

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 26th October 2020

To be held at the
online via Microsoft Teams
commencing 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/meetupjoin/19%3ameeting_YjA5MTEwODUtNDU2Yy00OGMxLWI4YWQtNzE4MwY2MjlkMGU0%40thread.v2/0?context=%7b%22Tid%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22Oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d

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, 23rd October 2020.

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

ITEM No.	SUBJECT	PAGE No.
1	Development Application DA-822/2019 Consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision Lot 26 and Lot 27, DP 219461 14-16 Brallos Avenue, Holsworthy	2-70

Item no:	1
Application Number:	DA-822/2019
Proposed Development:	Consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision
Property Address	14-16 Brallos Avenue, Holsworthy
Legal Description:	Lot 26 and Lot 27, DP 219461
Applicant:	Baini Design
Land Owner:	Brallos Construction Pty Ltd
Date Lodged:	21 November 2019
Cost of Works:	\$1,997,492
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Robert Micallef

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-822/2019) seeking consent for the proposed consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision at Lot 26 and 27, DP 219461, 14 and 16 Brallos Avenue, Holsworthy.

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 proposal was first notified for a period of 15 days from 27 February to 13 March 2020 in accordance with Liverpool Community Participation Plan 2019. Ten (10) submissions were received, consisting of eight (8) unique submissions in response to the public consultation process objecting to the proposal.

The proposal was re-notified a second time due to amended plans for a period of 15 days from 16 June to 1 July 2020 in accordance with Liverpool Community Participation Plan 2019. Twenty-seven (27) unique submissions in response to the public consultation process objecting to the proposal.

In addition to the notification period, Council organised an online Community Consultation session, at 4pm on 25 June 2020. Five community members attended the session.

The issues of concern raised in the submissions are summarised as follows:

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- Solar access and overshadowing to adjoining properties; measurement to 5pm for POS compliance;
 - Setback, separation and privacy impacts – visual (overlooking, loss of views) and acoustic (mechanical ventilation, air conditioning, noise from occupants);
 - Insufficient parking within the development and insufficient visitor parking causing additional on-street parking, which will increase hazards to pedestrians and traffic;
 - Basement layout including parking arrangements, turning circles and driveway location;
 - Traffic impacts in the street and general area regarding parking, inconsistencies in traffic assessment, obstruction of the roadway, narrow street network, emergency vehicle access, opening up of Anzac Road and contributions to augment the local traffic and transport network;
 - Insufficient and incorrect detail in plans, shadow diagrams and reports as well as reports missing information or with incorrect details *and leniency on the provision of amended documentation.*;
 - Privacy impacts of front balconies to dwellings across road;
 - Inconsistent with the surrounding residential character and streetscape;
 - Asbestos incorrectly identified in property in waste management plan;
 - Devaluation of surrounding property;
 - Strain on existing services and infrastructure;
 - Tree removal inconsistent with arborist report;
 - Private open space covered by roof;
 - Overdevelopment of the site and re-zoning of the area;
 - Bin Collection;
 - Temple operating in street that takes a lot of on-street parking;
 - Front fencing material;
 - Construction impacts regarding deliveries, workers parking, noise and trucks;
 - Impact of construction (basement excavation, damage adjoining properties);
 - Vegetation species chosen are not good for the area, for privacy and may have potential impacts on adjoining properties; and
 - Increased pollution and health concerns.

The key issues associated with the assessment of the subject Development Application relate to the matters raised in the submissions received during the notification periods.

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 site is located in close proximity to Heathcote Road and the M5 motorway is located approximately 420m to the north. The surrounding area is mainly comprised of a mix of single and double storey residential dwellings on medium sized lots with a scattering of semi-detached dwellings and multi-dwelling housing developments in the locality. Hammondville Public School is also located approximately 540m to the north-east. Brallos Park is located in between the two cul-de-sac heads of Brallos Avenue and is 50m to the south-east. The locality of the site is demonstrated within Figure 1.



Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

The subject site is legally described as Lots 26 & 27 of DP219461 and located at No.14 -16 Brallos Avenue, Holsworthy. The site is irregular in shape with a frontage width of 36.58m compared to its rear dimension of 25.905m. Similarly, the side boundaries are 40.37m to the northwest and 36.575m to the southeast. The combined land area is 1183.28m². The site is also located approximately 70m south of the Jemena gas pipeline, which is located alongside Heathcote Road. As shown on Figure 2, the site is comprised of 2 parcels each occupied by a single storey dwelling with several trees found on the property and road reserve.



Figure 2: Aerial view of subject site (in red) (Source: Geocortex)

3. BACKGROUND/HISTORY

- DA-156/2018 for the demolition of existing structures and the construction of a multi dwelling housing development comprising of 8 dwellings over basement carparking for 12 vehicles, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 was refused by the Liverpool Local Planning Panel at its meeting dated 29 October 2018.
- 21 November 2019 - The subject DA was lodged with Council with 6x 3-bedroom units and 1x 2-bedroom unit.
- 9 December 2019 - Application put on stop the clock by Planning Advisory Team regarding strata subdivision, amended site plan, cross sections of landscape areas, amended stormwater plan, erosion and sediment control plan and streetscape elevation.
- Amended information received on 13 December 2019.
- 23 December 2019 - Application deferred by Coordinator Development Assessment regarding numerous considerations relating to private open space, internal pathway location and widths, streetscape elevation, driveway location and waste management.
- 30 January 2020 – Extension provided for submission of amended plans.
- 4 February 2020 – Amended documentation received from applicant.
- 27 February 2020 – First notification period commenced. Notification period to close on 13 March 2020.
- 27 March 2020 – Request for additional information made by assessing officer in relation to Floor Space Ratio non-compliance; submissions response; rear, side and front setbacks; size of private open space; shadow diagrams; landscaping; room sizes; pedestrian paths; parking arrangements; stormwater management; vehicular access and crossings and waste management.
- 29 April 2020 – Amended documentation submitted by applicant.

- 15 May 2020 – Further request for additional information made in regards to Floor Space Ratio, submissions, setbacks, window size and location, shadow diagrams and pedestrian walkways.
- 22 May 2020 – Further request for information regarding engineering matters.
- 4 June 2020 – Amended plans received from applicant.
- 16 June 2020 – Second notification period held due to amended plans received. Notification period to end on 1 July 2020.
- 23 June 2020 – Further request for information regarding Floor Space Ratio, privacy screens, walking paths, submissions and notification.
- 25 June 2020 – Community Consultation session held online with objectors at 4pm.
- 7 July 2020 – Amended documents received from applicant.
- 29 July 2020 – Amended demolition and landscaping plan received after request to amend due to inconsistencies with arborist report.
- 10 September 2020 – Applicant confirmed that GIPA request for submissions was received.
- 23 September 2020 – Request to amend plans due to solar access non-compliance.
- 29 September 2020 – Amended Plans received with 7x 2-bedroom units.

4. DETAILS OF THE PROPOSAL

The proposed development application seeks approval for the proposed consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision. The proposal will consist specifically of the following:

Consolidation and Demolition

- Consolidation of 14 & 16 Brallos Avenue into one lot.
- Demolition of two single-storey fibro dwellings, and associated outbuildings.
- Removal of three trees in the site frontage.

Multi Dwelling Development – 7 Double Storey Units

Basement

Parking for sixteen (16) vehicles inclusive of two visitor spaces; turning bay and storage space for each unit.

All units ground floor

- Living Room, dining room, kitchen, laundry and powder room.

First Floor Units 1 and 2

- Two (2) bedrooms with built in robes and bathroom.

First Floor Units 3, 4 and 5

- Two (2) bedrooms with built in robes, ensuite and bathroom.

First Floor Units 6 and 7

- Two (2) bedrooms (one with built in robe), ensuite and bathroom.

Subdivision

- Strata subdivision of the multi-dwelling housing development.



Figure 3: Streetscape of Development (14-16 Brallos Avenue, Holsworthy *Streetscape Elevation*)



Figure 4: Streetscape of Development (14-16 Brallos Avenue, Holsworthy *Perspective View*)

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);
- State Environmental Planning Policy (Infrastructure) 2007
- 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

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

6. ASSESSMENT

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

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

(a) State Environmental Planning Policy No. 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 during the clearing house process, 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. Although the houses are likely to contain asbestos material due to the age of the buildings, conditions regarding the handling of waste during demolition and any unexpected finds in regards to contamination will be imposed.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land is not considered to require remediation based on the above.

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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development 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 portable 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. 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) State Environmental Planning Policy (Infrastructure) 2007

The site is located within the measurement length of a Jemena gas pipeline located adjacent to Heathcote Road. The development application was referred to Jemena for comment, who have advised Council that they have no objections to the proposal. As such, the development is considered to be satisfactory in relation to the risk, safety and integrity concerns regarding pipeline corridors in accordance with the requirements of Clause 66C of this SEPP.

(e) 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 5 below.

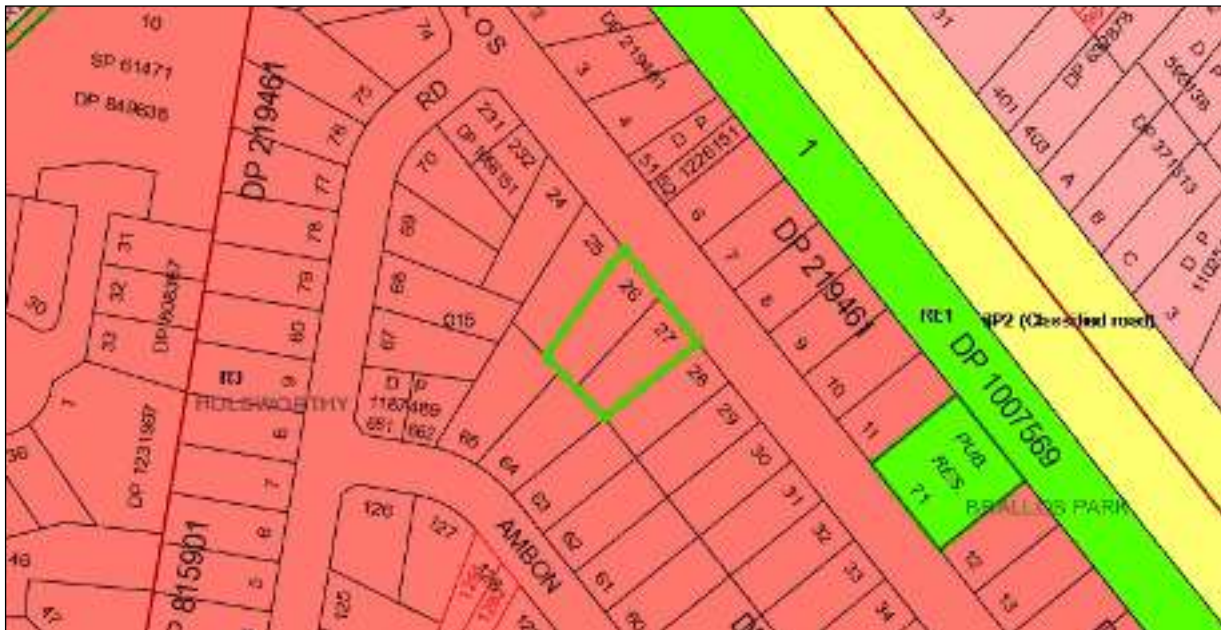


Figure 5: Zoning Map of 14-16 Brallos Avenue, Holsworthy (green box) (Source: Geocortex Mapping System)

(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.”

The proposed development is considered to meet the above definition.

(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.

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 proposal has been

designed to mitigate adverse impacts on surrounding land uses and the locality by demonstrating consistency with Council’s local planning provisions. As such, the development will ensure a high level of residential amenity is achieved and maintained in accordance with Council’s plans and policies. The amended development will also provide an increased variety of housing types in the locality.

(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. 7.02m maximum building height proposed.																				
4.4 Floor Space Ratio (FSR)	Maximum FSR permitted: 0.5:1. Area 2 = 0.55:1	<table border="1"> <thead> <tr> <th>Dwelling</th> <th>GFA (m²)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>79.40</td> </tr> <tr> <td>2</td> <td>82.90</td> </tr> <tr> <td>3</td> <td>86.80</td> </tr> <tr> <td>4</td> <td>85.35</td> </tr> <tr> <td>5</td> <td>76.80</td> </tr> <tr> <td>6</td> <td>81.20</td> </tr> <tr> <td>7</td> <td>80.85</td> </tr> <tr> <td>Surplus Parking</td> <td>39.60</td> </tr> <tr> <td>Total GFA</td> <td>612.90</td> </tr> </tbody> </table> <p>GFA – 612.90sqm Lot size – 1183.28sqm FSR proposed = 0.518:1</p>	Dwelling	GFA (m ²)	1	79.40	2	82.90	3	86.80	4	85.35	5	76.80	6	81.20	7	80.85	Surplus Parking	39.60	Total GFA	612.90
Dwelling	GFA (m ²)																					
1	79.40																					
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5	76.80																					
6	81.20																					
7	80.85																					
Surplus Parking	39.60																					
Total GFA	612.90																					
4.6 Exceptions to Development Standards	Provisions relating to exceptions to development standards	N/A. No variations are sought.																				
5.10 Heritage Conservation	To protect and conserve existing items/locations identified as containing significant heritage value	N/A. The site is not identified as being a heritage item, adjoining a heritage item or lying within a heritage conservation area.																				
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Approval subject to conditions All required utilities are considered to be available.																				
7.31 Earthworks	Council to consider matters listed (a)-(g)	Complies subject to conditions Excavation for basement will be occurring and is unlikely to adversely impact on the amenity of adjoining properties, drainage patterns and soil stability, subject to the imposition of conditions of consent. Sediment control details have also been provided.																				

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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.

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 subject to conditions The proposal seeks consent for the removal of 3 trees within the front setback, where the location of the on-site detention and driveway are to be located. The proposal is also retaining one street tree. The application was submitted with an arborist report which recommended removal of the 3 trees within the front setback of the property and retention of the street tree. 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 subject to conditions. The landscaping plan will incorporate trees in each rear yard as well as various plants and groundcovers for the rest of the development. The application was referred to Council's natural environment landscape officer who clarified the proposed landscape plan is acceptable, subject to conditions of consent. Further, conditions are to be applied for an amended landscape plan prior to a CC for the planting of additional trees in the front setback as well as the planting of an additional street tree in front of the site in Brallos Avenue and to be consistent with the most current design for the proposed development. Further, the amended landscape plan is to be conditioned to ensure that tree species specified within Appendix 2 of Part 1 of the DCP are used within the landscape design.

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LDCP 2008 Part 1 - General Controls for all Development		
Control	Requirement	Comment
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 subject to conditions. Council's Land Development Engineers have reviewed the application and are satisfied with the proposed stormwater discharge from the site subject to the imposition of conditions of consent.
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	N/A. The site is located more than 40m from the nearest watercourse.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Complies. Sediment and erosion control details submitted with the DA.
Section 9 – Flooding Risk	Flood affection of property to considered	Complies. The property is not mapped as flood prone land.
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	N/A The site is not classified as being affected acid sulphate soils.
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	N/A The site is not identified as containing noxious weeds.
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	Complies subject to conditions. 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
Section 20 – Car Parking and Access		Complies. 7 Medium sized dwellings proposed (Based off number of bedrooms). 1.5 x 7 = 10.5 Spaces 7/4 = 1.75 Spaces (visitor)

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LDCP 2008 Part 1 - General Controls for all Development		
Control	Requirement	Comment
		Required = 12.25 = 13 spaces (total) A total of 16 parking spaces have been provided, inclusive of 2 visitor spaces. Thus the development has a surplus of 3 spaces and is considered acceptable for the proposed development.
Section 21 – subdivision of land buildings	Strata Subdivision Applications for strata subdivision of buildings, space or land will need to ensure that the strata plan is consistent with the development consent particularly the allocation of private and common property. In particular visitor or customer car parking identified in a development consent shall remain as common property. There must be a minimum of 3 spaces, buildings or land parcels for strata subdivision.	Complies subject to conditions. Strata subdivision is proposed and has a minimum of three parcels for subdivision. The proposed strata subdivision will be subject to amended strata plans once the development is complete, due to the modifications to the plans since lodgement. Proposed strata plans are to identify the dwellings with their associated private open space, common property, parking area allocation and the storage areas.
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.
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 by condition. A waste management plan has been provided with the application, however, will require amending prior to the issue of a construction certificate in accordance with comments from Council's waste management section.

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 .	Complies. The total site area is 1183.28m ² with a site width at the front of 36.58m and at the rear of 25.905m Therefore Section 4 of the DCP would not be required.
	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.	
Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings.	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.
	There must be a direct link from at least one living area to the principal private open space.	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 the approved plans.
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.	Complies. The siting of windows of habitable rooms is considered to have been designed to minimise overlooking to POS of neighbouring properties.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	Complies. 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.
	The siting of dwellings shall be orientated to maximise solar access to both external courtyards and internal living areas.	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.

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LDCP 2008 Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones		
Control	Requirement	Comment
	Where possible all existing substantial vegetation on site shall be retained.	Considered Acceptable. No substantial vegetation located on site to be retained as per submitted Arborist Report and supported by Council's tree officer. A large street tree is to be retained in front of 16 Brallos Avenue.
	Multi Dwelling Housing is not permitted on cul-se-sac heads or streets with a carriageway width of less than 6.5m.	Complies. The proposed development is not located on the cul-de-sac head on Brallos Avenue and has a carriageway width of 10.2m. Derna Road, the road to access Brallos Avenue, has a carriageway width of between 6.8m and 7.5m.
Townhouse and Villa Development on an 18m Frontage Block	<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.	N/A. Site with frontage greater than 22 metres and greater than 1000m ² .
Setbacks	<u>Front Setbacks</u> Ground Floor: 4.5m First Floor: 5.5m Classified Roads: 7.0m Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	Considered Acceptable. Units 1-4 Ground Floor – 5m First Floor – 5m (to internal stairs) 5.79m (to main facade) <i>See justification below</i> Balconies – 4.5m
	<p><u>Justification</u></p> <p>The proposed first floor front setback for Units 1-4 varies from 5m to 5.79m. It should be noted that the 5m setback is attributed to internal stairs on the first floor of units 1-4 protruding into the required first floor setback area. All habitable areas at the first floor are setback at 5.79m, exceeding the control.</p> <p>The intrusion into the front setback area at the first floor where the staircase are located is considered acceptable as the applicant is considered to have satisfactorily demonstrated that this part of the building would not generate any detrimental impacts on adjoining properties in terms of overshadowing, privacy or amenity issue.</p> <p>While the first floor front setbacks of units 1-4 does not comply with Council's numerical setback controls, it is not considered to result in unreasonable visual privacy intrusions to the adjoining neighbours. Further, the protrusion of the stairs into porches and balconies of units 1-4 is considered to provide additional articulation to the front façade of the building, which is likely to improve the design and presentation of the development to the street. This minor encroachment is also able to meet the objectives of the setback controls by providing reasonable space for a landscaped area in the front that would be capable of allowing the growth of trees and shrubs, an appropriate scale to the streetscape and the desired future character of the R3 zoning and is unlikely to cause overlooking and overshadowing concerns to adjoining properties beyond a strictly compliant front setback arrangement.</p> <p>In regards to the above, strict compliance with the front setback controls for the</p>	

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	stair areas for units 1-4 is not considered necessary where it is unlikely there will be any unreasonable solar or privacy impacts as a result.	
	<p><u>Side Setbacks</u> Ground floor with windows to habitable rooms: 4.0m Ground floor without windows to habitable rooms: 0.9m First floor without windows to habitable rooms: 1.2m First floor with windows to habitable rooms and neighbouring POS: 4.0m</p>	<p>Considered Acceptable. See justification below</p> <p>Unit 1 (Eastern Boundary) – Considered Acceptable Ground floor - 1.2m (GF with window to living room) First Floor – 1.2m</p> <p>Unit 4 (Western Boundary) – Complies Ground Floor – 8.15m First Floor – 8.28m</p> <p>Unit 5 (Eastern Boundary) – Complies Ground Floor – 4.56m First Floor – 4.56m</p> <p>Unit 7 (Western Boundary) – Complies Ground Floor (no windows) – 3.44m First Floor – 4.4m</p>
	<p><u>Justification</u></p> <p>The proposed side setback of unit 1 would be a minimum of 1.2m at both the ground and first floor level. It should be noted that the subject non-compliance occurs at the ground level as there is one window to a living room that faces the side boundary. The 1.2m side setback to this window 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 as a result of this setback.</p> <p>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 the ground floor of unit 1 with a window to a habitable room does not comply with Council's numerical setback controls, it is not considered to result in unreasonable visual privacy intrusions to the adjoining neighbour. On the ground floor sufficient visual privacy between neighbours is provided largely due to boundary fencing, 1.8m in height, screening a large portion of the ground floor window causing the non-compliance. Accordingly, due to the type, place and screening of windows on the eastern elevation of unit 1, privacy impacts between neighbours to the east 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 unit 1 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</p>	<p>Complies. Unit 5 Ground Floor - 5.49m</p>

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	Ground floor with windows to habitable rooms: 4.0m	First Floor – 6.57m																								
	First floor without windows to habitable rooms: 4.5m	Unit 6 Ground Floor – 6.13m First Floor – 6m																								
	First floor with windows to habitable rooms and neighbouring POS: 6.0m	Unit 7 Ground Floor – 6.74m First Floor – 6.76m																								
	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 do not encroach on the front setback.																								
The secondary setback is the longest length boundary.	Noted																									
<u>Setbacks across internal driveways</u> Buildings shall be setback a minimum of 8m from other buildings across a driveway.	N/A. No internal driveway proposed.																									
Landscaping	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	Complies. Proposed landscaped area = 374.65m ² Site area = 1183.28m ² Landscaped area proposed is 31.6%.																								
	A minimum unencumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.	Considered acceptable. Although a minimum 4x5m is not provided for most dwellings, the rear POS areas have landscaped areas of at least 20sqm. Additionally, due to the location of the basement, deep soil areas for larger plantings are able to be achieved in sufficiently sized planter boxes within the POS that can accommodate a tree.																								
Private Open Space	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 are as follows: <table border="1" data-bbox="928 1563 1426 1892"> <thead> <tr> <th>Unit</th> <th>GFA (m²)</th> <th>POS (m²)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>79.40</td> <td>42.00</td> </tr> <tr> <td>2</td> <td>82.90</td> <td>40.50</td> </tr> <tr> <td>3</td> <td>86.80</td> <td>40.50</td> </tr> <tr> <td>4</td> <td>85.35</td> <td>40.50</td> </tr> <tr> <td>5</td> <td>76.80</td> <td>56.30</td> </tr> <tr> <td>6</td> <td>81.20</td> <td>40.30</td> </tr> <tr> <td>7</td> <td>80.85</td> <td>61.20</td> </tr> </tbody> </table>	Unit	GFA (m ²)	POS (m ²)	1	79.40	42.00	2	82.90	40.50	3	86.80	40.50	4	85.35	40.50	5	76.80	56.30	6	81.20	40.30	7	80.85	61.20
	Unit	GFA (m ²)	POS (m ²)																							
1	79.40	42.00																								
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5	76.80	56.30																								
6	81.20	40.30																								
7	80.85	61.20																								
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.	Complies. All POS have widths larger than 1.5m and are directly accessible from each dwellings main living area.																									

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	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>Complies. The shadow diagrams submitted indicate each POS receiving the minimum 3 hours of sunlight to 50% of the POS between 9am and 5pm on June 21.</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>Compliant Times</th> <th>Hours</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1pm-4pm</td> <td>3</td> </tr> <tr> <td>2</td> <td>1pm-5pm</td> <td>4</td> </tr> <tr> <td>3</td> <td>1pm-5pm</td> <td>4</td> </tr> <tr> <td>4</td> <td>12pm-5pm</td> <td>5</td> </tr> <tr> <td>5</td> <td>2pm-5pm</td> <td>3</td> </tr> <tr> <td>6</td> <td>1pm-5pm</td> <td>4</td> </tr> <tr> <td>7</td> <td>12pm-5pm</td> <td>5</td> </tr> </tbody> </table>	Unit	Compliant Times	Hours	1	1pm-4pm	3	2	1pm-5pm	4	3	1pm-5pm	4	4	12pm-5pm	5	5	2pm-5pm	3	6	1pm-5pm	4	7	12pm-5pm	5
Unit	Compliant Times	Hours																								
1	1pm-4pm	3																								
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3	1pm-5pm	4																								
4	12pm-5pm	5																								
5	2pm-5pm	3																								
6	1pm-5pm	4																								
7	12pm-5pm	5																								
Cut and Fill	Maximum Cut permitted: 500mm Maximum Fill permitted: 750mm	Considered acceptable. Basement parking proposed which requires greater cut onsite. Minimal fill (<200mm) is required across the site.																								
Building Design and Appearance	Unit/s with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.	Complies. Units 1-4, which front Brallos Avenue, have their entrances facing the street and would incorporate a living room on the ground floor facing the street.																								
	Entry points shall be enhanced/emphasised to all dwellings especially those facing the street.	Complies. The entries of each dwelling are clearly identifiable.																								
	The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.	Considered Acceptable. See justification below. The first floor of the dwellings have areas greater than 2/3 of their respective ground floor.																								
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Complies. The building facades are well designed with good articulation and roof form through use of entry porches, balconies and changes in colours and finishes.																								
	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: - The use of different materials and detailing and / or - The inclusion of balconies, verandas, pergolas and landscaped beds.	Complies. The schedule of colours and finishes with DA-822/2019 demonstrate the use of a mixture of render, cladding creating varying finishes.																								
	A sidewall must be articulated if the wall has a continuous length of over 10 m.	Complies. Sidewalls do not exceed 10m in length.																								
The entrance of each dwelling shall be emphasised.	Complies. The entrances to each dwelling are																									

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		clearly identifiable.
	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.	Complies. Windows at the rear of the allotment accommodate privacy of the neighbouring property through compliant setbacks and the use of privacy screens on the rear windows and front windows of units 5-7 (for privacy to unit 1-4 POS).
	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.	N/A. Basement parking provided.
	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.	N/A. No attic spaces proposed.
	Space used for car parking shall be included as a storey if the ceiling of the car parking level exceeds more than 1m above the natural ground level.	Complies. The ceiling of the car parking level would not exceed more than 1m above the natural ground level.
	The maximum roof pitch shall be 36 degrees.	Complies. Maximum roof pitch would be 10 degrees.
	Townhouses built on steep or sloping blocks should be built of split-level construction.	N/A. Site is relatively level.
	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.	Complies. No balconies proposed on the side or rear of the site.
	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.	N/A No blank walls facing the street frontages are proposed.
	<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 7.02m) which is well below the 8.5m height limit. Because of this reduced 	

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	<p>building height, the proposal does not impose undue bulk on adjoining properties or the streetscape.</p> <ul style="list-style-type: none"> - The development is compliant with the maximum floor space ratio allowed onsite and therefore is considered unlikely to have excessive 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. 	
Internal Design	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.	Complies. Units 1-4, which front Brallos Avenue, would incorporate a living room and a bedroom and balcony which fronts the street to promote surveillance.
	Living rooms should take advantage of northern aspects where possible. Access to private open space must be from at least one living room.	Complies. All dwellings have a ground floor living area that faces north and is able to achieve the minimum required amount of solar access. Each dwelling's POS is accessible from their respective ground floor living/dining areas.
	The internal layout of the dwelling must incorporate cross ventilation.	Complies. Each Dwelling incorporates cross ventilation.
	Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the development.	Considered acceptable. The proposed dwellings incorporate some bathrooms and laundries in the middle of the dwelling, however the internal design is considered to promote acceptable internal amenity.
	Each dwelling must provide a minimum storage area of 8m ³ .	Complies. Sufficient storage is provided to each dwelling in the form of wardrobes to bedrooms and storage spaces for each dwelling within the basement.
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	N/A.
Car Parking and Access	<u>Internal Driveway and Car Parking layout</u> Minimum Internal Driveway Width permitted: 3.5m	Complies. The proposed internal driveway would be a minimum of 6m in width at the crossing point to the subject site and a minimum of 4.2m at the entrance to the basement.
	The extent of paved area for driveways shall be kept to a minimum. Driveways abutting dwellings shall be kept to a minimum.	Complies. The proposed paved area is limited to that required for the driveway.
	Avoid large expanses of driveways, including concentrating double garages adjacent to each other.	Complies. The proposed development has tried to reduce large expanses of driveways where possible through incorporating a

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		basement carpark.
	<p>Basement Car Parking Basement car parking is permitted but will be included as a storey if the 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 natural ground level toward the rear are not 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 screen planting.</p>	<p>Complies. The proposed basement car parking is less than 1m above the natural ground level.</p> <p>Noted.</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>Complies. Kerbs are to be provided along the edge of the proposed driveway.</p>
Landscaping and Fencing	The setback areas of development are to be utilised for canopy tree planting.	<p>Complies. Setback areas of the development have been utilised for canopy tree and screening planting.</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>Complies by conditions. Landscaping is generally appropriate. Landscape plan reviewed and supported by Council's landscape officer. Conditions to apply regarding an amended landscape plan for the planting of more trees in the front setback and a street tree.</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>Complies. The landscaping schedule submitted with DA-822/2019 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.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	<p>Complies. The shrubs proposed have a maximum height of 3m-4m and are unlikely to obstruct visibility.</p>
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress	<p>Complies. Landscaping in the vicinity of the driveway entrance would be highly unlikely to</p>

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	and egress of vehicles and pedestrians.	obstruct visibility.
	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.	Complies. Tree and shrub planting has been incorporated along the rear and side boundaries to provide effective screening to adjoining properties.
	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.	Complies. No landscaping on podiums and planter boxes in rear open spaces will be accessible from within the open space.
	Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.	Complies. Landscaping has been incorporated along the side and rear boundaries.
	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.	Complies. The proposed front setback would be 37.7% landscaped with the remaining land being used for driveways and having sufficient width pathways to access to dwellings.
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Complies. The proposed trees are likely allow for appropriate shade and sunlight. Landscape options were reviewed and accepted by Council's landscape officer.
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Complies. Trees with mature height of 8m have been proposed to be planted at least 3m from utility services.
	Areas between a driveway and the windows of a dwelling shall be landscaped to provide privacy for the dwelling.	Complies. The areas between the driveway and the dwellings are landscaped.
	<u>Primary Frontage</u> The maximum height of a front fence is 1.2m. The front fence may be built 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.	Complies. Proposed front fencing is 1.2m high.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas and are to be a minimum 30% transparent.	Complies by condition. Proposed front fencing is to be conditioned to be made of masonry with timber infill panelling that is to be 30% transparent and would be less likely to prevent surveillance by the dwelling's occupants of the street.

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	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	Complies by condition. Front fence to be conditioned to be made of masonry and timber infill panelling.
	The front fence may be built to a maximum of 1.8m <i>only if</i> : - 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.	N/A.
	Front fences are to be constructed of materials compatible with the proposed design of the dwelling.	Complies by condition. Front fencing would be constructed of materials compatible with the proposed design of the dwellings on conditioned.
	Boundary fences shall be lapped and capped timber or metal sheeting.	Noted.
Amenity and Environmental Impact	<u>Overshadowing</u> Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least; - One living, rumpus room or the like; and - 50% of the private open space.	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, as per the discussion below.

The properties in this discussion and the aerial shot below are labelled as such. The subject site in the red box, 5 Ambon Road in green and 3 Ambon Road in blue and 18 Brallos Avenue in yellow.

5 Ambon Road has a large shed/garage structure along the western boundary down to the rear building line of the eastern side of the house and is 6.45m wide off the eastern boundary, as well as an awning along the northern boundary approximately 4.5m wide. The dwelling for 5 Ambon Road is setback from the rear boundary of approximately 11.2m with a POS area that has no structures of 130sqm. It is assumed that there is a living area at the rear of this dwelling given the northern orientation. Additionally, the eastern neighbour (3 Ambon Road) has a single storey garage, approximately 3m high at the boundary and 3.5m at the roof pitch, in the rear west corner of their site that has potential afternoon overshadowing concerns for 5 Ambon Road from 2pm with a shadow cast of approximately 6.2m. Based on the shadow diagrams submitted, 50% of the private open space and a living room of 5 Ambon Road, would be able to be achieved from 10am as the maximum shadow cast from the roof of unit 5 would be approximately 7m within the site. As such the total area of the POS that is shadowed at 5 Ambon Road at 10am, including potential shadows from the adjoining site at number 3 and the existing boundary fence, is a maximum of 50sqm, leaving 62% of this area able to achieve solar access at 10am. Thus, 5 Ambon Road can achieve the minimum requirement of 3 hours of solar access from 10am to at least 2pm to a living area and 50% of the private open space.

18 Brallos Avenue is able to achieve 3 hours of solar access to the private open space from 9am to 2pm. In regard to a living area, it is unclear as to what rooms are living rooms within this dwelling. The windows at the front of the site, which have a northerly orientation, receive the required amount of solar access from 9am to 1pm. Additionally, there are some windows along the eastern boundary that receive solar access between 9am and 11.15am with the larger rear window shadowed at 11.30am and the smaller middle window shadowed at 11.45am. Additionally, the rear window along this side elevation receives solar access from 1.30pm to 2.45pm. Given the size of the middle window and the length of

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Control	Requirement	Comment
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wall between the porch and rear window of this façade, it is unlikely this window would be a living room. It is more likely that the large window at the rear of this elevation or the large window on the front of the northern elevation in the second image, is a living room.



Property	Compliant Times POS	Hours	Compliant Times Living Area	Hours
18 Brallos Avenue	9am-2pm	5	Front Windows x2 9am-1pm	4

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Control		Requirement			Comment
			Rear window West Elevation (larger) 9am-11.15am, 1.30pm- 2.45pm	3.5	
			Middle window West Elevation (smaller) 9am-11.30am	2.5	
5 Ambon Road	10am-2pm	4	10am-2pm	4	
		<p><u>Privacy</u></p> <p>- Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p>		<p>Complies.</p> <p>The amended design of the dwellings, landscaping and fencing is considered to maximise privacy to the subject site and adjoining properties. Additionally, privacy screens have been added to first floor windows where overlooking may occur at the rear of the site.</p>	
		<p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>		<p>Complies.</p> <p>Windows to habitable rooms are located on the ground floor and are mostly screened by 1.8m high fencing and appropriately setback or have a high sill.</p>	
		<p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p>		<p>Complies.</p> <p>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></p> <p>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</p>		<p>Complies by condition.</p> <p>The site is mapped on land that is likely to be affected by road noise from Heathcote Road. The applicant has subsequently submitted an acoustic report which demonstrates that the proposal is able to meet the acoustic requirements with respect to interior noise levels. The application was reviewed during the clearing house process by Council's Environmental Health Officer, who have recommended appropriate noise conditions will be imposed.</p>	

LDCP 2008 Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones		
Control	Requirement	Comment
	assurance. <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 Freestanding letterbox structures should be designed and constructed of materials that relate to the main building. Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	Complies subject to conditions of consent. Advisory conditions will be imposed outlining Australia Post requirements.
Site Services	<u>Waste Management</u> Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: - 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. Not be located adjacent to an adjoining residential property.	Complies. Bin storage provided in private open spaces onsite and one external bin enclosure for unit 6 in open space area between units 1 and 5. Waste bins are to be collected from the kerb of Brallos Avenue. The application was also referred to Councils Waste Management Department who was supportive of the proposed development, subject to conditions of consent.

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 an unreasonable adverse impacts on the surrounding built environment. The proposed development, as amended, is considered to have been designed in a way that is generally consistent with Council's requirements for development in a medium density zone and for multi-dwelling development.

Furthermore, 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 adverse amenity impacts have been minimised, particularly in terms of visual and acoustic privacy and overshadowing.

Social Impacts and Economic Impacts

The proposal is likely to 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
Building	No objections
City Design	Considered Acceptable, subject to conditions of consent

(b) External Referrals

AGENCY	COMMENTS
Jemena	No objections
APA Group	No objections

(c) Community Consultation

The proposal was first notified for a period of 15 days from 27 February to 13 March 2020 in accordance with Liverpool Community Participation Plan 2019. Ten (10) submissions were received, consisting of eight (8) unique submissions in response to the public consultation process objecting to the proposal.

The proposal was re-notified a second time due to amended plans for a period of 15 days from 16 June to 1 July 2020 in accordance with Liverpool Community Participation Plan 2019. Twenty-seven (27) unique submissions in response to the public consultation process objecting to the proposal.

In addition to the notification period, Council organised an online Community Consultation session, at 4pm on 25 June 2020.

The key issues raised in the submissions relate to:

- Solar access and overshadowing to adjoining properties; measurement to 5pm for POS compliance;
- Setback, separation and privacy impacts – visual (overlooking, loss of views) and acoustic (mechanical ventilation, air conditioning, noise from occupants);
- Insufficient parking within the development and insufficient visitor parking causing additional on-street parking, which will increase hazards to pedestrians and traffic;
- Basement layout including parking arrangements, turning circles and driveway location;
- Traffic impacts in the street and general area regarding parking, inconsistencies in traffic assessment, obstruction of the roadway, narrow street network, emergency vehicle access, opening up of Anzac Road and contributions to augment the local traffic and transport network;
- Insufficient and incorrect detail in plans, shadow diagrams and reports as well as reports missing information or with incorrect details *and leniency on the provision of amended documentation*;
- Privacy impacts of front balconies to dwellings across road;
- Inconsistent with the surrounding residential character and streetscape;
- Asbestos incorrectly identified in property in waste management plan;
- Devaluation of surrounding property;
- Strain on existing services and infrastructure;
- Tree removal inconsistent with arborist report;
- Private open space covered by roof;
- Overdevelopment of the site and re-zoning of the area;
- Bin Collection;
- Temple operating in street that takes a lot of on-street parking;
- Front fencing material;
- Construction impacts regarding deliveries, workers parking, noise and trucks;
- Impact of construction (basement excavation, damage adjoining properties);
- Vegetation species chosen are not good for the area, for privacy and may have potential impacts on adjoining properties; and
- Increased pollution and health concerns.

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

ISSUE 1: *Solar access and overshadowing to adjoining properties; measurement to 5pm for POS compliance*

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. As demonstrated in the compliance tables for the Liverpool Development Control Plan 2008, 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 consistent with Council's Development Control Plan. Council's development controls are written to measure solar access to 5pm in mid-winter and allows the range of 9am to 5pm to be utilised for solar access calculation, even if the sun starts to set prior to 5pm. 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 considered to be consistent with the desired future character of the medium density zone.

ISSUE 2: *Setback, separation and privacy impacts – visual (overlooking, loss of views) and acoustic (mechanical ventilation, air conditioning, noise from occupants, vehicle movements)*

The proposed side setback of Unit 1 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 as a result of a 1.2m setback for Unit 1. 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.

While the side setback of unit 1 does not comply with Council's numerical setback controls, Unit 1 is considered unlikely to cause any unreasonable visual privacy intrusions to adjoining neighbours. Appropriate windows have been incorporated on the ground floor living area on the eastern elevation of unit 1, being a high sill window with a sill height of 1.5m to reduce the occurrence of direct overlooking between sites. Notwithstanding this, on the ground floor adequate visual privacy is maintained largely due to boundary fencing 1.8m in height screening a large portion of this window. Accordingly, due to the type, place and screening of windows on the eastern elevation of Unit 1, privacy impacts between neighbours to the east are considered to be consistent with any dwelling house in a suburban setting, that is setback 1.2m from a side boundary.

All other dwellings are considered appropriately setback from neighbouring properties and all first floor windows are also appropriately setback from side and rear boundaries in accordance with Council's policies. Additionally, privacy screens have been proposed for all of the rear windows of dwellings 5-7, to assist in addressing any overlooking concerns to the rear and side neighbours. 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 dwellings are also required to be designed to include specific material and finishes to reduce traffic noise and vibration from Heathcote Road. It is considered that this will also help reduce noise transference from the proposal into the surrounding locality.

ISSUE 3: *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 13 car spaces onsite in accordance with the provisions of Part 1 Section 20 of the LDCP 2008 however, the DA proposes 16 car parking spaces onsite to service the dwellings. 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 7 dwellings, therefore requires 2 spaces and the applicant has provided 2 visitor car spaces.

It is likely that any visitors to the site will be temporary and that any on-street parking associated with visitors of 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.

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 4: *Basement layout including parking arrangements, turning circles and driveway location;*

The submitted traffic impact assessment indicates that vehicles are able to adequately turn around within the basement, with the inclusion of a turning bay at the end of the basement. Additionally, the tandem parking spaces are considered acceptable given that the spaces that are in front of each other are to be allocated to the one unit. No vehicles are required to reverse out of the basement and the driveway is in a suitable location for the subject site. Furthermore, the application has been reviewed and supported by Council's Traffic Engineers, who investigated and were supportive of the turning circles and parking arrangement associated with the proposal.

ISSUE 5: *Traffic impacts in the street and general area regarding parking, inconsistencies in traffic assessment, obstruction of the roadway, narrow street network, emergency vehicle access, opening up of Anzac Road and contributions to augment the local traffic and transport network.*

As articulated above, the proposed development requires 13 residential car spaces in accordance with the provisions of the DCP and 16 car parking spaces are provided. The development provides a surplus of three spaces. Further, the DCP allows multi-dwelling

housing development on streets with a minimum width of 6.5m. Brallos Avenue has a width of 10.2m and Derna Road, the road to access Brallos Avenue, has a carriageway width of between 6.8m and 7.5m.

Additionally, it is reasonable to expect that visitors to the site will be temporary, and that any on-street parking (which is permitted in the immediate vicinity) is unlikely to inadvertently obstruct access of any dwelling in the locality to emergency or waste collection vehicles.

Further, despite the possibility of an increase in temporary on-street visitor parking, the proposed development cannot be expected to address any flagrant abuse of traffic laws, which may compromise the safety of pedestrians and school aged children in the locality.

The opening up of Anzac Road due to this development is considered to be too onerous for the developer to absorb considering that the development is unlikely to generate significant traffic concerns and is considered consistent with the future desired character of the locality. Additionally, there are no future plans to open up Anzac Road. The applicant will be required to pay Section 7.11 contributions for the development which incorporates a percentage that goes towards traffic management and bikeways programs adopted within the Liverpool Contributions Plan 2018 (Established Areas).

The application was accompanied by a traffic impact assessment which were assessed and reviewed by Council's Traffic Section and had no objection subject to conditions of consent. Inconsistencies in the traffic assessment would be considered by Council's traffic engineer during the review process. As such, generated traffic associated with the proposal is 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 6: *Insufficient and incorrect detail in plans, shadow diagrams and reports as well as reports missing information or with incorrect details and leniency on the provision of amended documentation.*

The proposed plans and shadow diagrams are considered sufficient for the proposed development and are deemed to be accurate in terms of the shadow lengths cast from the development. Plans have been amended since the second notification period and are considered to be of an acceptable quality for assessment. Further, features such as vegetation and internal fencing are not typically included in any architectural shadow diagrams.

Additionally, the technical reports have been reviewed by internal Council departments and any inconsistencies within the technical reports would have been reviewed and addressed during the review process. Some issues are satisfactory subject to the imposition of conditions of consent.

Further, due to the onset of the Covid-19 pandemic, leniency was given to applicants when providing information for Council's assessment due to the changes in working conditions and economic situation surrounding the global pandemic.

ISSUE 7: *Privacy impacts of front balconies to dwellings across road*

The balconies of units 1-4 are unlikely to cause detrimental overlooking concerns to the dwellings on the other side of Brallos Avenue. With a carriageway width of 10.2m as well as the two street verges and the setbacks of the dwellings, totalling approximately 29m, any concerns for overlooking across the street is considered to be unlikely from the first-floor

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balconies of the proposed development.

ISSUE 8: *Inconsistent with the surrounding residential character and streetscape*

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 too dissimilar with the current streetscape, which includes two storey dwellings. The development 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. It should be noted that, in the scenario where two semi-detached dwelling developments were built on the sites, this would result in four dwellings fronting the street. The proposed development is consistent with this scenario by also having four dwellings that front the street. As demonstrated in this report, the proposal is generally consistent with Council's provisions and is therefore consistent with the desired future character of the area.

ISSUE 9: *Asbestos incorrectly identified in property in waste management plan*

The waste management plan was reviewed by Council's waste management officer who has advised that conditions of consent relating to asbestos management and handling as well as an amended waste management plan is to be provided prior to the issue of a Construction Certificate.

Conditions of consent will be applied to ensure the development is carried out in accordance with the relevant Australian Standards that asbestos removal is carried out by appropriate personnel and that noise, dust and pollution is limited from the works. The Principal Certifying Authority for the development will be responsible for ensuring the development is compliant with the development consent and Council has the potential to investigate any concerns if they are raised during the demolition, construction and post construction stages.

ISSUE 10: *Devaluation of surrounding property*

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 11: *Strain on existing local services and infrastructure*

The notion that this development will have an adverse impact on the areas water pressure or infrastructure cannot be substantiated at this stage. If approved, and prior to development of the site, a standard condition is recommended to be imposed on any consent granted that requires the applicant to obtain a certificate from Sydney Water to confirm that there is adequate capacity in their system to accommodate the development

The DA was also 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. 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.

The apparent lack of parking spaces at the nearby shops and stations and the capacity of

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transport services is considered to be beyond the scope of this application. A condition of consent has been imposed, which requires the applicant to provide a footpath out the front of the development.

Additionally, development contributions will be applicable to this development and will assist in the provision of local and district community facilities.

ISSUE 12: *Tree removal inconsistent with arborist report*

The arborist report recommends the retention of the street tree within Brallos Avenue, in front of number 16. The plans have since been amended since the public notification period to retain this tree. Additionally, conditions of consent will be imposed to incorporate more trees in the front landscaped area as well as planting of a street tree within Brallos Avenue in front of the current number 14 site. Further conditions will apply regarding tree protection during the works for the proposed development.

ISSUE 13: *Private open space covered by roof*

Although the control states that private open space is not to be covered by a roof, the definition of private open space within Section 6 of Part 3.6 of the LDCP 2008 specifies that private open space can include a patio and unroofed pergola. As such the development provides private open space within the patio/alfresco areas and timber pergolas of the units.

ISSUE 14: *Overdevelopment of the site and re-zoning of the area*

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.

The area was re-zoned to be R3 Medium Density Residential during the establishment of the Liverpool Local Environmental Plan 2008 and has been in place for the past 12 years.

ISSUE 15: *Bin Collection*

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 Brallos Avenue 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 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 16: *Temple operating in street that takes a lot of on-street parking;*

The development proposes to include sufficient off-street parking as previously addressed. The submission has not indicated which property this is operating from and it is advisable to contact Council's compliance section and lodge a complaint for potential nuisance within the street. Council's compliance team are able to investigate whether there is any approval on that site for a place of public worship and if there is traffic problems caused by this development, they may be able to make enforcement action where appropriate.

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ISSUE 17: *Front fencing material*

The front fencing is currently proposed as being a solid brick fence. The front fencing is to be conditioned to be a combination of masonry with timber infill panelling with 30% transparency in order to comply with the development controls and assist in providing passive surveillance to Brallos Avenue from the front living rooms.

ISSUE 18: *Construction impacts regarding deliveries, workers parking, noise and trucks*

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.

It is reasonable to expect that any workers on the site will be temporary and be parked either on the site or on the street during the day,. Further, it is unlikely that workers will obstruct access to any dwelling in the locality where road users adhere to road rules.

ISSUE 19: *Impact of construction (basement excavation, damage adjoining properties);*

Conditions relating to dilapidation and geotechnical reporting are to be imposed for the development to ensure the structural stability of the excavation works for the building and basement, and in order to reduce impacts on adjoining properties during construction. This includes conditions relating to excavation and mitigation of impacts to adjoining 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 20: *Vegetation species chosen are not good for the area, for privacy and may have potential impacts on adjoining properties;*

The landscape plans were reviewed by Council's landscape officer who was supportive of the proposed development subject to the imposition of conditions. Further, the shrubs planted along the boundaries are to reach a mature height of 3-4m which can provide screening for privacy to the side and rear neighbours. Additional trees are to be planted within the front landscaped area and an additional street tree. Further, an amended landscape plan is to be conditioned to ensure that tree species specified within Appendix 2 of Part 1 of the DCP are used within the landscape design.

ISSUE 21: *Increased pollution and health concerns.*

The plans submitted with the development do not indicate the use of an exhaust grill or ventilation stack from the basement. Additionally, considering the proximity of the development to Heathcote Road, the traffic pollution emitted from the site would be negligible compared to the traffic volume on Heathcote Road. As demonstrated in this report, the proposal is generally consistent with Council's provisions and is therefore consistent with the desired future character of the area.

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

7. DEVELOPMENT CONTRIBUTIONS

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-822/2019 seeking approval for the consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision, be approved subject to conditions of consent.

10. ATTACHMENTS

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

ATTACHMENT 1: PLANS OF THE PROPOSAL

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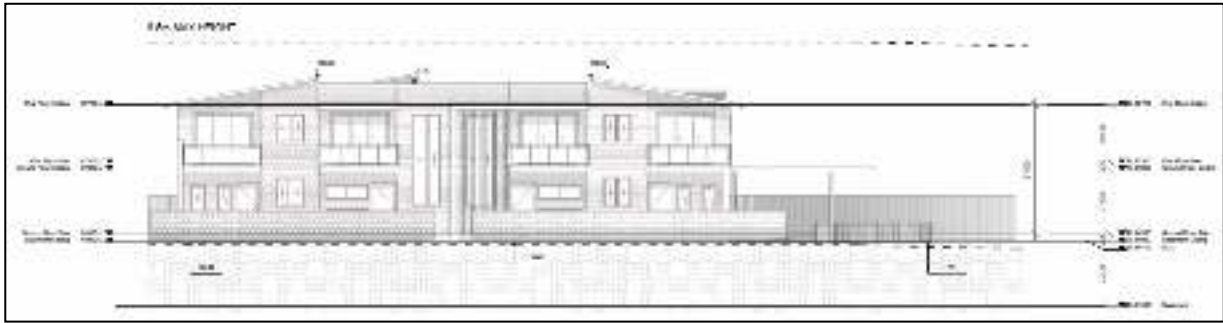
26 October 2020



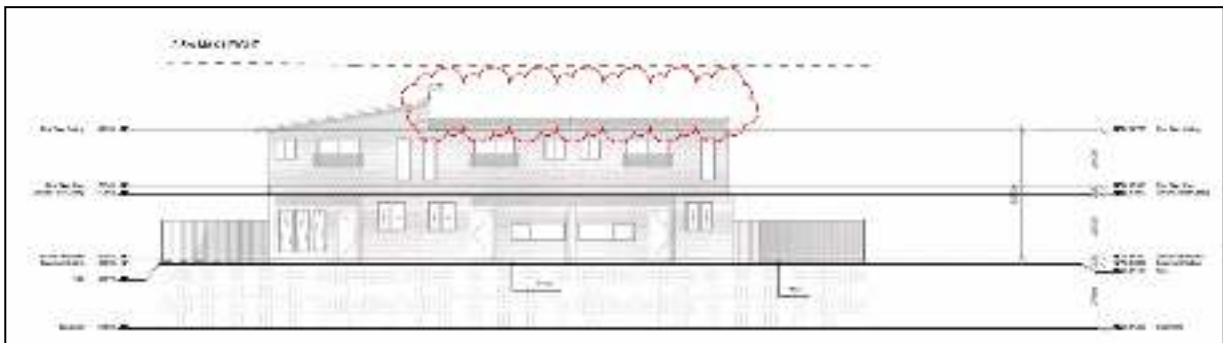
Site Plan

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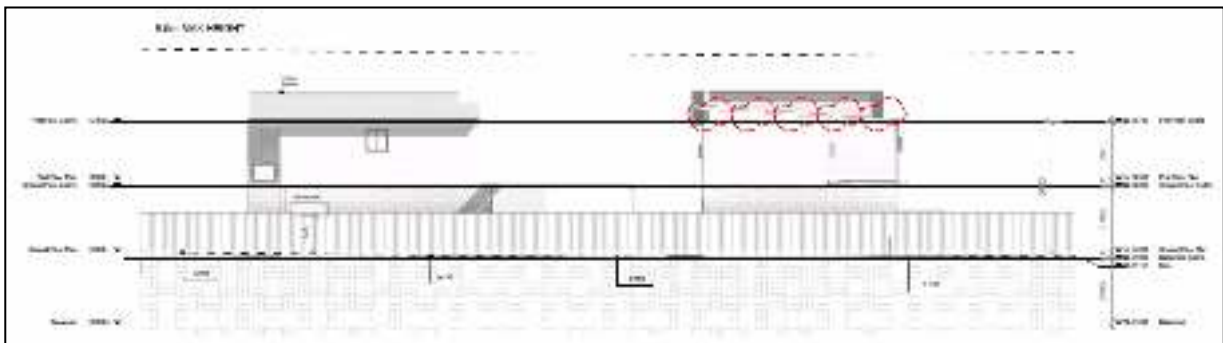
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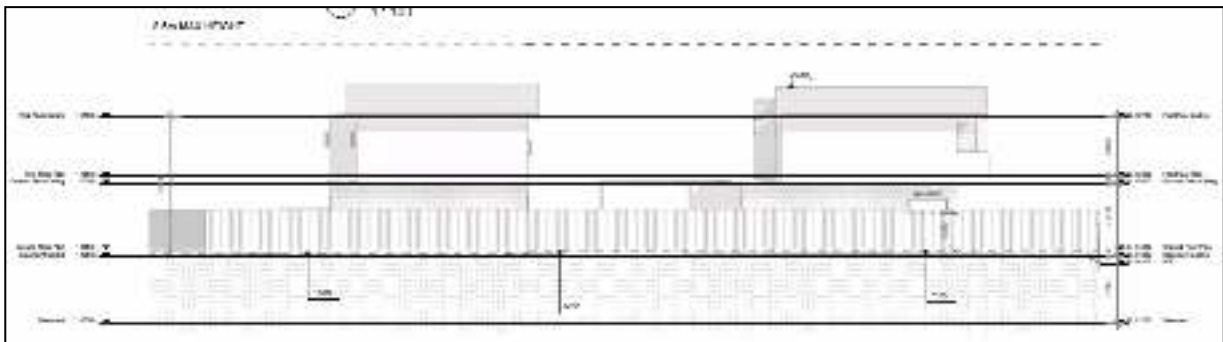
North-East Elevation Units 1-4 (Street Frontage)



North-East Elevation Units 5-7



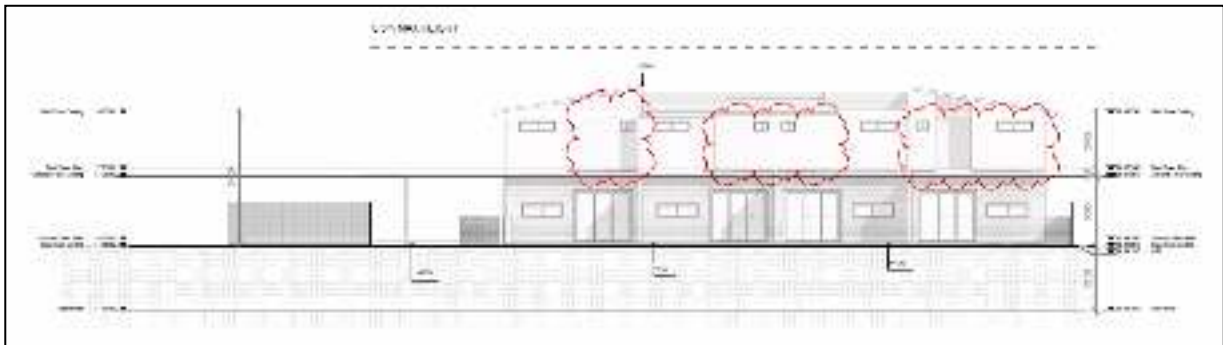
South-East Elevation



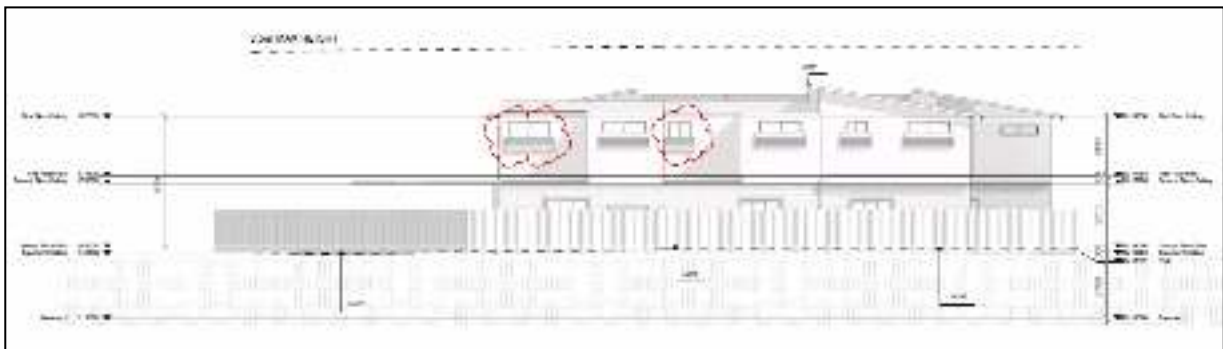
North-West Elevation

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South-West Elevation Units 1-4



South-West Elevation Units 5-7 (Rear setback)



Streetscape Elevation



Streetscape Perspective View

ATTACHMENT 2 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

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

- (a) Architectural plans prepared by Baini Design; Project No. 17158; including the following:

Drawing Title	Drawing No.	Revision	Dated
Demolition Plan	01	E	29/09/2020
Site Plan	02	E	29/09/2020
Basement	03	E	29/09/2020
Ground Floor/ First Floor	04	E	29/09/2020
Elevations	05	E	29/09/2020
Elevations	06	E	29/09/2020
Sections	07	E	29/09/2020
Driveway Sections	08	E	29/09/2020
Schedule of Finishes	09	E	29/09/2020

- (b) BASIX Certificate, Certificate No: 884320M_03 prepared by AKV Pty Ltd, Dated 11 May 2020;
- (c) Acoustic Report, prepared by Acoustic Consulting Engineers, reference number 170947-01L-DD, Revision 01, dated 27 February 2019;
- (d) Arboricultural Assessment and Tree Management Plan, prepared by Horticultural Management Services, dated 21 November 2017; and
- (e) Traffic Assessment, prepared by Stantec, reference no. 15094-TA-200703, Revision 3; dated 03/07/2020.

Amended Plans

2. Prior to the issue of a Construction Certificate, an amended landscaping plan is to be submitted to Liverpool City Council for approval. The amended landscape plan is to:
 - (a) Be carried out by a suitably qualified landscape architect;
 - (b) Ensure that all vegetation being planted on the site is a species listed in accordance with Appendix 2 of Part 1 of Liverpool Development Control Plan 2008 (except for two feature trees in accordance with item (d));
 - (c) Provide two (2) additional canopy trees with a minimum mature height of eight (8) metres within the front setback landscaping area;
 - (d) Two (2) trees within the front setback landscaped area are to be feature trees of another species outside of the recommended species listed in Appendix 2 of Part 1 of Liverpool Development Control Plan 2008;
 - (e) One (1) street tree is to be planted along the Brallos Avenue frontage of the site in between the driveway and the existing street tree to be retained (in front of what is

currently known as 14 Brallos Avenue, Holsworthy). The species of street tree is to be chosen from one of the following:

- i. Tristaniopsis laurina (water gum)
- ii. Elaeocarpus reticulatus (blueberry ash)
- iii. Fraxinus griffithii (evergreen ash)
- iv. Lagerstroemia species. (crepe myrtle);

and

- (f) Ensure all trees being planted have a minimum pot size of 75 litres.
3. The solid brick front fence wall presenting to Brallos Avenue as indicated on the approved plans, shall be removed and replaced with masonry fencing with brick piers and infill panels with a height of no more than 1.2 metres and have 30% transparency. This shall be incorporated into the construction certificate drawings to the satisfaction of the PCA.

General Compliance

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

National Construction Code

5. 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, or a combination of (a) and (b).

Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

The total contribution is **\$27,782** and will be adjusted at the time of payment in accordance with the contribution plan.

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50% of the total amount is **\$13,891** 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 - Land Development

8. 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.

Construction Requirements - Retaining Walls

9. 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.

BASIX

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

S138 Roads Act – Minor Works in the Public Road

11. 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.

S138 Roads Act – roadworks requiring approval of civil drawings

17. 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 the following within Brallos Avenue, Holsworthy:
- i. Demolish all existing driveway laybacks and reinstate kerb and gutter (site frontage)
 - ii. 1.5m wide concrete footpath paving (site frontage)
 - iii. Removal of existing and construction of concrete kerb and gutter (site frontage)
 - iv. Stormwater drainage works connecting to the Council system

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.

On-Site Detention

12. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by BMY Building Consultants, reference number 20118SW - SWDP01 to SWDP06, revision C, dated 06.07.2020.

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.

For the OSD system:

- i. The TWL of the basin shall be 250mm below the ground floor FFL and the level of the emergency overflow weir is to match the TWL of the basin.
- ii. The GTD within the entry path is to be located to suit the public final footpath levels and coordinated with the TWL of the basin.
- iii. Consider drowned/submerged outlet conditions due to the proposed connection point into the public stormwater system outlet.
- iv. The stormwater outlet pipe from the HED pit is to be as follows:
 - a) connect to the back of the street inlet pit in the direction of flow within the Council pipe, or at 90'
 - b) is to be RCP 375mm dia
 - c) have a minimum of 1% downgrade

For the basement pump out system:

- i. Connect the basement SWRM as high as possible/practical, at the 600mm x 600mm GSIP.
- ii. Proposed residential storage areas in the basement shall be set a minimum of 100mm above the surface level of the pump out tank.
- iii. An additional access grate shall be located next to the access grate above the pump.

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

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

No Loading on Easements

14. 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.

Footpaths

15. The construction certificate plans are to detail the provision of a new footpath fronting the development site. The footpath is to be 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh).

Access, Car Parking and Manoeuvring

16. 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 and AS2890.6.
17. 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 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*.

Traffic

18. Detailed design plans for the access driveway and car park 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.
19. Street lighting is to be reviewed and, if required, upgraded to Council's specifications.

Construction Traffic Management Plan

20. 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.

Traffic Management Plan

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

The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Waste Management

22. Prior to the issue of a Construction Certificate, a revised waste management plan (WMP) must be submitted, stating that all legislation and regulations from the NSW EPA and WorkCover, in respect to the handling and disposal of asbestos construction materials (ACMs), will be observed. The revised WMP must further note that given the amount of asbestos materials identified in the buildings to be demolished, all removal, wrapping and tipping of all ACMs will be done by a licenced asbestos contractor. The name, address and licence details of that contractor must be provided in writing to Council and to the Principal Certifying Authority, along with the name and address of the licenced disposal facility to which those materials will be taken.
23. Prior to the issue of a Construction Certificate, the revised WMP will note that the waste bin storage enclosure to be provided for Unit 6 is to be of a durable, weatherproof construction, must completely enclose the three bins of that household and be lockable to prevent anyone but the Unit 6 householders from gaining access to those bins to place materials in them.
24. Prior to the issue of a Construction Certificate, the revised WMP will note that all private open spaces of units in which domestic waste bins will be stored, are to be provided with a hardstand area large enough to take all three waste bins together.
25. Prior to the issue of a Construction Certificate, project documentation must be sighted by the Principal Certifying Authority, confirming that the existing redundant driveway crossovers to Brallos Avenue will be removed and replaced with standard kerb and gutter, with grass nature strip behind, to facilitate waste bin collection.

Provision of Services – Sydney Water

26. 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

27. 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 - Telco

28. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the

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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.

Dilapidation Report

- 29. A dilapidation report of all infrastructure fronting the development in Brallos Avenue, Holsworthy is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Dilapidation Report Private Property (Excavations)

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

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

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

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

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

Recommendations of Acoustic Report

- 31. The recommendations provided in the approved acoustic report prepared by Acoustic Consulting Engineers, reference number 170947-01L-DD, Revision 01, dated 27 February 2019 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

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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.

Cladding

32. 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

33. 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.

Driveway/Services – Location

34. 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.

Private Open Space Fencing

35. All private open space fencing shall have a height of 1.8m above finished ground level. The construction certificate drawings shall reflect this.

Notification to Council

36. 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.

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

37. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the *Environmental Planning and Assessment Act, 1979* means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

38. 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.
39. 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.

Site Facilities

40. 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.

Excavation

41. 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.

Residential Building Work

42. 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.
43. 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.

Site Notice Board

44. 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.

Notification

45. 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.

Arboricultural Impact Assessment

46. All recommendations of the approved Arboricultural Assessment and Tree Management Plan, prepared by Horticultural Management Services, dated 21 November 2017 that are required to be implemented prior to works commencing shall be carried out to the satisfaction of the PCA.

Demolition Works

47. 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 with NSW Work Cover requirements.

Dial Before You Dig

48. 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.

Sydney Water

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

Waste Classification and Disposal of Contaminated Soil and Material

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

Sediment & Erosion Control

51. 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.

Environmental Management

52. 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.

Toilet Facilities

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

Waste Management

54. Prior to any demolition or site clearing works commencing, the domestic waste bins of the existing residences to be demolished at 14 and 16 Brallos Avenue Holsworthy 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.
55. 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 must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

Traffic Control Plan

56. 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.
57. 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.

D. DURING CONSTRUCTION

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

Hours of Construction Work and Deliveries

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

Construction Noise and Vibration

59. 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).

Building Work

60. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
61. 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.
62. 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.

Identification Survey Report

63. 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.

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Demolition Inspections

64. 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 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.

Excavation

65. 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, and
 - (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.

Security Fence

66. 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.

Notification of Damage

67. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The

damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Drainage Connection

68. 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.

Street Lighting

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

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

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

Traffic

70. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>.
71. 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.
72. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.
73. The endorsed CTMP is to be implemented during the construction.

Traffic – Car Parking Areas

74. 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

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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.

Waste Management

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

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

76. 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 are to be buried on site.
77. 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.

Arboricultural Impact Assessment

78. All recommendations of the approved Arboricultural Assessment and Tree Management Plan, prepared by Horticultural Management Services, dated 21 November 2017 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.

General Site Works

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

Removal of Dangerous and/or Hazardous Waste

81. 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.

Erosion Control - Measures

82. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
83. 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.
84. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Earthworks

85. 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.

Contamination

86. 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).

Imported Fill Material

87. 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

88. 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

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- material used in the development, and
(c) the results of any chemical testing of fill material.

Unidentified Contamination

89. 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.

Air Quality

90. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
91. 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.
92. 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.
93. 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..

Pollution Control

94. 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.
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. Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Environmental Controls

97. 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.

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98. 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.
99. 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.
100. No known environmental or noxious weeds or known invasive plant species shall be included in any landscaping/revegetation.
101. 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.

Aboriginal Relics/Artefacts

102. 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.

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):

Certificates

103. The premises must not be utilised until an Occupation Certificate is issued by the principal certifier.
104. 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.
105. 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.

Section 7.11 Payment

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

Cladding

107. 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.

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Land Consolidation

108. 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.

Services

109. 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.
110. 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
 - 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.

Arboricultural Assessment

111. The PCA shall ensure that all recommendations of the approved Arboricultural Assessment and Tree Management Plan, prepared by Horticultural Management Services, dated 21 November 2017 have been satisfactorily completed.

Landscaping

112. 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.

Liverpool City Council Clearance – Roads Act/Local Government Act

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

Works as Executed - General

114. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in

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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

115. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the on-site detention 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, have met the design intent with regard to any construction variations to the approved design and 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

116. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out 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.

Footpaths

117. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving is to be constructed in front of the development site.

BASIX

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

Dilapidation Report

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

Rectification of Damage

120. 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 Brallos Avenue, Holsworthy will require a Roads Act

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application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Road Works

121. 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.
122. The internal driveway shall not be constructed up to the property line until a boundary line level has been approved by Council.

Display of Street Numbers

123. 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.

Traffic

124. Prior to the issue of an occupation certificate, all advisory signage, line marking and sign postings are to be installed on the subject site.
125. Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.
126. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.
127. Any control device for roller gates into the basement car parking area is to be located to accommodate a vehicle fully with the site.
128. Prior to the issue of an OC, car parking spaces in tandem formation are to be allocated to the same dwellings only and are to be clearly signposted and line marked.
129. Prior to the issue of an OC, visitor parking spaces and the vehicle turning bay are to be clearly signposted and line marked.

Recommendations of Acoustic Report

130. 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 prepared by Acoustic Consulting Engineers, reference number 170947-01L-DD, Revision 01, dated 27 February 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.

F. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

Completion of Subdivision Works

131. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

Stormwater Compliance

132. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the on-site detention 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 have met the design intent with regard to any construction variations to the approved design and 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

133. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the on-site detention 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.

Rectification of Damage

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

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

Subdivision Compliance

135. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following

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documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans; and
- b) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

Linen Plans and 88B Instruments

136. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).
137. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
138. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.
139. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

Dilapidation Report

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

Service Providers

141. The following documentation is to be provided prior to the release of the subdivision certificate:
 - a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk

sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

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

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

Waste Management

- 142. Prior to the issue of a subdivision certificate, the by-laws of the strata are to be drafted to state that the responsibility for the maintenance, repair and correct functioning of the bin storage enclosure for Unit 6, is to rest with the strata.

G. CONDITIONS RELATING TO USE

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

Landscaping

- 143. 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.

Graffiti

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

Car Parking

- 145. All parking areas shown on the approved plans must be used solely for this purpose.
- 146. A total of sixteen (16) off street car parking spaces must be provided in accordance with Council's relevant development control plan.

147. Car parking spaces in tandem formation are to be allocated to the same dwellings only.

Waste Management

148. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
149. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
150. 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.
151. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
152. Once the Occupation Certificate has been issued for the new residences, but prior to residents moving in, 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.
153. Under current collection arrangements, each dwelling will be issued with a 140 litre general waste bin, a 240 litre recycling bin and a 240 litre green (garden) waste bin. These arrangements may be subject to change under future collection contracts.
154. Paths of travel of all waste bins to the kerbside of Brallos Avenue are to remain smooth, unobstructed and free of steps, kerbs or any other sudden change in level.
155. The residents of all units are responsible for placing their own waste bins at the kerbside of Brallos Avenue for emptying no earlier than the afternoon before collection. Those bins must, in the case of Units 1, 2, 3, 4, 5 and 7, be placed back into the private open space of their dwelling no later than 24 hours after emptying. The residents of Unit 6 must place their waste bins back into the bin enclosure provided for that purpose no later than 24 hours after emptying.
156. Domestic waste bins are for the permitted types of household waste only, hazardous materials, builders/trade waste and car parts are not permitted.
157. All bulky household wastes must be kept within their residence of origin. Residents are responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside 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.

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) 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.

- 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.

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ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
Liverpool 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-822/2019

PROPOSAL: Consolidation of two lots, demolition of existing structures and the construction of a multi dwelling housing development consisting of 7 two storey dwellings over basement car parking with strata subdivision

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Eastern	\$2,180	GL.10000001870.10098
District Sporting Fields - works		
Eastern	\$7,450	GL.10000001869.10212
District Passive Open Space - works		
Eastern	\$3,868	GL.10000001869.10092
Local Passive Open Space - works		
Hammondville / Holsworthy	\$10,461	GL.10000001869.10097
Transport - Bikeways - works		
Eastern	\$644	GL.10000001865.10208
Transport - Traffic management - works		
Eastern	\$1,834	GL.10000001865.10214
Drainage - works		
Eastern	\$934	GL.10000001866.10210
Administration	\$411	GL.10000001872.10104
<u>TOTAL</u>	<u>\$27,782</u>	

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

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RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____