed and accommodated/managed through the site up to the 1%AEP flood.

Existing overland flows draining from adjoining site to the west (electric substation) shall not be disturbed and managed through the proposed development. Proposed filling & associated retaining wall on the western boundary shall not disturb the existing flow path running through the site and shall provide adequate openings.

- (e) Obvert levels of elevated concrete slab shall be no lower than the 1%AEP flood level, i.e 27.3m AHD (minimum). Area underneath the slab shall not be disturbed and allowed for entering flood waters during heavy storms.
- (f) Finished floor levels of proposed buildings shall be no lower than the 1%AEP flood level plus 0.5m freeboard, i.e. (27.3+0.5=) 27.8m AHD (minimum).
- (g) All structures of the development to have flood compatible building components below the 1%AEP flood level plus 0.5m freeboard.
- (h) Appropriate vehicular access shall be incorporated to the proposal for regular maintenance of proposed open space (on Lot 2) and flood compensatory storage area underneath the elevated slab (part Lot 1) of the development. Vehicular access shall be identified and shown on detailed design plans at CC stage.
- (i) All structures including proposed elevated concrete slab and associated piers shall be able to withstand the forces of floodwater, debris and buoyancy up to and including the 1%AEP flood plus 0.5m freeboard. Engineers report certifying structural stability against flood forces shall be submitted at CC Stage.

Structural components below the 1%AEP, such as concrete piers, shall be considered for loss of floodplain storage volume and counted for flood compensatory storage.

- (j) Materials which could cause pollution or be potentially hazardous during any flood shall not be stored below the 1%AEP flood.
- (k) Major/minor stormwater system (combined piped and overland flow paths) of the development shall accommodate storm flow through the site up to the 1%AEP flood event. Overland flow depth shall be no greater than 0.2m at kerb and velocity x depth < 0.4m²/s- safety criteria shall apply as per Council's design requirement.
- (l) Water quality treatment measures shall be consistent with the concept plan and shall treat stormflows before discharging into receiving waters and shall achieve Council's stormwater treatment targets.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (m) Submit detailed design plans and drawings including the following (and mentioned elsewhere above) for Council's review at CC stage:
- Detailed design plans & drawings of flood compensatory works/storage including loss flood volume calculations,
 - Detailed design of major/minor stormwater drainage system with hydrologic/hydraulic calculations including modelling files and a stormwater assessment report,
 - Detailed design plan & drawings of elevated concrete slab, piers and associated structural components
 - Detailed design of water quality treatment measures/devices along with operational & maintenance plans

Dilapidation report

29. A dilapidation report of all infrastructure fronting the development in Yarrowa Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Access, Car Parking and Manoeuvring

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

Street Lighting

31. The applicant is to submit a public street lighting design brief to Council.
32. The design and subsequent provision of street lighting in accordance with Council's and Endeavour Energy specifications along all the roads fronting the development site should be submitted to Council Traffic and Transport Section for review.

Traffic

33. Prior to the issue of a construction certificate, the applicant is to gain approval from the Liverpool Local Traffic Committee to provide 'No Parking' restrictions along the Yarrowa Street frontage including line markings and sign posting.
34. Detailed design plans for the access driveways and road widening including gradient, swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section for review.
35. A construction traffic management plan (CTMP) prepared by an accredited practitioner is to be submitted to Council's Traffic and Transport Section for endorsement. The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.
36. Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Recommendations of Acoustic Report

37. The recommendations provided in the approved acoustic report titled DA Acoustic Report; Reference No. TK487-03F02 DA Acoustic Report (r2); prepared by Renzo Tonin & Associates; dated 18.12.2019 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

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

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

Driveway/Services – Location

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

Footpaths

39. The applicant shall arrange for the construction of a concrete 1.5m wide footpath together with associated turfing adjustments along the full frontage of the site in Council's Road Reserve. Details of the proposed footpath are to be included in the construction certificate plans.
40. The applicant is to provide a 3m wide concrete shared path with two (2) pram ramps to connect to the existing regional cycle route along the Bernera Road and Yarrowa Street corner. Details of the regional cycle route are able to be obtained from Council's City Design and Public Domain section. Details of this shared path is to be provided within the construction certificate plans.
41. All concrete footpaths, shared paths, pram ramps, kerb and gutter shall be designed in accordance with Council's standard specifications.

Crime Prevention through Environmental Design

42. The following Crime Prevention through Environmental Design (CPTED) principles are to be incorporated into the building:
- (a) back to base alarm system,
 - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (c) 'way finding' signage should be utilised at all major interchanges such as lifts and stair wells,
- (d) lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting,
- (e) glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders, and
- (f) any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details.

Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

C. PRIOR TO WORKS COMMENCING

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

Commencement of building works

- 43. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction certificates

- 44. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

45. 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.
46. 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.
47. 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.

Notification/Principal Certifying Authority

48. 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.
49. 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.
50. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
 - 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.
51. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

Notification of Service Providers

52. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council. Please refer to the website www.sydneywater.com.au for more information.

Site Notice Board

53. A sign must be erected in a prominent position on the premises on which work, including the approved removal of trees/vegetation from the site, is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (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.

Site Facilities

54. 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.

“DIAL BEFORE YOU DIG”

55. 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.

Toilet Facilities

56. 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*.

Erosion and Sediment Control Measures

57. Prior to commencement of works including the approved removal of trees/vegetation from the site, 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.

Environmental Management

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

58. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Traffic

59. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can be requested from the Council's Customer Services.
60. Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

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

Arboricultural Impact Assessment

61. All recommendations of the approved Arboricultural Assessment Report; Reference No. 4781A; prepared by Tree & Landscape Consultants; dated 4 June 2020 that are required to be implemented prior to works commencing shall be carried out to the satisfaction of the PCA.

Waste Classification and Disposal of Contaminated Soil and Material

62. 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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

requirements and standards. All loads must be covered prior to vehicles leaving the site.

D. DURING CONSTRUCTION

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

Hours of Demolition Work and Deliveries

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

Building Work

64. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
65. 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.
66. 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.

67. 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.
68. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (c) 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

- (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 practicing structural engineer.
69. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.
70. 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.
71. 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.

Site Remediation Works

72. The site must be remediated in accordance with;
- (a) Remediation Action Plan (58014/126430 (Rev 4)) prepared by JBS&G Australia Pty Ltd dated 7 August 2020
 - (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 Remediation Action Plan.

Council must be informed in writing of any proposed variation to the remediation works. Approval is to be provided by Council prior to proposed variations being carried out.

Contamination

73. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
74. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

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

Unidentified Contamination

76. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Construction Environmental Management Plan (CEMP)

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

Arboricultural Impact Assessment

78. All recommendations of the approved Arboricultural Assessment Report; Reference No. 4781A; prepared by Tree & Landscape Consultants; dated 4 June 2020 that are required to be implemented during works shall be carried out to the satisfaction of the PCA. This includes, but is not limited to, the works being supervised by an appropriately qualified site Arborist.

Environmental Controls

79. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
80. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

81. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
82. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
83. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other 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.
84. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
85. 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.
86. 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.
87. No known environmental or noxious weeds or known invasive plant species shall be included in any landscaping/revegetation.
88. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
89. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
90. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
91. 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.
92. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Air Quality

93. Dust screens shall be erected and maintained in good repair around the perimeter of the area being remediated for the duration of works and until such time as dust nuisance is unlikely.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

94. Dust is to also 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.
95. 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.
96. All vehicles involved in the removal of soils from the property shall have their loads fully covered before entering the public roadway.
97. Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Major Fill / Earthworks

98. 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.

Aboriginal Heritage

99. 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.
100. As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

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

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

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

Protection of Adjoining Sites

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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

Waste Management Plan

103. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Waste

104. All solid and liquid waste is to be removed from the site by a registered waste contractor.
105. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
106. All solid waste stored on site is to be covered at all times.
107. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips.
108. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

General Site Works

109. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Water Quality

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

Pollution Control

111. 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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

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

Ventilation

113. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
114. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

Stockpiles

115. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

Traffic Management

116. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Guide to Signs and Markings.
117. If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
118. 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.
119. 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.
120. The endorsed Construction Traffic Management Plan is to be implemented during the construction.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certification

121. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
122. 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.
123. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
124. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:
 - (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

125. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
126. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Section 7.11 Payment

127. Prior to the issue of **any** occupation certificate all outstanding section 7.11 contributions must be paid as required by Condition 12 of this consent. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Liverpool City Council Clearance – Roads Act / Local Government Act

128. 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.

Site Contamination Validation Report

129. Prior to the issue of the occupation certificate a detailed validation report must be submitted to Council and the PCA. The report must be prepared in accordance with;
- (a) NSW Contaminated Land Planning Guidelines (1998)
 - (b) Relevant EPA Guidelines, noting in particular NSW EPA Guidelines for Consultants Reporting on Contaminated Sites 2020
 - (c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)

The validation report must be prepared or reviewed and certified by an appropriately qualified consultant. Council currently recognises environmental consultants with the following qualifications, membership and/or certifications;

- Environmental Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)); or
- Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme

The validation report must certify that the land is suitable for the proposed use and that the remediation and validation of the site has been undertaken in accordance with the Remediation Action Plan (58014/126430 (Rev 4)) prepared by JBS&G Australia Pty Ltd dated 7 August 2020.

Public Notification

130. The appropriate public notification (whether that be Section 10.7 of the EP & A Act or a covenant registered on the title to land under Section 88B of the Conveyancing Act 1919) identified within the approved Long Term Environmental Management Plan is to take place.

Section A2 Site Audit Statement

131. A Section A2 Site Audit Statement carried out by an NSW EPA accredited Site Auditor is to be submitted to Council. The statement is to confirm the suitability of the site for the specified use.

Recommendations of Acoustic Report

132. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled DA Acoustic Report; Reference No. TK487-03F02 DA

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Acoustic Report (r2); prepared by Renzo Tonin & Associates; dated 18.12.2019. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

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

Works as Executed – General

133. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works. An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

134. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater pre-treatment system/s and flood control works;
- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - (b) Have met the design intent with regard to any construction variations to the approved design, and,
 - (c) Any remedial works required to be undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

135. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
- (a) Stormwater pre-treatment system/s,
 - (b) Flood control works,

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.

Dilapidation Report

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Rectification Works

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

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

Street Numbers

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

Landscaping

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

Street Trees

140. All proposed street trees must be planted prior to the issue of an Occupation Certificate in accordance with the approved Landscape Plans; prepared by Habit 8; Project No. H82001; Revision D; dated 17.08.20.

Arboricultural Assessment

141. The PCA shall ensure that all recommendations of the approved Arboricultural Assessment Report; Reference No. 4781A; prepared by Tree & Landscape Consultants; dated 4 June 2020 have been satisfactorily completed.

Traffic

142. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.
143. Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

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

Footpaths

144. Prior to the issue of an occupation certificate, a 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete footpath together with associated turfing

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

adjustments along the full frontage of the site in Council's Road Reserve is to be constructed.

145. Prior to the issue of an occupation certificate, a 3m wide concrete shared path with two (2) pram ramps to connect to the existing regional cycle route along the Bernera Road and Yarrowa Street corner is to be constructed.
146. All concrete footpaths, shared paths, pram ramps, kerb and gutter shall be constructed in accordance with Council's standard specifications.

F. CONDITIONS RELATING TO USE

Car Parking/Loading

147. Loading and unloading must take place from the designated loading docks. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
148. A total of eighty-five (85) car parking spaces, inclusive of three (3) accessible spaces, shall be provided onsite at all times. All parking areas shown on the approved plans must be used solely for this purpose.
149. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
150. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
151. Driveways and car parking spaces must not be used for manufacture, storage or display of goods, materials or equipment. The spaces must be available at all times for all cars associated with the development.

Hours of Operation for Warehouse and Distribution Centre

152. The hours of operation of the premises are unlimited being 24 hours, 7 days a week.

Council's Assets

153. Council's on-street assets should be protected at all times. Any damages shall be rectified to Council satisfaction.

Long term Environmental Management Plan (EMP) / Asbestos Management Plan (AMP)

154. The Site Auditor reviewed and approved EMP/ AMP prepared by the suitably qualified contamination consultant is to be complied with at all times. The property owner is obligated to implement the EMP and ensure the necessary monitoring be undertaken as prescribed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Waste Management

155. The tenants of the completed development must engage and keep engaged at all times while they are carrying on commercial operations, the services of a private waste contractor(s), to provide all aspects of waste removal for the business.
156. All waste bins must be collected and emptied within the private property, waste bins must not be placed on, or emptied from, the road or the kerbside.
157. All drainage points within 20 metres of a location where waste bins are to be collected must be fitted with a fine grade drain cover, to prevent the entry of gross pollutants into the drainage system.
158. If at any time during the operation of the development, the volumes of waste generated by the tenancy exceeds the capacity of the bins provided to accommodate those wastes, then either the size of the bins or the frequency of waste collection must be increased accordingly.

Lighting

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

Noise

160. The industry, including but not limited to the operation of vehicles, mechanical plant and equipment shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Liverpool City Council's satisfaction.
161. The use of the premises shall comply with the following at all times:
 - (a) The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
 - (b) The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
 - (c) Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
 - (d) Appropriate signage shall be located outside the building to encourage patrons to minimise noise when leaving the premises.
 - (e) The use of the premises is not to interfere with the amenity of the residential area.
 - (f) If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Landscaping

162. 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.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

G. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a Development Application for Designated Development (including Designated Development that is Integrated Development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- f) 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.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

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.

i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

l) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 3: SECTION 7.11 PAYMENT FORM

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

Liverpool Contribution Plan 2009

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

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

APPLICATION NO: DA-30/2020
PROPOSAL: Construction of a warehouse with attached office building, with associated loading facilities and car parking.
The Proposal is identified as Designated Development as specified in Clause 10 of State Environmental Planning Policy (Coastal Management) 2018

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2009		
District Transport - Land	\$63,920	GL.10000001865.10055
District Transport - Works	\$104,434	GL.10000001865.10055
Local Transport		
West of M7 - Works	\$23,676	GL.10000001865.10077
West of M7 - Land	\$61,589	GL.10000001865.10077
District Drainage - Land	\$333,333	GL.10000001866.10076
District Drainage - Works	\$57,406	GL.10000001866.10076
Local Drainage		
West of M7 - Land	\$138,933	GL.10000001866.10075
West of M7 - Works	\$205,300	GL.10000001866.10075
Landscape Buffer - Land	\$0	GL.10000001869.10078
Landscape Buffer - Works	\$0	GL.10000001869.10078
Administration	\$8,757	GL.10000001872.10081
Professional Fees	\$18,162	GL.10000001872.10080
TOTAL	\$1,015,510	

----- OFFICE USE ONLY -----
RECORD OF PAYMENT


Total Amount paid: _____
Date: _____

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


LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 4: NSW RURAL FIRE SERVICE COMMENTS



NSW
GOVERNMENT



NSW RURAL FIRE SERVICE

Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: da-30/2020 (CNR-5636)
Our reference: DA20200311000937-Original-1

ATTENTION: Robert Micallef

Date: Friday 27 March 2020

Dear Sir/Madam,

Development Application
s4.14 - Infill - Commercial Premises
5 Yarrowa Street Prestons NSW 2170, 100/DP1249662

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 09/03/2020.

The New South Wales Rural Fire Service has considered the information submitted and provides the following recommended conditions;

1. The layout for the proposed development shall comply with the diagram prepared by SBA, referenced Site Plan, dated 17/12/2019.

Asset Protection Zones
The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise:


- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

1

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Road Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5656
F (02) 8741 5650
www.rfs.nsw.gov.au



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction for the entire roof of the office and warehouse must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
4. New construction for the warehouse on the southern elevation must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
5. New construction for the warehouse on the eastern, northern and western elevations must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone area* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
6. New construction for the office on the eastern elevation must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
7. New construction for the office on the northern elevation must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone area* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

Water and Utilities

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

8. Water and gas must comply with the following:
 - Fire hydrant design, spacing, sizing and pressures must comply with AS2419.1. Fire hydrants must not be located within any road carriageway.
 - Fire hose reels must be constructed and installed in accordance with AS/NZS1221 and AS2441.
 - All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
 - Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

Emergency and evacuation planning

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants.

9. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

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

Yours sincerely,

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 5: TRANSPORT FOR NSW COMMENTS



25 March 2020

TfNSW Reference: SYD20/00310/01

Council Reference: CNR-5636 DA-30/2020

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

Attention: Robert Micallef

CONSTRUCT INDUSTRIAL WAREHOUSE - 5 YARRAWA STREET, PRESTONS

Dear Sir/Madam,

Reference is made to Council's correspondence dated 9 March 2020, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment in accordance with the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the development application and would provide concurrence under Section 138 of the *Roads Act, 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. The subject property abuts a Declared Tollway (Westlink M7) as shown by the blue colour and purple hatching on attached Aerial – "X". Access is denied across this boundary.

All buildings and structure (including signage), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Westlink M7 boundary.

TfNSW provides the following advisory comments to Council for consideration prior to the determination of the development application:

1. The proposed works of widening Yarrawa Street shall be designed in accordance with AUSTRROADS and other Australian Codes of Practice and meet the Council's specifications.
2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

If you have any further questions please direct attention to Felix Liu on 8849 2113 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Pahee Rathan
Senior Land Use Assessment Coordinator

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

28th September 2020

ATTACHMENT 6: SYDNEY WATER COMMENTS



19 June 2020

Our Ref: 182739

Robert Micallef
Council Assessing Officer
Liverpool City Council
micallef@liverpool.nsw.gov.au

RE: Development Application DA-30/2020 at 5 Yarrowa Street, Prestons

Thank you for notifying Sydney Water of DA-30/2020 at 5 Yarrowa Street, Prestons which proposes the construction of a warehouse and distribution centre with associated ancillary offices, parking and site landscaping. 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 and Wastewater Servicing

- Sydney Water's servicing requirements for this proposed development are to be delivered under the Notice of Requirements for the S73 application that the proponent has already lodged with us – CN 182739. Or any future Notice of Requirements.

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](#).

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

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