

# LOCAL PLANNING PANEL AGENDA

25 September 2023

LIVERPOOL  
CITY  
COUNCIL



FRANCIS GREENWAY  
CENTRE, 170 GEORGE  
STREET, LIVERPOOL

# MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

**Monday, 25 September 2023**

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

## Microsoft Teams meeting

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

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, 22<sup>nd</sup> September 2023.

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

<https://www.liverpool.nsw.gov.au/development/assessment-panels/Liverpool-Local-Planning-Panel>

<b>ITEM No.</b>	<b>SUBJECT</b>	<b>PAGE No.</b>
<b>1</b>	<p><b>DEVELOPMENT APPLICATION DA-653/2022</b></p> <p><b>DEMOLITION OF SITE STRUCTURES, TREE REMOVAL AND SUBSEQUENT CONSTRUCTION OF A SIX (6) STOREY RESIDENTIAL FLAT BUILDING OVER TWO (2) LEVELS OF BASEMENT PARKING.</b></p> <p><b>LOTS 65 AND 66 IN DP 200705</b></p> <p><b>12 – 14 SHEAHAN STREET, WARWICK FARM NSW 2170</b></p>	<b>4 - 154</b>

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<b>2</b>	<p><b>DEVELOPMENT APPLICATION DA-535/2022</b></p> <p><b>DEMOLITION OF EXISTING DWELLING, STRATA SUBDIVISION AND CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT COMPRISING OF FOUR (4) TWO (2) STOREY DWELLINGS, PARKING AND ASSOCIATED LANDSCAPING.</b></p> <p><b>LOT 71 DP 25142</b></p> <p><b>217 MEMORIAL AVENUE, LIVERPOOL NSW 2170</b></p>	<b>155 - 236</b>

<b>Item Number:</b>	1
<b>Application Number:</b>	DA-653/2022
<b>Proposed Development:</b>	Demolition of site structures, tree removal and subsequent construction of a six (6) storey residential flat building over two (2) levels of basement parking.
<b>Property Address</b>	12 – 14 Sheahan Street, Warwick Farm
<b>Legal Description:</b>	Lots 65 & 66 in DP 200705
<b>Applicant:</b>	Think Planners Pty Ltd
<b>Land Owner:</b>	Sheahan Street Investments Pty Ltd
<b>Cost of Works:</b>	\$7,700,000.00
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Emily Lawson

## 1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-653/2022) seeking consent for the demolition of site structures, tree removal and subsequent construction of a six (6) storey residential flat building over two (2) levels of basement parking at 12-14 Sheahan Street, Warwick Farm. The proposed complex comprises 20 dwellings over 2 levels of basement parking and related landscaping and stormwater management.

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

The development application was advertised/notified for a period of 14 days commencing on 16 July and ending on 2 August 2022 in accordance with Liverpool Community Participation Plan 2019. One submission was received during the public consultation period objecting to the proposed development.

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

*Sensitive Development*

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

Council's Design Excellence Panel (DEP) reviewed the proposal and recommended design changes. In response to the issues raised by DEP, the Applicant elected to amend the proposal to directly address the matters raised by DEP.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. In summary, the proposal is considered acceptable on merit, and the application is recommended for approval, subject to conditions.

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 The locality**

The site is located within the established suburb of Warwick Farm in an area characterised by a mix of low-density residential development, and higher density developments located along key transport corridors. The immediate locality is zoned R4 High Density and R3 Medium Density Residential. The subject site is adjoined by single storey dwelling houses to the north, east and south, and three storey residential flat buildings to the west.

Sheahan Street is split-zoned, with high-density residential development permitted on its western side and medium-density development permitted on the eastern side of the street. The western side of the street is closest to the Warwick Farm local centre. Whilst zoned for higher density development, most of the sites in Sheahan Street are yet to be redeveloped.

The site is located approximately 100m south-east of the Warwick Farm local centre, and 250m west of E4 employment land which accommodates the 'Hometown' bulky goods outlet and a range of additional warehousing and showroom facilities as well as the 'Peter Warren' motor dealership.

Durrant Oval is located approximately 350m north of the site, with additional RE1 zoned land located further north and west, surrounding the path of Cabramatta Creek and Brickmakers Creek.

The site is located 100m north of Hume Highway and 250m northwest of the Warwick Farm Train Station. Sheahan Street is well connected to the rail station via a pedestrian pathway that runs adjacent to and under the highway. The site is about 300m by foot from the rail station.



**Figure 1** – Aerial view of the locality (Source: SIX Maps)

## 2.2 The site

The subject site is identified as Lots 65 and 66 in DP 200705 and is located at 12-14 Sheahan Street, Warwick Farm. The site is an irregular shaped allotment with a total area of 1,109.9m<sup>2</sup> and a frontage width 32.94m to Sheahan Street. The site is located on the western side of a residential cul-de-sac.

The topography of the site slopes towards its north, from a maximum RL 10.74 at the site's southwest to a minimum RL 9.68 at the site's Sheehan Street frontage.

The site features minimal landscaping, with 3 x small trees and shrubs within the southwest corner of the site, and grass groundcover in the front and rear setbacks of the site. The site features extensive hardstand area within the front and rear setbacks around the dwelling. Vehicular access to the site is provided from Sheahan Street at the head of the cul-de-sac.



Figure 2: Aerial view of the site (Source: Geocortex)

### 3. BACKGROUND/HISTORY

A brief DA history is presented below:

Date	Details
14 June 2022	DA lodged with Council
16 July 2022	The DA was notified from 16 July to 2 August 2022. One (1) submission was received against the application.
10 November 2022	Design Excellence Panel held.
16 May 2023	Council issued RFI requesting: <ul style="list-style-type: none"> <li>- Response to DEP minutes</li> <li>- Amended Architectural Plans</li> <li>- Amended Traffic Report</li> </ul>
21 June 2023	Additional information provided by the applicant including: <ul style="list-style-type: none"> <li>- Amended Architectural Plans</li> <li>- Amended Landscape Plan</li> <li>- Amended Stormwater Report</li> <li>- Amended Traffic Impact Statement</li> </ul>
13 July 2023	Follow up Design Excellence Panel held to assess whether original matters have been addressed.

17 August 2023	<p>Additional information provided by the applicant including:</p> <ul style="list-style-type: none"> <li>- Amended Architectural Plans</li> <li>- Amended Landscape Plan</li> <li>- Amended Stormwater Drainage Plan</li> <li>- Amended Traffic Report</li> </ul>
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The Design Excellence Panel recommended the proposal be supported given the changes it underwent from the original proposal in November 2022. The Applicant was requested to respond to recommendations made by the Panel, which have now been implemented into amended architectural plans for the project.

#### **4. DETAILS OF THE PROPOSAL**

The development application, as amended seeks consent for the demolition of site structures, tree removal and subsequent construction of a six (6) storey residential flat building over two (2) levels of basement parking.

Details of the proposal are provided as follows:

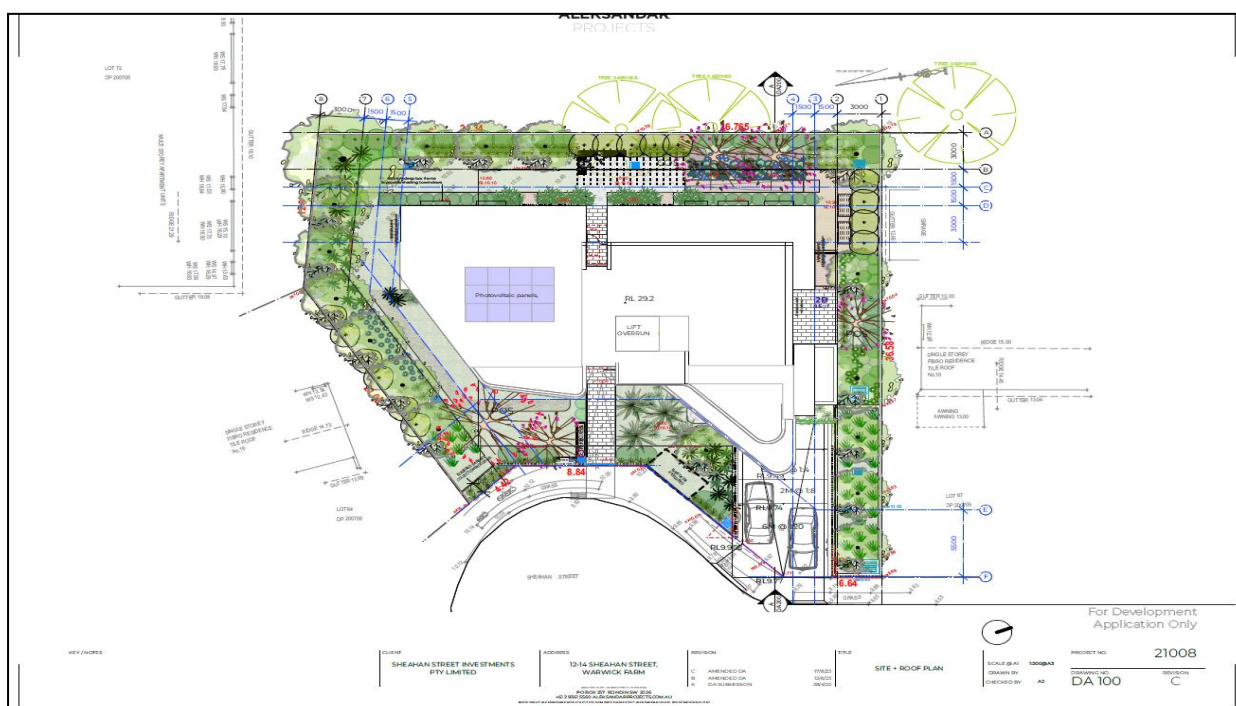
<b>Element</b>	<b>Proposed</b>
Site Area	1,109.9m <sup>2</sup>
FSR	Site area=1,109.9m <sup>2</sup> Proposed GFA = 1,657m <sup>2</sup> FSR = 1.49:1
Residential Units	Total of 20 residential units. Dwelling mix as follows: <ul style="list-style-type: none"> <li>• 8 x 1 bedroom</li> <li>• 8 x 2 bedroom</li> <li>• 4 x 3 bedroom</li> </ul>
Height	Approximately 20.19m to the lift overrun
Storeys	Six (6) storeys
Front Setbacks to street boundaries	5.5m
Side Setback (southern boundary)	Level 01 (Ground) to Level 6: 6m
Side Setback (western boundary)	Level 01 (Ground) to Level 04: 6m  Level 05 to Level 06: 9m (6m to planter box)
Side Setback (northern boundary)	Level 01 (Ground): 3m  Level 02 to Level 04: 4.5m



	Level 05 to Level 06: 6m (4.5m to planter box)
Car parking spaces	Basement Level 01: 12 car spaces including 5 visitor spaces.  Basement Level 02: 16 car spaces, 10 bicycle spaces and waste storage room

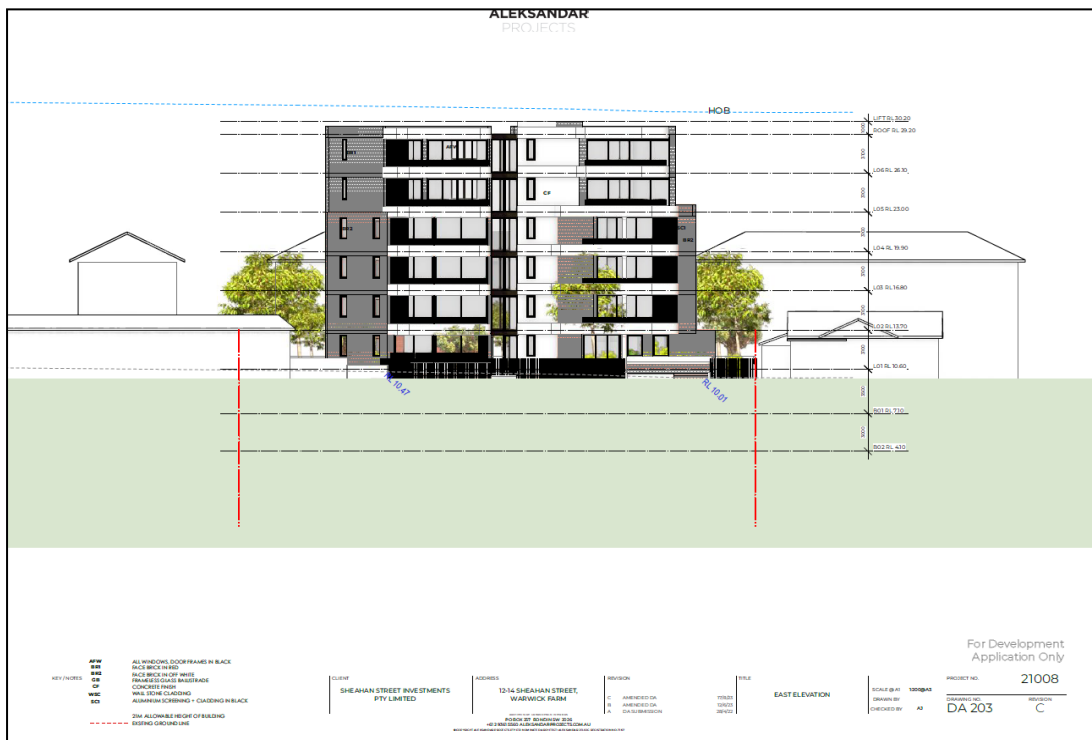
**Architectural Plans**

The proposed development is illustrated in the following architectural plans.



**Figure 3 – Site Plan (Source: Aleksandar Projects)**





**Figure 6 – East Elevation Plan (Source: Aleksandar Projects)**



**Figure 7 – West Elevation Plan (Source: Aleksandar Projects)**

**Demolition, Tree Removal and Excavation**

The proposed development includes demolition of existing dwellings and building structures, removal of 7 trees, and excavation for basements.

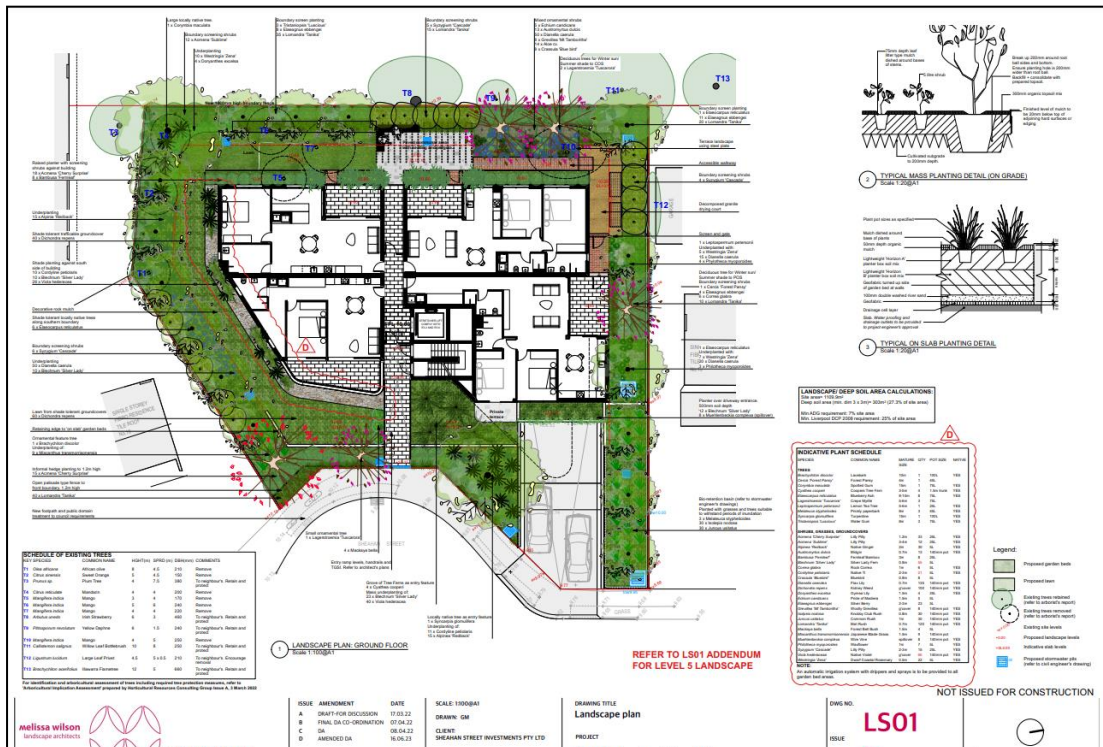
**Access and Parking**

The proposal includes the construction of two basement levels, with access provided from Sheahan Street at the eastern side of the site. The basement levels include the following:

- 23 residential parking spaces
- 5 visitor parking spaces
- Storage cages
- 10 bicycle parking spaces

**Communal Open Space (COS) and Landscaping**

The proposal provides Communal Open Space (COS) at the rear of the site and within its side setbacks. The total COS provided is 440sqm, which equals 40% of the site area. The development incorporates a variety of landscaping throughout the site which includes large and small plantings within deep soil zones at ground level and planter boxes at higher levels.



**Figure 8 – Landscape Plan (Source: Melissa Wilson Landscape Architects)**

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

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

#### Environmental Planning Instruments (EPI's)

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

#### Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

#### Development Control Plans

- Liverpool Development Control Plan 2008
  - Part 1: Controls applying to all development
  - Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)

#### Contributions Plans

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

## **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 2021*, as follows:

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

*Insert the provisions of relevant Planning Instrument*

#### **(a) State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.**

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.

The applicant has provided an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65. This is provided within Attachment 3 for review.

The Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Certificate from the building designer at lodgment of the development application. This documentation has been submitted and fulfils the requirements of the Regulations.

Clause 28 of SEPP 65 requires:

- (2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):
  - (a) the advice (if any) obtained from the design review panel, and
  - (b) the design quality of the development when evaluated in accordance with the design quality principles, and
  - (c) the Apartment Design Guide.

## **DESIGN REVIEW PANEL**

Liverpool City Council has an appointed Design Excellence Advisory Panel (DEP). Refer to the DEP comments in the previous sections within this report.

## **DESIGN QUALITY PRINCIPLES**

### **Principle 1: Context and Neighbourhood Character**

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

#### Comment:

The proposed building being a six-storey residential building, has been designed to appropriately respond to, and fits comfortably within, its context. The design of the building will enhance the qualities of the area and is reflective of a modern residential flat building development.

### **Principle 2: Built Form and Scale**

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

#### Comment:

The proposed building achieves a scale, bulk and height that is appropriate to the existing and desired future character of the street and in accordance with the applicable Planning Controls. The development provides a built form and scale that is reflective of its location and is contextually appropriate when viewed in the context of other developments within the locality.

### **Principle 3: Density**

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

#### **Comment:**

The proposed development complies with the Floor space ratio (FSR) requirements that applies to the site pursuant to Liverpool Local Environment Plan 2008 (LLEP 2008) and therefore provides appropriate density for the site.

In addition to the above, the sizing of the units is appropriate given the location of the site and likely demographic in the locality.

### **Principle 4: Sustainability**

*Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.*

Comment:

The design of the building allows for adequate natural cross ventilation and sunlight for the amenity and livability of future residents and provides passive thermal design for ventilation, heating and cooling which will reduce the reliance on technology and operation costs.

The application is supported by a Waste Management Plan (prepared by Dickens Solutions) which includes suitable details for the disposal and recycling of demolition and excavation materials should the application be approved. In addition, a BASIX certificate has been submitted with the application. The certificate confirms that the development is capable of achieving the water and energy targets and has obtained a pass for thermal comfort.

**Principle 5: Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.*

Comment:

The proposal has been provided with a landscape plan that has responded to the initial comments provided DEP. The proposed landscape overall will contribute to the desired landscape character of the area.

**Principle 6: Amenity**

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*



Comment:

The design of the building provides sufficient amenity for future residents and residents in neighbouring properties. A sufficient level of sunlight, natural ventilation, privacy and private open space is afforded to future dwelling occupants and maintained for occupants of surrounding residential properties.

**Principle 7: Safety**

*Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.*

Comment:

Generally, the development provides well designed and secure access to vehicular and pedestrian access points to the development. All apartments provide balconies and windows which provides passive surveillance to Sheahan Street.

**Principle 8: Housing Diversity and Social Interaction**

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*

Comment:

The provision of a mix of apartments in this location is considered reasonable due to the site's close proximity to public transport, and retail and commercial facilities.

**Principle 9: Aesthetics**

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

Comment:

The building provides a modern and contemporary form with a well-considered use of physical and material articulation and modulation to provide a front facade that will contribute to Sheahan Street.

**APARTMENT DESIGN GUIDE**

Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Apartment Design Guide (ADG). An assessment against the controls of the ADG is provided within Attachment 1.

In summary, the development is compliant with the ADG and is suitable in terms of site, scale, bulk and character.

**(b) State Environmental Planning Policy (Resilience and Hazards) 2021**

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

<b>Clause 4.6 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

**(c) State Environmental Planning Policy (BASIX) 2004**

In accordance with this policy, all new residential dwellings and those seeking alterations and additions require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to meet energy and water efficiency targets.

A BASIX certificate (No. 1303257M\_03) has been submitted with the development.

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

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

*(Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, the savings and transitional provisions in Part 6.6 of the SEPP (Biodiversity and Conservation) 2021 state these former repealed provisions of the SEPP continue to apply to a development application made, but not yet determined, before the date of the repeal. Given that DA-653/2022 was lodged and not determined before the repeal date of 21 November 2022, the former Chapter 11 of the SEPP (Biodiversity and Conservation) 2021 applies to this DA.*

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application.

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

The application was referred to Council's Land Development Engineering officer who reviewed the stormwater management and drainage associated with the proposal. Land Development Engineering raises no objection to the proposed application, subject to conditions.

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

<b>Clause 11.6 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.

(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposed works are unlikely to significantly impact on the Georges River.  Appropriate water storage and treatment devices are proposed to ensure the development manages stormwater flows.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal seeks consent for the use of the site as a residential flat development. The proposed works are unlikely to significantly impact on the Georges River
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The proposal is consistent with high-level WSUD principles for urban development.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The site is not located within 40m of a waterway. The application was not required to be referred to DPE - Water.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for high density residential development.
<b>Clause 11.7 Specific Principles</b>	<b>Comment</b>
(1) Acid sulfate soils	The land is not identified as containing acid sulfate soils (ASS).
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation. An erosion and sedimentation plan was submitted with the application and conditions of consent will be provided.

(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	The submitted stormwater management plan has sufficiently dealt with stormwater runoff by way of providing on-site treatment, stormwater treatment devices and implementing WSUD principles.
(10) Urban development areas	The site has been historically used for residential purposes. The proposal is generally consistent with planning controls and guidelines for urban development.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable

It is considered the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021 – Chapter 11 – Georges River Catchment.

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

**(i) Zoning**

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

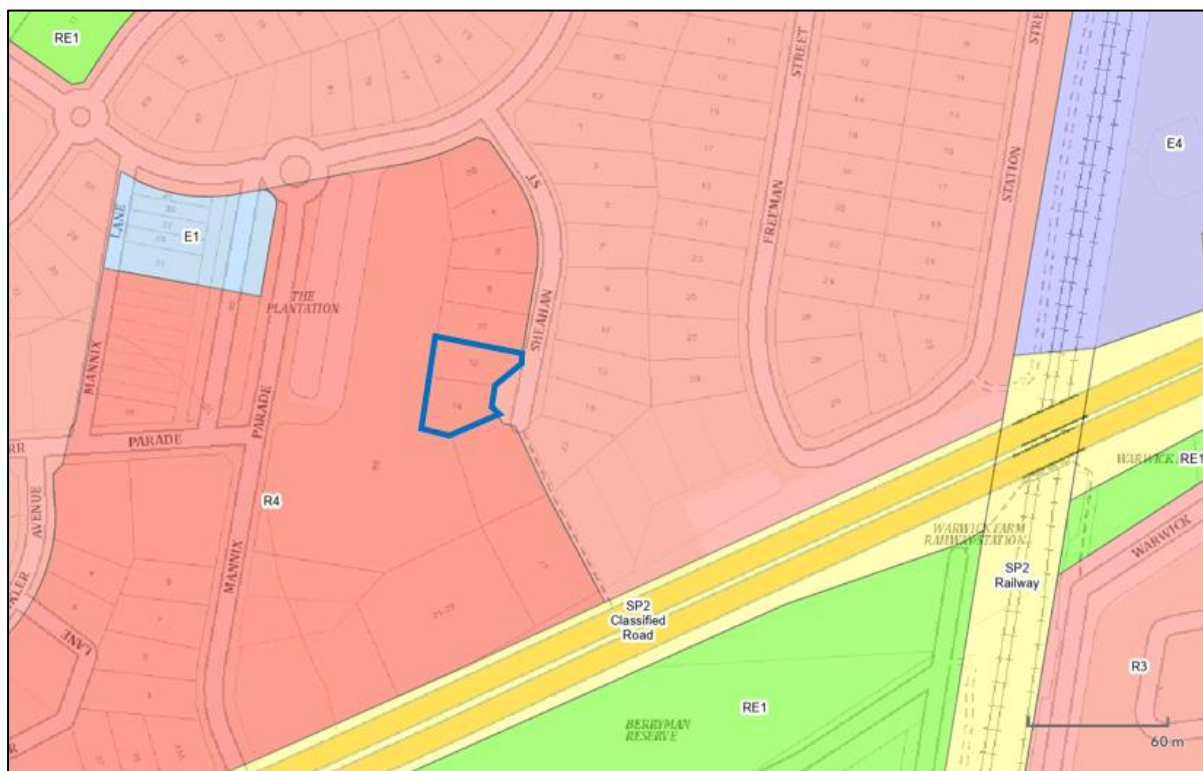


Figure 9: Zoning Map (source: Geocortex)

## (ii) Permissibility

The proposed development is defined as ‘*residential flat building*’ (RFB) which is identified as permitted land use with consent within the R4 Zone under the Liverpool Local Environment Plan 2008. An RFB is defined as follows:

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

The proposed development satisfies the definition of a residential flat building as it is a building which contains 3 or more dwellings. The form of the development is permissible within the R4- High Density Residential Zone.

## (iii) Objectives of the zone

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

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To provide a variety of housing types within a high-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land would prevent the achievement of high-density residential development.*

The proposed development satisfies the objectives of the R4 zone in that:

- It will provide for the housing needs of the community within a high-density residential environment.
- It contains a mix of different sized units providing a variety of housing opportunities in a high-density form;
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day-to-day needs of residents;
- The site is proximate to required services and facilities required to support higher density development including public transport, shops and open space.
- The proposal will provide high-density residential development on a site that is an amalgamation of two allotments. It will not fragment land or hinder the opportunity for other high-density residential development within the area.

**(iv) Principal Development Standards**

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

<b>Clause</b>	<b>Provision</b>	<b>Proposed</b>	<b>Comment</b>
2.6 Subdivision	Subdivision may be carried out with development consent.	No subdivision is proposed.	<b>Not applicable</b>
2.7 Demolition requires consent	The demolition of a building or work may be carried out only with development consent.	The existing structures are proposed to be demolished. A demolition plan has been submitted.	<b>Complies</b>
4.3 Height of Buildings (as per HOB Map)	The site is subject to a maximum building height of 21m.	The proposed RFB is 20.19m high.	<b>Complies</b>
4.4 Floor Space Ratio	The site is subject to an FSR of 1.5:1.	The FSR is as follows:  1,657sqm floor area / 1,109.9sqm site area	<b>Complies</b>

		= FSR of 1.49:1	
5.21 Flood Planning	Development is to consider the flood status of the land.	The site is not flood prone.	<b>Not applicable</b>
7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres—	The site's street frontage is irregular in shape. The total frontage length is 32.94m and there complies with the requirement of this Clause.	
7.31 Earthworks	Before granting development consent for earthworks, the consent authority must consider the following matters—	The proposed development involves excavation to a depth of 6.5m to accommodate the proposed basement.	<b>Complies</b>
	(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	The proposed excavation will not disturb existing Council drainage lines and will not destabilise the soil within the locality.	
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The proposed basement will not restrict future redevelopment of the land.	<b>Complies</b>
	(c) the quality of the fill or the soil to be excavated, or both,	No fill is proposed.  Conditions of consent have been provided which ensure that, if excavated soil is to be reused elsewhere in the development, appropriate contamination testing will be conducted to ensure it is fit for use.	<b>Complies by condition</b>
	(d) the effect of the	The effect of the proposed	<b>Complies</b>



	proposed development on the existing and likely amenity of adjoining properties,	earthworks on neighbouring properties has been considered.  The proposed basement is for a permitted use being an RFB and construction of the basement will be limited to the approved hours of construction.	<b>by condition</b>
	(e) the source of any fill material and the destination of any excavated material,	No fill is proposed.	<b>Not applicable</b>
	(f) the likelihood of disturbing relics,	Conditions of consent can be imposed which will ensure that works will cease should unexpected finds be uncovered.	<b>Complies by condition</b>
	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	As discussed in this report, the potential impacts on the Georges River Catchment have been considered and found to be acceptable.	<b>Complies</b>

As demonstrated in the above compliance table, the proposed development is consistent with the provisions 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 application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 3.7 – Residential Flat Buildings* in the R4 Zone.

The development is found to achieve satisfactorily compliance with the provisions of the LDCP 2008 as detailed within the tables in Attachment 3 of the report.

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

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code NCC and the Safety standards for demolition (AS 2601 – 2001). If approved, appropriate conditions of consent will be imposed requiring compliance with the NCC.

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

The proposed development of a 6-storey residential flat building is considered to provide for an appropriate built form for the locality that is consistent with the objectives and intended outcomes for the R4 High-Density Residential Zone.

The proposal provides a high level of compliance with key building envelope and internal design controls and presents a contemporary, attractive built form that will contribute positively to the streetscape. The proposed materials and finishes are well-considered and will both integrate into the existing character of the area and set the standard for future RFB development within Sheahan Street.

The development provides an appropriate interface and presentation to the streetscape at ground level with legible entries, landscaping and fencing and clear definition between public domain, common areas and private dwellings.

**Natural Environment**

The proposed development satisfactorily addresses planning considerations and impacts relating to the natural environment including in the proposed landscaping, stormwater management, waste management, and water and energy use efficiency. This includes satisfactory compliance with relevant planning controls and guidelines relating to these aspects of the natural environment.

The development requires the removal of 7 trees. The proposed landscape plan shows appropriate planting of large sized trees and establishment of vegetation within the setbacks.

**Social Impacts and Economic Impacts**

The proposal would result in a positive economic impact in the locality through the capital investment value of the development, generation of economic activity and employment in construction, and additional residents on site increasing spending and supporting businesses in the locality.

The development is considered beneficial to the community in increasing housing supply and variety in the locality with a diverse unit mix to meet market demand. The proposal will provide a positive social impact through increasing housing stock within the locality, in an accessible location.

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

The site is considered to be suitable for the proposed form of development as it is zoned to permit it, has a size and dimensions capable of accommodating the development with adequate setbacks to surrounding properties, road and utility services infrastructure available, and no prohibitive environmental constraints.

**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:

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Traffic	Supported subject to conditions
Waste Management	Supported subject to conditions
Land Development Engineering	Supported subject to conditions
Urban Design and Public Domain	Supported, subject to recommendations made by the DEP.
Landscape	Supported subject to conditions

**(b) Community Consultation**

The development application was advertised/notified for a period of 14 days from 16 July to 2 August 2022 in accordance with Liverpool Development Control Plan 2008. A single objection was received, however no specific details about the nature of the objection were provided.

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

The proposed development is consistent with the zoning of the land and would represent a quality development for the suburb. The development provides additional housing supply within close proximity to employment opportunities and public transport. For this reason, the development is considered to be in the public interest.

## **7. DEVELOPMENT CONTRIBUTIONS**

A Section 7.11 Development Contribution is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of \$197,245.

## **8. CONCLUSION**

This proposal is for the Demolition of all structures and the construction of a residential flat building comprising of 20 apartments at 12 – 14 Sheahan Street, Warwick Farm.

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 application was subject to the Design Excellence Panel and remediated issues raised on their first attendance in their second appearance in July 2023.

It is considered the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Based on the assessment of the application, it is recommended the application be approved subject to the imposition of conditions.

## **9. RECOMMENDATION**

That Development Application DA 653/2022 be approved subject to conditions of consent.

## **ATTACHMENTS**

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1. ADG Guidelines
2. Architectural Plans
3. Liverpool DCP Assessment
4. Design Excellence Panel
5. Draft Conditions

## Appendix 1 – Assessment against the Apartment Design Guidelines

Apartment Design Guide		
Provisions	Proposed	Compliance
<b>2E Building Depth</b>		
Suggested maximum of 12-18m	Maximum building depth proposed is approximately 22m. This is considered acceptable due to the appropriate size of the parent lot and the development's compliance with planning controls.	<b>Complies on merit</b>
<b>2F Building Separation</b>		
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>• 6m between non-habitable rooms</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 12m between habitable rooms / balconies</li> </ul> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>• 9m between non-habitable rooms</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 18m between habitable rooms / balconies</li> </ul> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 12m between non-habitable rooms</li> <li>• 18m between habitable and non-habitable rooms</li> </ul>	<p><b>Northern Boundary Separation:</b></p> <p>Level 01 (Ground) separation of 3m proposed.</p> <p>Level 02 to Level 04 separation of 4.5m.</p> <p>The proposed separation distances for levels 01 to 04 are acceptable in that no habitable room windows directly look out to the northern boundary, minimising privacy impacts to existing and future development to the north.</p> <p>Level 05 and 06 separation of 6m.</p> <p>The proposed separation distances for Levels 05 and 06 are acceptable and appropriate as no habitable room windows directly look out to the adjacent property. The units have been designed around the eastern aspect and are appropriately setback from the northern boundary.</p>	<b>Complies</b>

Apartment Design Guide		
Provisions	Proposed	Compliance
<ul style="list-style-type: none"> <li>• 24m between habitable rooms / balconies</li> </ul> <p><b>Note:</b> It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance</p>	<p><b>Western Boundary Separation:</b> Level 01 (Ground) to Level 04 separation of 6m. Level 05 and 06 separation of 9m (6m to planter box).</p> <p><b>Southern Boundary Separation</b> Level 01 (Ground) to Level 06 separation of 6m proposed.</p>	
<b>3A Site analysis</b>		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The proposed development is considered appropriate for its context.	<b>Complies</b>
<b>3B Orientation</b>		
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	The proposal meets the objectives as demonstrated in the submitted shadow diagram study. Shadows cast by the proposal do not adversely impact adjoining properties.	<b>Complies</b>
<b>3C Public domain interface</b>		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
<p>Key components to consider include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting.</p> <p>Design can influence safety and security, opportunities for social interaction and the identity of the development when viewed from the public domain</p>	<p>The proposal interfaces well with the public domain and meets the objectives of this provision.</p> <p>The entry to the building is clearly defined by the pathway and balconies provide passive surveillance to the streetscape.</p> <p>The proposed landscape buffers at the site frontage soften the visual impact of the development. The proposed materials and finishes reflect a contemporary architectural design that presents an attractive built form to the public domain.</p>	<b>Complies</b>
<b>3D Communal and public open space</b>		
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>The proposal includes 440sqm of communal open space, which equals 40% of the total site area. Communal open space is provided within the western, southern and northern setbacks of the site and includes a shade structure, seating, a pergola and recreational areas.</p>	<b>Complies</b>

Apartment Design Guide								
Provisions	Proposed	Compliance						
<p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>Appropriate landscaped screening is provided as a buffer between ground floor units and communal open space areas.</p>							
<b>3E Deep soil zones</b>								
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimension</th> <th>Deep soil Zone</th> </tr> </thead> <tbody> <tr> <td>600m<sup>2</sup> - 1,500m<sup>2</sup></td> <td>3m</td> <td>7%</td> </tr> </tbody> </table> <p>7% of the site area is to be for Deep Soil zone.</p>	Site area	Minimum dimension	Deep soil Zone	600m <sup>2</sup> - 1,500m <sup>2</sup>	3m	7%	<p>Site area = 1109.9sqm.</p> <p>Deep soil area = 303sqm.</p> <p><math>303 / 1109.9 = 27.3\%</math> of the site is provided for deep soil planting.</p>	<b>Complies</b>
Site area	Minimum dimension	Deep soil Zone						
600m <sup>2</sup> - 1,500m <sup>2</sup>	3m	7%						
<b>3F Visual Privacy</b>								
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p>	<p>See 2F above.</p>	<b>Complies</b>						



Apartment Design Guide				
Provisions			Proposed	Compliance
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms		
Up to 12m (4 storeys)	6m	3m		
12m to 25m (5-8 storeys)	6m	4.5m		
Over 25m (9+ storeys)	12m	6m		
3G Pedestrian Access and Entries				
Building entries and pedestrian access connects to and addresses the public domain.			The proposed primary building entry is clearly defined from the street and is easy to identify.	<b>Complies</b>
Objective 3G-2 Access, entries and pathways are accessible and easy to identify				

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
Large sites provide pedestrian links for access to streets and connection to destinations		
<b>3H Vehicle Access</b>		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The proposal meets the objectives. The car park entry point is adjoined by landscaping and the driveway is recessed beneath the built form.	<b>Complies</b>
<b>3J Bicycle and Car Parking</b>		
<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.</p>	<p>The site is within 800m of Warwick Farm rail station and as such, the minimum car parking requirements as set out in the Guide to Traffic Generating Development has been utilised for assessment.</p> <p>A total of 22 car parking spaces are required in accordance with this provision.</p> <p>28 total car spaces are provided within the proposal.</p>	<b>Complies</b>
Parking and facilities are provided for other modes of transport	Resident spaces provided = 23	
Car park design and access is safe and secure		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
Visual and environmental impacts of underground car parking are minimised	Visitor spaces provided = 5	
Visual and environmental impacts of on-grade car parking are minimised	The visual and environmental impacts of the basement carpark and been minimised as far as practical. The carpark design and access have been designed in a safe manner which has been reviewed by Council's Traffic and Transport officer with no objections raised.	
Visual and environmental impacts of above ground enclosed car parking are minimise		
<b>4A Solar and Daylight Access</b>		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	The submitted plans include shadow diagrams which affirm that 16/20 apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm in mid-winter.	<b>Complies</b>
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	The submitted plans demonstrate that the communal open space receive direct sunlight between 10am and 2pm in mid-winter.	
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All apartments receive at least 1 hour of sunlight in mid-winter.	<b>Complies</b>
<b>4B Natural Ventilation</b>		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
All habitable rooms are naturally ventilated to create healthy indoor living environments	All apartments achieve cross ventilation and have multiple aspects that promote air flow through each unit.	<b>Complies</b>
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed		
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
The layout and design of single aspect apartments maximises natural ventilation		
<b>4C Ceiling Heights</b>		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.	Proposed residential units achieve a minimum floor-to-ceiling height of 3.1m.	<b>Complies</b>
<b>4D Apartment Size and Layout</b>		

Apartment Design Guide												
Provisions	Proposed	Compliance										
<p>1. Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p>	Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p>The proposed units comply with minimum internal areas specified under this provision. Drawing Number DA-400 provides a unit mix schedule which demonstrates internal area compliance.</p> <p>Two-bedroom units with an additional bathroom comply with the additional 5sqm of area required.</p>	<p><b>Complies</b></p>
Apartment Type	Minimum Internal Area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
<p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Windows are provided within habitable rooms.</p>											

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
<p>4D-2 Habitable room depths are limited to a maximum of 2.5 x the ceiling height (3.1m x 2.5 = 7.75m)</p> <p>Note : For single aspect open plans with combined living, dining and kitchen = 8m</p>	<p>Habitable room depths comply with this provision.</p> <p>2.5m x 3.1m = 7.75m</p> <p>All units do not exceed 7.75m in depth.</p>	<b>Complies</b>
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>		
<p>4D-3 Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p>	<p>All master bedrooms (i.e., bedroom with an ensuite) exceed 10sqm in area.</p>	
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>	<p>All other bedrooms exceed 9sqm in area.</p>	
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>- 3.6m for studio and 1 bedroom apartments</li> <li>- 4m for 2 and 3 bedroom apartments</li> </ul>	<p>All apartments have a minimum living/dining room width of 4m.</p>	
<b>4E Private Open Space and Balconies</b>		
<p>All apartments are required to have primary balconies as follows:</p>	<p>Minimum areas and depths of balconies and private open space meet or exceed the minimum requirements of the ADG.</p>	<b>Complies on merit</b>

Apartment Design Guide				
Provisions			Proposed	Compliance
Dwelling Type	Minimum Area	Minimum Depth	<p>Primary balconies open directly from living spaces.</p> <p>Ground floor apartments are not provided with a minimum area of 15sqm or a minimum depth of 3m.</p> <p>Apartments 01, 03 and 04 are provided with direct access to communal open space areas by way of a gate.</p> <p>This is considered to be acceptable on merit due to the delivery of excess private open space throughout the development which can be used and enjoyed by all residents. Providing ground floor apartments with courtyards would detract from the communal open space provision.</p>	
Studio	4m <sup>2</sup>	-		
1 bedroom	8m <sup>2</sup>	2m		
2 bedroom	10m <sup>2</sup>	2m		
3 bedroom	12m <sup>2</sup>	2.4m		
<p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>				
<p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</p>				
<b>4F Common Circulation and Spaces</b>				
<p>The maximum number of apartments off a circulation core on a single level is eight</p>			<p>1 (one) lift is provided to service the apartments.</p> <p>The proposal features one circulation core that services a maximum of 4 apartments per level.</p>	<b>Complies</b>

Apartment Design Guide												
Provisions	Proposed	Compliance										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The proposed building does not exceed 10 storeys.											
Common circulation spaces promote safety and provide social interaction between residents	Common circulation spaces are designed to provide secured, safe, legible spaces to foster interaction and harmony between residents.  The ground floor lobby entry is well defined and legible.  Upper-level circulation spaces (lift lobby and hallways) are provided with natural light and ventilation.											
<b>4G Storage</b>												
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	The proposed development achieves minimum storage requirements.  Apt 02 is provided with 8sqm of storage located entirely within the apartment and does not require basement storage.  All other apartments are provided with 4sqm of storage within the basement, with the remaining required storage located within the apartments.	<b>Complies</b>										
<table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 bedroom</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table>	Dwelling Type	Storage Size Volume	Studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3 bedroom	10m <sup>3</sup>		
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Studio	4m <sup>3</sup>											
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3 bedroom	10m <sup>3</sup>											



<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
At least 50% of the required storage is to be located within the apartment.		
<b>4H Acoustic Privacy</b>		
Noise transfer is minimised through the siting of buildings and building layout	The proposal has considered noise mitigation methods within apartments.	<b>Complies</b>
Noise impacts are mitigated within apartments through layout and acoustic treatments	Noisy areas within the proposed development including building entries and corridors are generally located above each other and quieter areas above quieter areas.  Where possible, bedrooms of adjacent apartments will be located next to each other and likewise with living area.  Storage, circulation areas and non-habitable rooms will be located to buffer noise from living areas and common areas.	
<b>4K Apartment Mix</b>		
A range of apartment types and sizes is provided to cater for different household types now and into the future	The proposal includes the following mix of apartments: <ul style="list-style-type: none"> <li>• 8 x 1 bedroom units</li> <li>• 8 x 2 bedroom units</li> <li>• 4 x 3 bedroom units</li> </ul>	<b>Complies</b>
The apartment mix is distributed to suitable locations within the building		
<b>4L Ground Floor Apartments</b>		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
<p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Direct street access should be provided to ground floor apartments.</p>	<p>Direct access to ground floor apartments has not been provided in this instance. This is due to the irregular shape of the allotment and the position of balconies and the driveway entry on the ground level.</p>	<b>Complies</b>
<p>Design of ground floor apartments delivers amenity and safety for residents</p>	<p>The ground floor apartments are considered to achieve sufficient amenity and safety.</p>	
<b>4M Facades</b>		
<p>Building facades provide visual interest along the street while respecting the character of the local area</p>	<p>The building façade designs include articulated elements expressing the building function and providing some visual interest.</p>	<b>Complies</b>
<p>Building functions are expressed by the facade</p>	<p>Balconies are the defining feature of the streetscape and have been designed to exhibit architectural excellence.</p>	
<b>4N Roof Design</b>		
<p>Roof treatments are integrated into the building design and positively respond to the street</p>	<p>The roof includes photovoltaic panels for solar electricity generation which is a sustainable roof element.</p>	<b>Complies</b>
<p>Opportunities to use roof space for residential accommodation and open space are maximised</p>		
<p>Roof design incorporates sustainability features</p>		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
<b>4O Landscape Design</b>		
Landscape design is viable and sustainable	The proposed landscape design is appropriate.	<b>Complies</b>
Landscape design contributes to the streetscape and amenity	Sufficient landscaped buffers are provided along site boundaries to ensure privacy is maintained at the ground level. Landscaping treatments at the street frontage soften the development's impact and provide visual interest.	
<b>4P Planting on Structures</b>		
Appropriate soil profiles are provided	The Landscape plan shows raised planter beds on concrete slab above the basement which contributes to landscape amenity.	<b>Complies</b>
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces.	Planter boxes are also provided on the western façade of the building at Levels 05 and 06.	
<b>4Q Universal Design</b>		
Universal design features are included in apartment design to promote flexible housing for all community members	Four adaptable dwellings are proposed. This forms 20% of the offering.	<b>Complies</b>
A variety of apartments with adaptable designs are provided		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
Apartment layouts are flexible and accommodate a range of lifestyle needs		
<b>4T Awnings and Signage</b>		
Awnings are well located and complement and integrate with the building design	An awning is provided over the primary entranceway and at the communal open space entranceway for weather protection.  No signage is proposed.	<b>Complies</b>
Signage responds to the context and desired streetscape character		
<b>4U Energy Efficiency</b>		
Development incorporates passive environmental design	Natural light will be provided to all habitable rooms.	<b>Complies</b>
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The massing, internal layouts and orientation have been organised so as to provide good natural daylight and solar access into the primary living spaces and external living areas.	
Adequate natural ventilation minimises the need for mechanical ventilation	The massing also allows a greater proportion of apartments to have northern, eastern and western aspects for good solar access, and dual aspect for good natural ventilation.  The western façade incorporates box frames to improve sun shading and reduce heat absorption within units.	
<b>4V Water Management and Conservation</b>		

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
Potable water use is minimised	The development will incorporate water efficient fittings. Plant selections are designed for the microclimate and are typically low-water use.	<b>Complies</b>
Urban stormwater is treated on site before being discharged to receiving waters	WSUD principles are incorporated, and an on-site detention tank is located underground.  The proposed stormwater management plan has been reviewed by Council's Land Development Engineer who is supportive of the proposed design.	
Flood management systems are integrated into site design	Not Applicable.	
<b>4W Waste Management</b>		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	An enclosed waste storage area for residents is provided at Basement 02 with separate bins for recyclable and non-recyclable waste.	<b>Complies</b>
Domestic waste is minimised by providing safe and convenient source separation and recycling	All dwellings will be designed to have sufficient internal space for the holding of waste and recycling as required under DCP.  The proposed waste storage and management systems have been reviewed by Council's Waste officer who is supportive of the proposal, subject to conditions.	
<b>4X Building Maintenance</b>		
Building design detail provides protection from weathering		<b>Complies</b>

<b>Apartment Design Guide</b>		
<b>Provisions</b>	<b>Proposed</b>	<b>Compliance</b>
Systems and access enable ease of maintenance	Building materials are selected to weather gracefully. Painted and applied finishes are minimised.	
Material selection reduces ongoing maintenance costs	Suitable access is available for cleaning throughout the building.  The majority of windows can be cleaned from inside or from balconies.	

# Development Application

## 12-14 SHEAHAN STREET WARWICK FARM NSW

### DRAWING LIST

NO.	REVISION	SCALE @ A3	CONTENT
DA000	C	NTS	COVER PAGE / LOCATION PLAN
DA001	C	NTS	CONTEXT ANALYSIS
DA101	C	1:200	SITE ROOF PLAN
DA102	C	1:200	BASEMENT 01 PLAN
DA103	C	1:200	LEVEL 01
DA104	C	1:200	LEVEL 02
DA105	C	1:200	LEVEL 03
DA106	C	1:200	LEVEL 04
DA200	C	1:200	SECTION AA
DA201	C	1:200	NORTH + SOUTH ELEVATION
DA202	C	1:200	EAST + WEST ELEVATION
DA300	C	1:200	9AM WINTER SOLSTICE SHADOWS
DA301	C	1:200	12PM WINTER SOLSTICE SHADOWS
DA302	C	1:200	3PM WINTER SOLSTICE SHADOWS
DA303	C	1:200	VIEW FROM SUN - WINTER SOLSTICE
DA304	C	1:200	VIEW FROM SUN - EQUINOX
DA305	C	1:200	VIEW FROM SUN - SUMMER
DA400	C	1:200	CROSS VENTILATION DIAGRAMS
DA500	C	NTS	SCHEDULE OF EXTERNAL MATERIALS AND FINISHES
DA600	C	NTS	GFA CALCULATIONS
DA800	C	1:50	ADAPTABLE APARTMENT
DA900	C	1:20	FACADE SECTION

### Schedule of BASIX commitments

**(a) Dwellings**

- i) Water
  - ii) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the 'Area of garden and lawn' for the dwelling specified in the 'Description of Project' table).
  - iii) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.
  - iv) The pool or spa must be located as specified in the table.
  - v) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.
  - vi) Energy
  - vii) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.
  - viii) Energy
  - ix) This commitment applies to each room or area of the dwelling which is referred to in a heading to the 'Natural lighting' column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.
  - x) Thermal Comfort
  - xi) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.
  - xii) Where there is an in-slab heating or cooling system, the applicant must:
    - aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or
    - bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.
  - xiii) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.
- (b) Common areas and central systems/facilities**
- i) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the 'Central systems' column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.
  - ii) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.
  - iii) Energy
  - iv) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.
  - v) Water
  - vi) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the 'Central systems' column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.
  - vii) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.
  - viii) Energy
  - ix) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.



### LOCATION PLAN

For Development Application Only

KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

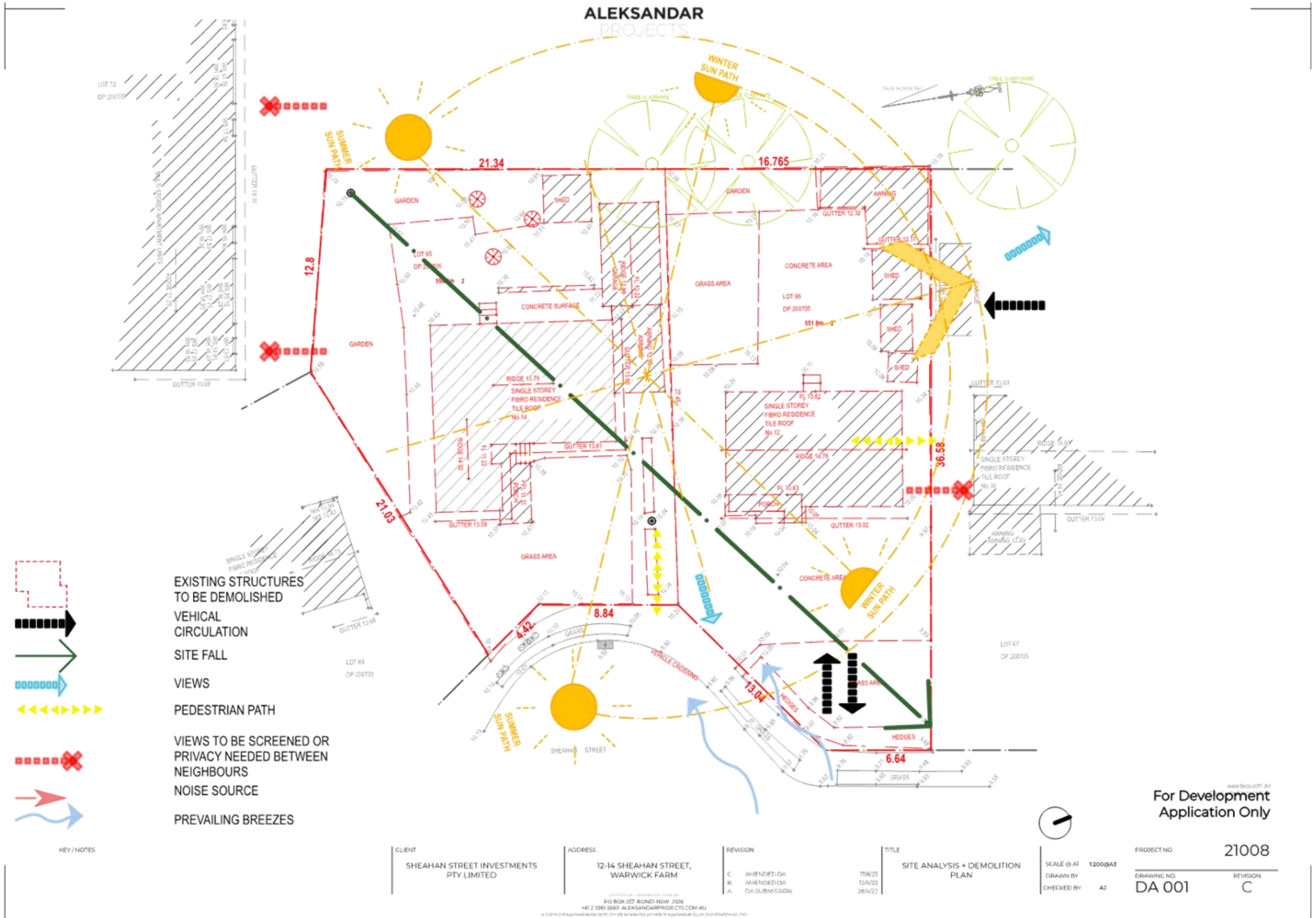
REVISION  
C AMENDED-DA  
B AMENDED-DA  
A DA SUBMISSION

TITLE  
COVER PAGE + LOCATION PLAN



SCALE @ A1 1200@A3  
DRAWN BY  
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PROJECT NO. 21008  
DRAWING NO. DA 000  
REVISION C







KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

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B AMENDED-DA  
A DA SUBMISSION

TITLE  
DATE  
7/9/23  
13/6/23  
28/4/22

SITE + ROOF PLAN

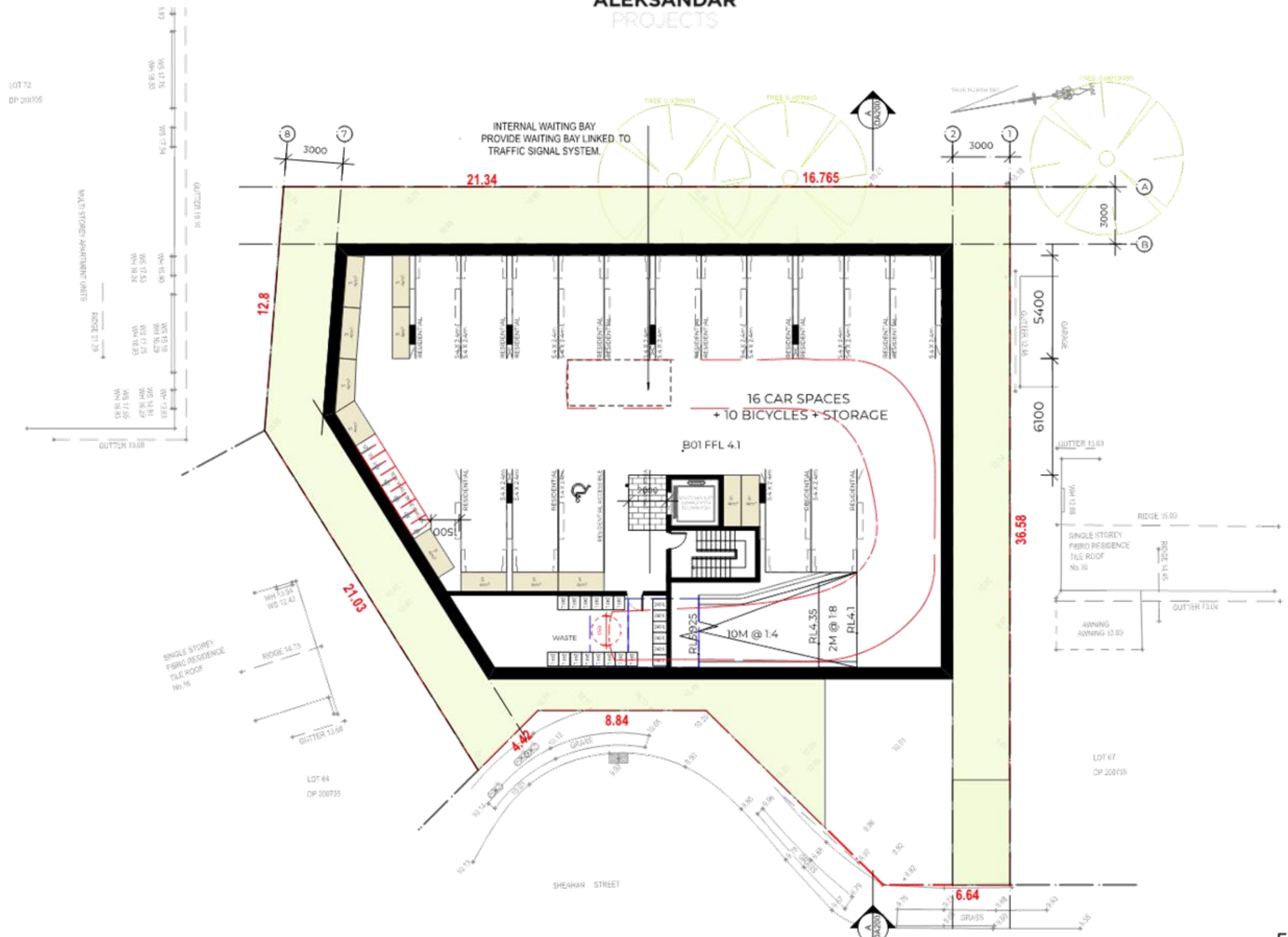


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CHECKED BY A2

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PROJECT NO. 21008  
DRAWING NO. DA 100  
REVISION C

ALEKSANDAR  
PROJECTS



KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
BASEMENT 02 PLAN

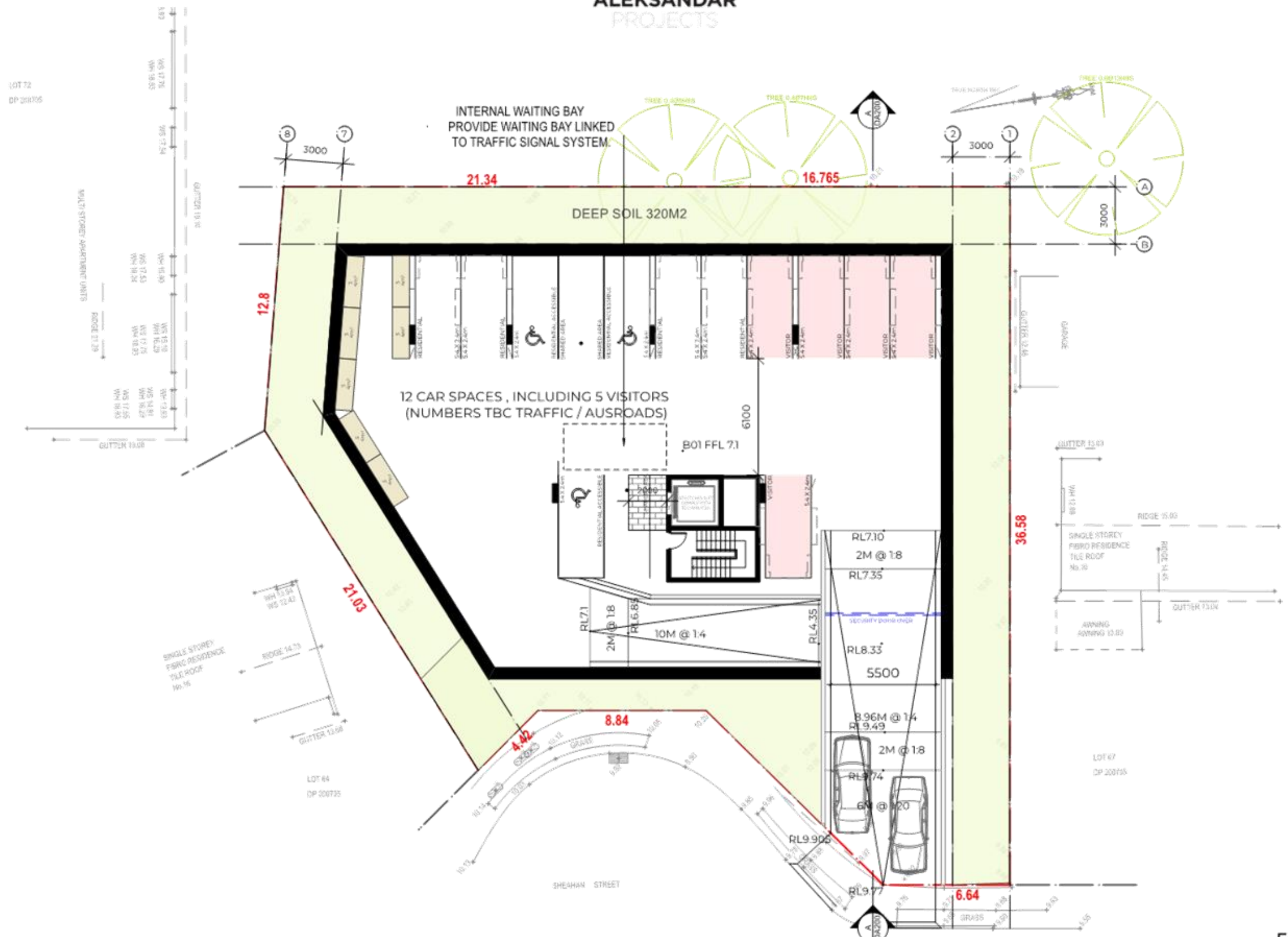


SCALE @ A1 1200@A3  
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PROJECT NO. 21008  
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PROJECTS



KEY / NOTES

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PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
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TITLE  
7/9/23  
13/9/23  
28/4/22  
BASEMENT 01 PLAN

SCALE @ A1 1200@A3  
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DRAWING NO. DA 102  
REVISION C

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PROJECTS



KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
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TITLE  
LEVEL 01 FLOOR PLAN

SCALE @ A1 1200@A3  
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PROJECT NO. 21008  
DRAWING NO. DA 103  
REVISION C

### ALEKSANDAR PROJECTS



**Objective 3F-1**  
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

**Design criteria**

- Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

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TITLE  
LEVEL 02 FLOOR PLAN

SCALE @ A1 1200@A3  
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DRAWING NO. DA 104  
REVISION C

### ALEKSANDAR PROJECTS



KEY / NOTES

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ADDRESS  
12-14 SHEAHAN STREET,  
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B AMENDED DA  
A DA SUBMISSION

TITLE  
LEVEL 03 FLOOR PLAN

SCALE @ A1 1200@A3  
DRAWN BY  
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PROJECT NO. 21008  
DRAWING NO. DA 105  
REVISION C

### ALEKSANDAR PROJECTS



KEY / NOTES

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ADDRESS  
12-14 SHEAHAN STREET,  
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A DA SUBMISSION

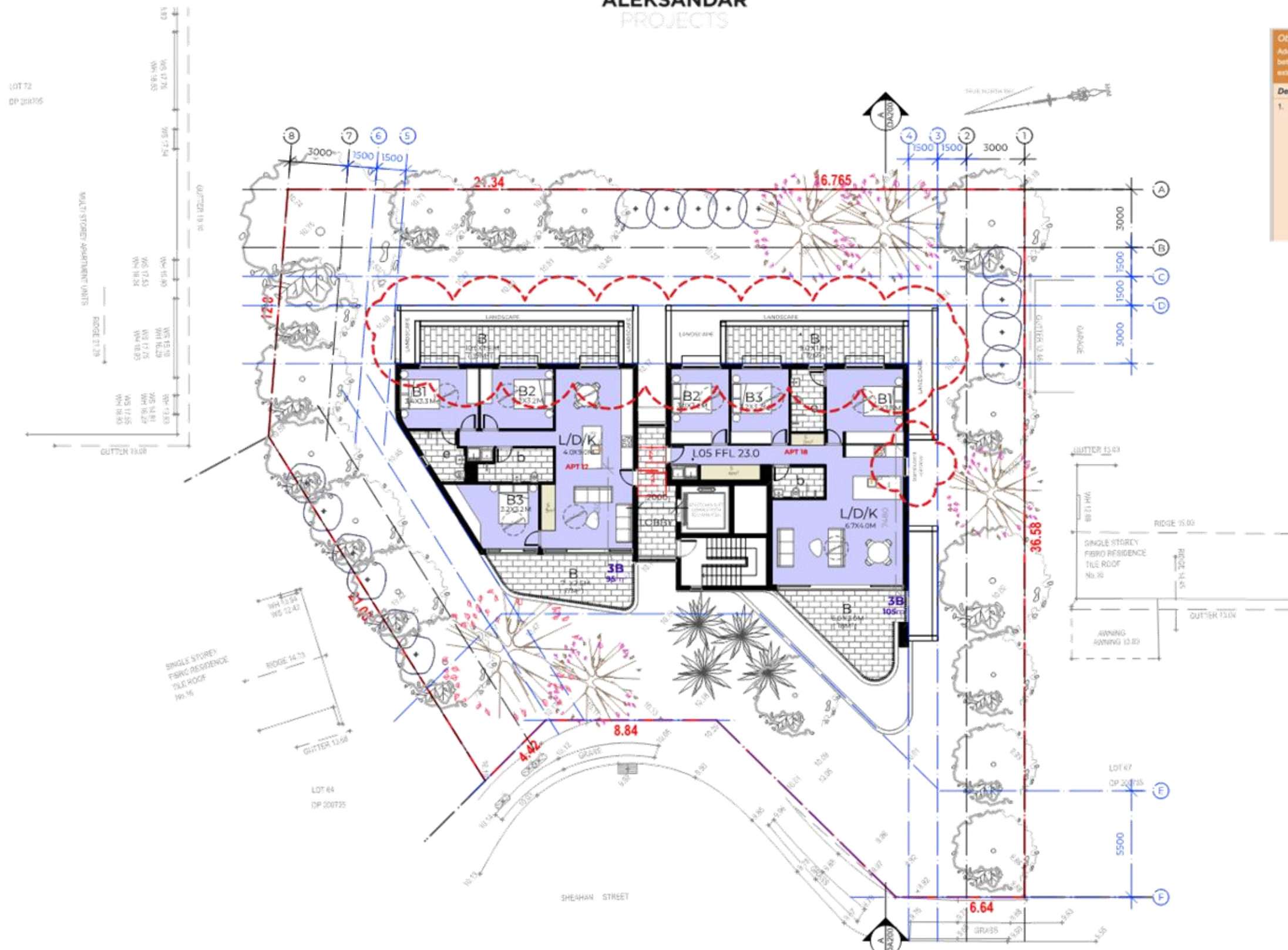
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LEVEL 04 FLOOR PLAN  
7/9/23  
13/9/23  
28/4/22

SCALE @ A1 1200@A3  
DRAWN BY  
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PROJECT NO. 21008  
DRAWING NO. DA 106  
REVISION C

### ALEKSANDAR PROJECTS



**Objective 3F-1**  
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

**Design criteria**

- Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
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B AMENDED-DA  
A DA SUBMISSION

TITLE  
LEVEL 05 FLOOR PLAN

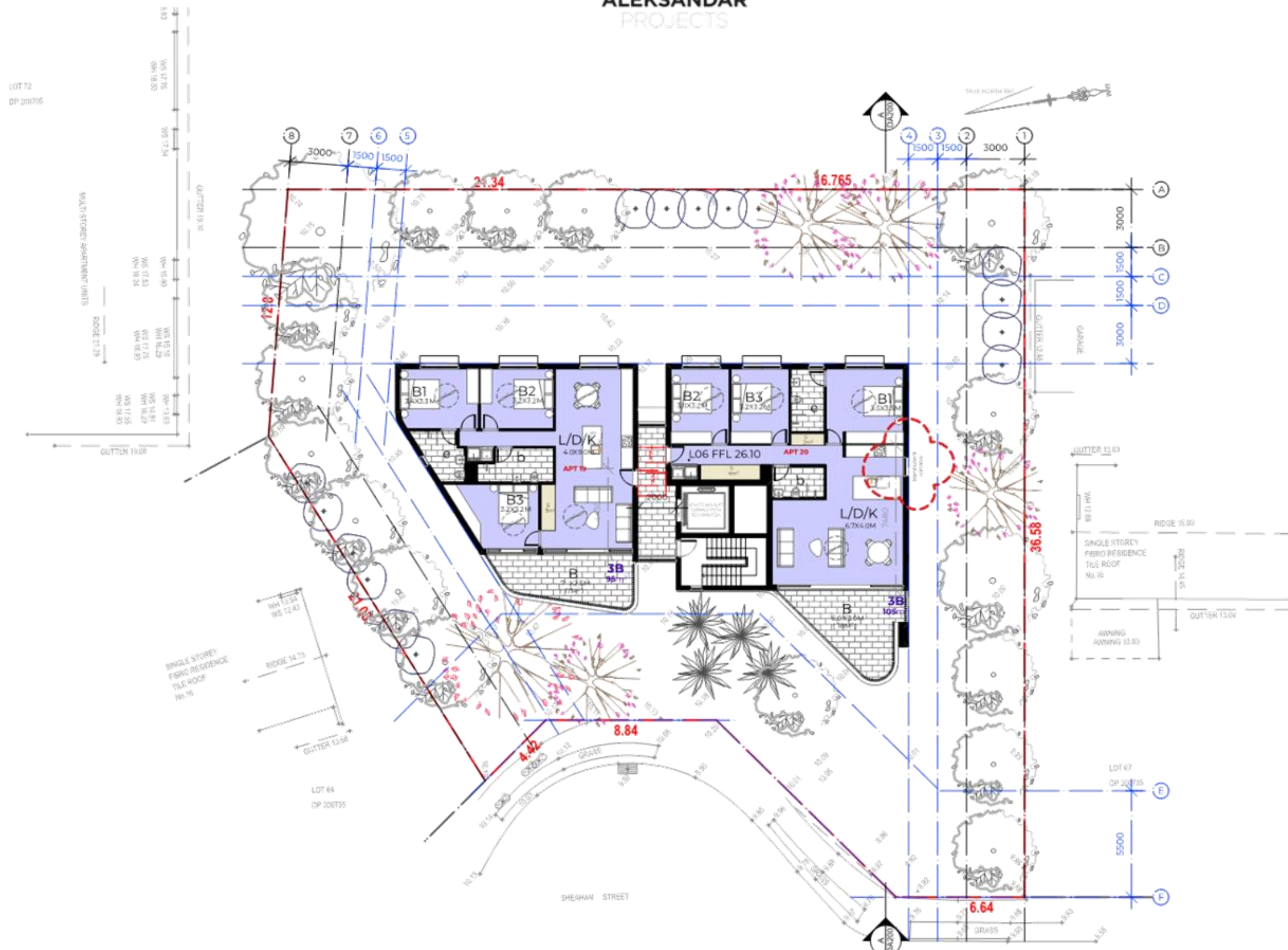
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Application Only

PROJECT NO. 21008  
DRAWING NO. DA 107  
REVISION C



### ALEKSANDAR PROJECTS



KEY / NOTES

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ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED-DA  
B AMENDED-DA  
A DA SUBMISSION

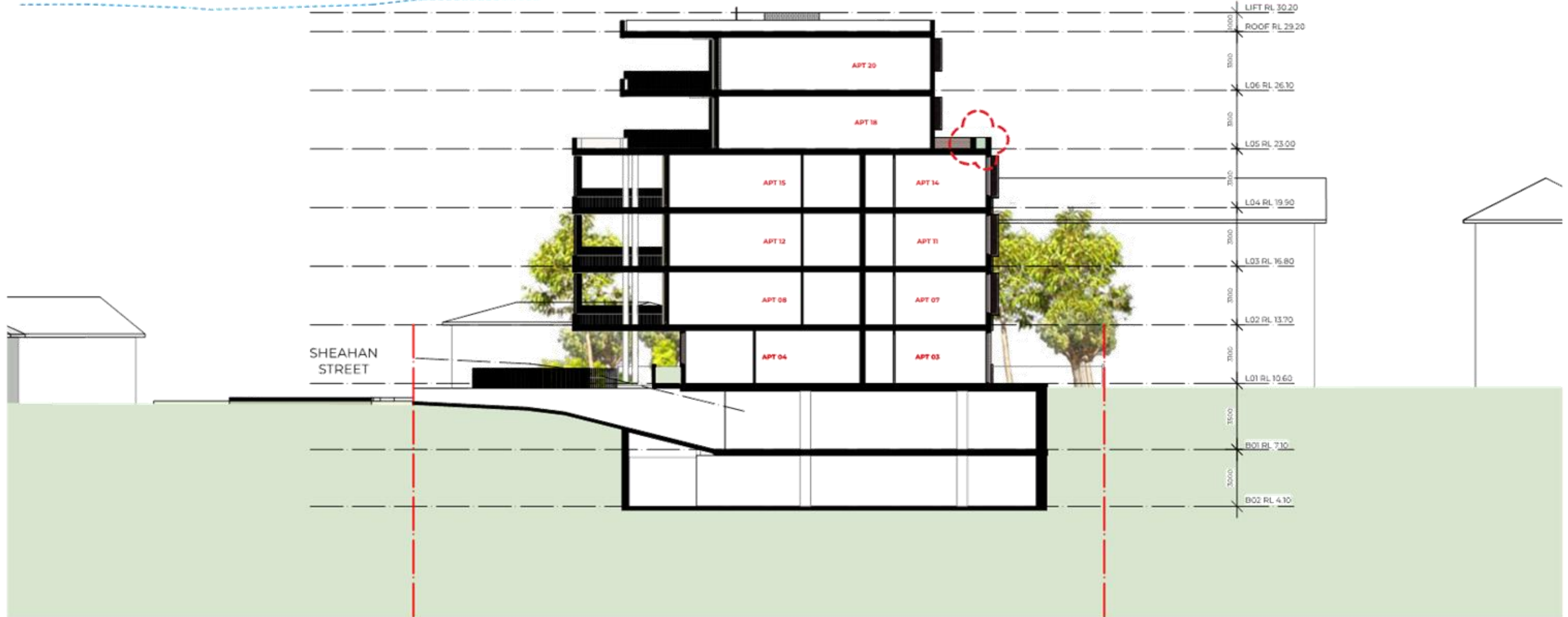
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7/9/23  
13/9/23  
28/4/22

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DRAWN BY  
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Application Only  
PROJECT NO. 21008  
DRAWING NO. DA 108  
REVISION C

ALEKSANDAR  
PROJECTS

HOB



<b>AFW</b>	ALL WINDOWS, DOOR FRAMES IN BLACK
<b>BR1</b>	FACE BRICK IN RED
<b>BR2</b>	FACE BRICK IN OFF WHITE
<b>CB</b>	FRAMELESS GLASS BALUSTRADE
<b>CF</b>	CONCRETE FINISH
<b>WSC</b>	WALL STONE CLADDING
<b>SC1</b>	ALUMINIUM SCREENING + CLADDING IN BLACK
	21M ALLOWABLE HEIGHT OF BUILDING
	EXISTING GROUND LINE

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
12/8/23  
13/8/23  
28/4/22

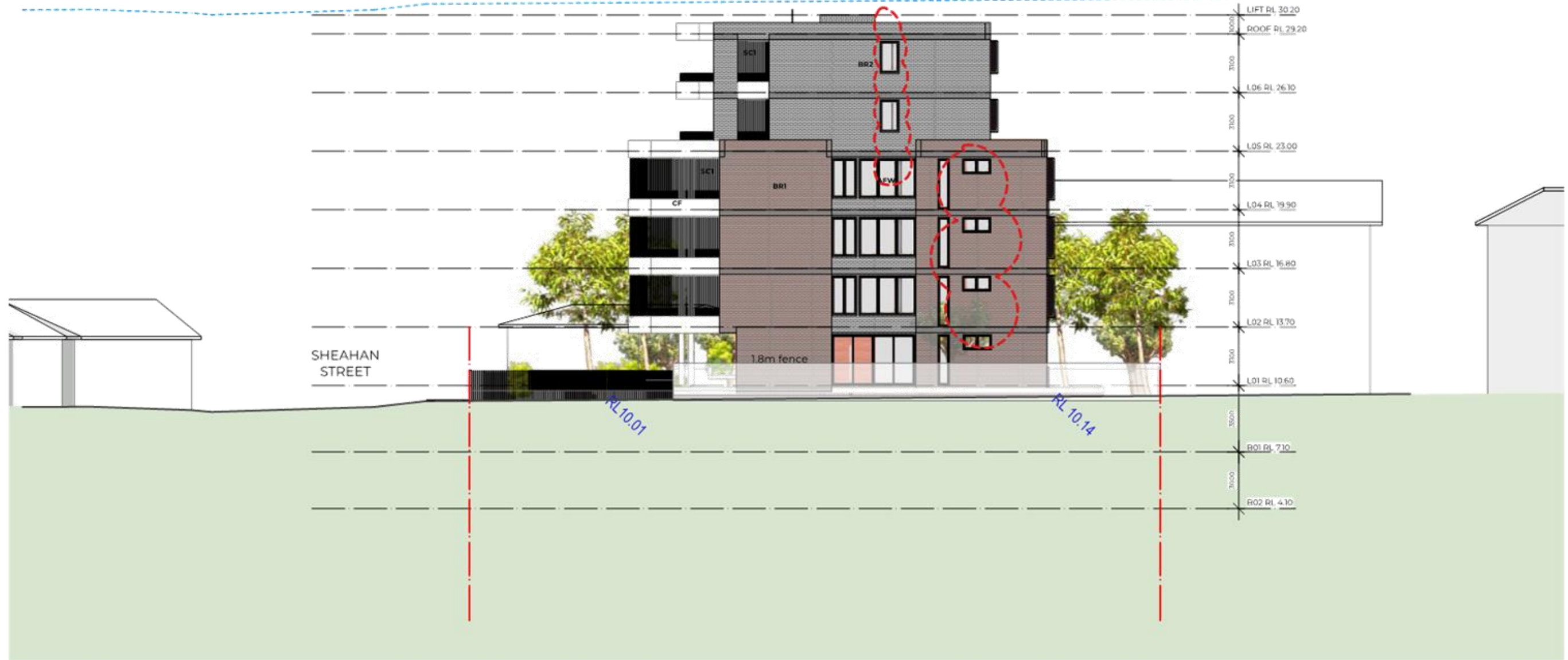
SECTION A-A

SCALE @ A1 1200@A3  
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Application Only  
PROJECT NO. 21008  
DRAWING NO. DA 200  
REVISION C

ALEKSANDAR  
PROJECTS

21m HOB



KEY / NOTES

- AFW ALL WINDOWS, DOOR FRAMES IN BLACK
- BR1 FACE BRICK IN RED
- BR2 FACE BRICK IN OFF WHITE
- CB FRAMELESS GLASS BALUSTRADE
- CF CONCRETE FINISH
- WSC WALL STONE CLADDING
- SC1 ALUMINIUM SCREENING + CLADDING IN BLACK

----- 21m ALLOWABLE HEIGHT OF BUILDING  
- - - - - EXISTING GROUND LINE

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION

C	AMENDED DA	12/8/23
B	AMENDED DA	12/6/23
A	DA SUBMISSION	28/4/22

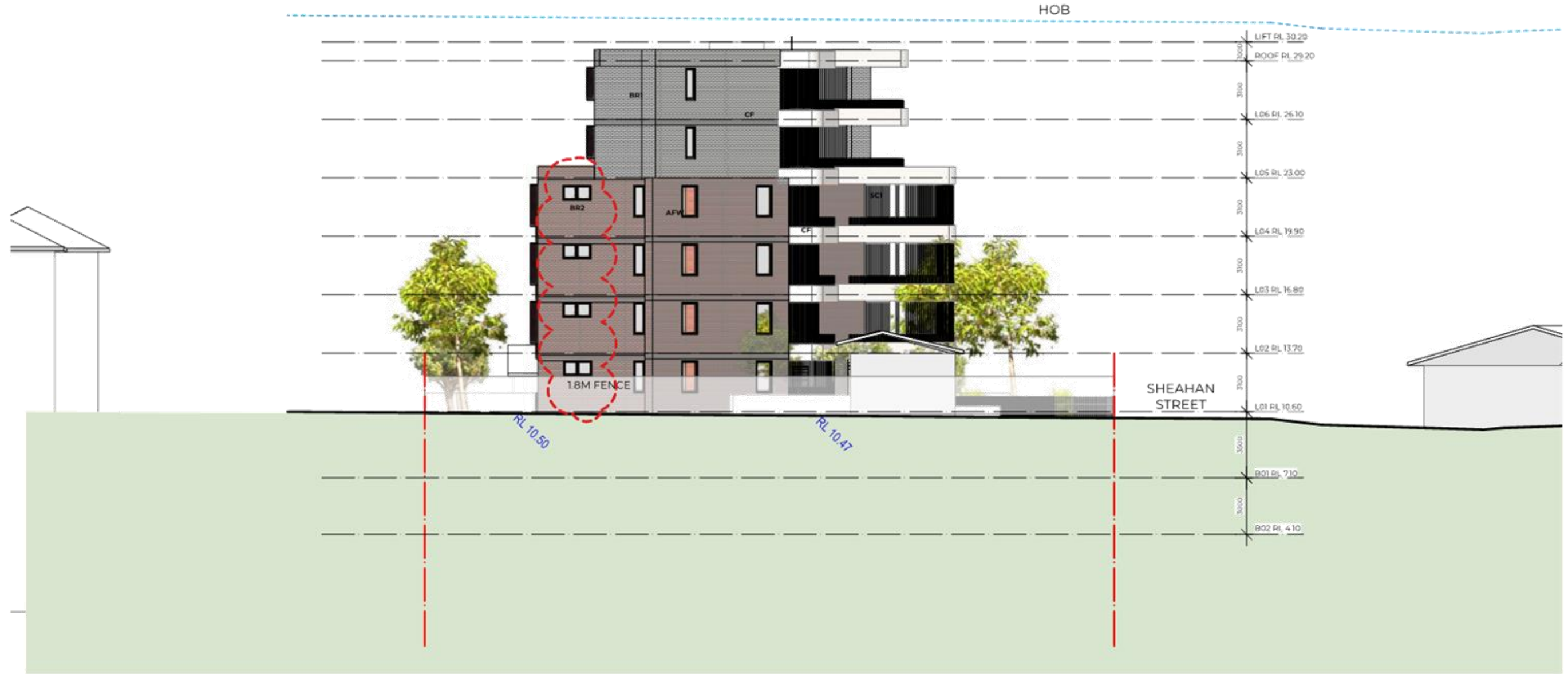
TITLE  
NORTH ELEVATION

SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY AJ

PROJECT NO. 21008  
DRAWING NO. DA 201  
REVISION C

For Development  
Application Only

ALEKSANDAR  
PROJECTS



KEY / NOTES	DESCRIPTION
AFW	ALL WINDOWS, DOOR FRAMES IN BLACK
BR1	FACE BRICK IN RED
BR2	FACE BRICK IN OFF WHITE
CB	FRAMELESS GLASS BALUSTRADE
CF	CONCRETE FINISH
WSC	WALL STONE CLADDING
SC1	ALUMINIUM SCREENING + CLADDING IN BLACK
	21M ALLOWABLE HEIGHT OF BUILDING
	EXISTING GROUND LINE

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

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12-14 SHEAHAN STREET,  
WARWICK FARM

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C AMENDED DA  
B AMENDED DA  
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TITLE  
SOUTH ELEVATION

SCALE @ A1 1200@A3

DRAWN BY  
CHECKED BY AJ

PROJECT NO. 21008  
DRAWING NO. DA 202  
REVISION C

ALEKSANDAR  
PROJECTS



<b>AFW</b>	ALL WINDOWS, DOOR FRAMES IN BLACK
<b>BR1</b>	FACE BRICK IN RED
<b>BR2</b>	FACE BRICK IN OFF WHITE
<b>CB</b>	FRAMELESS GLASS BALUSTRADE
<b>CF</b>	CONCRETE FINISH
<b>WSC</b>	WALL STONE CLADDING
<b>SC1</b>	ALUMINIUM SCREENING + CLADDING IN BLACK
----- 21M ALLOWABLE HEIGHT OF BUILDING	
- - - - - EXISTING GROUND LINE	

CLIENT  
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ADDRESS  
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WARWICK FARM

REVISION  
C AMENDED DA  
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A DA SUBMISSION

TITLE  
EAST ELEVATION

SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY AJ

PROJECT NO. 21008  
DRAWING NO. DA 203  
REVISION C

ALEKSANDAR  
PROJECTS

HOB



KEY / NOTES	DESCRIPTION
AFW	ALL WINDOWS, DOOR FRAMES IN BLACK
BR1	FACE BRICK IN RED
BR2	FACE BRICK IN OFF WHITE
CB	FRAMELESS GLASS BALUSTRADE
CF	CONCRETE FINISH
WSC	WALL STONE CLADDING
SC1	ALUMINIUM SCREENING + CLADDING IN BLACK
	21M ALLOWABLE HEIGHT OF BUILDING
	EXISTING GROUND LINE

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA 12/8/23  
B AMENDED DA 12/8/23  
A DA SUBMISSION 28/4/22

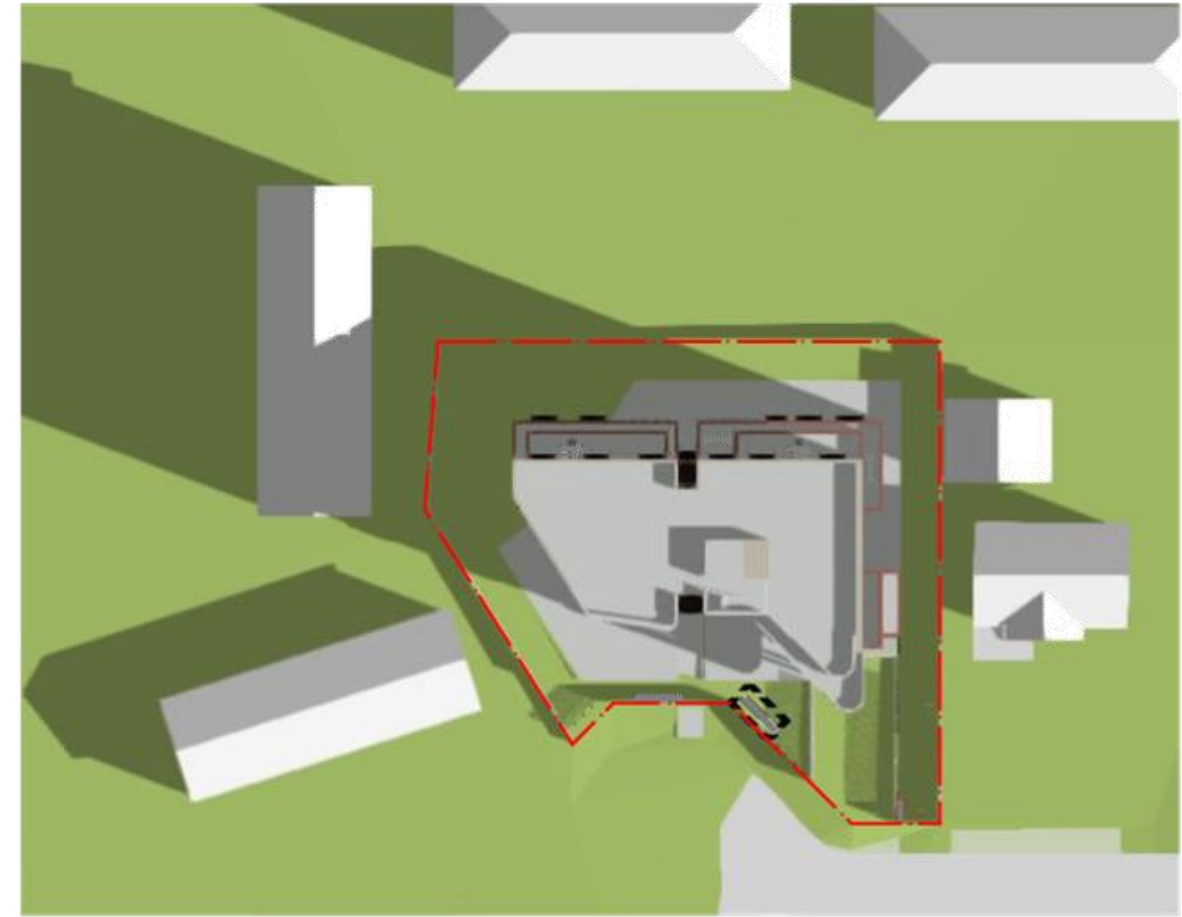
TITLE  
WEST ELEVATION

SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY AJ

PROJECT NO. 21008  
DRAWING NO. DA 204  
REVISION C

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PROJECTS



KEY / NOTES

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SHEAHAN STREET INVESTMENTS  
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ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

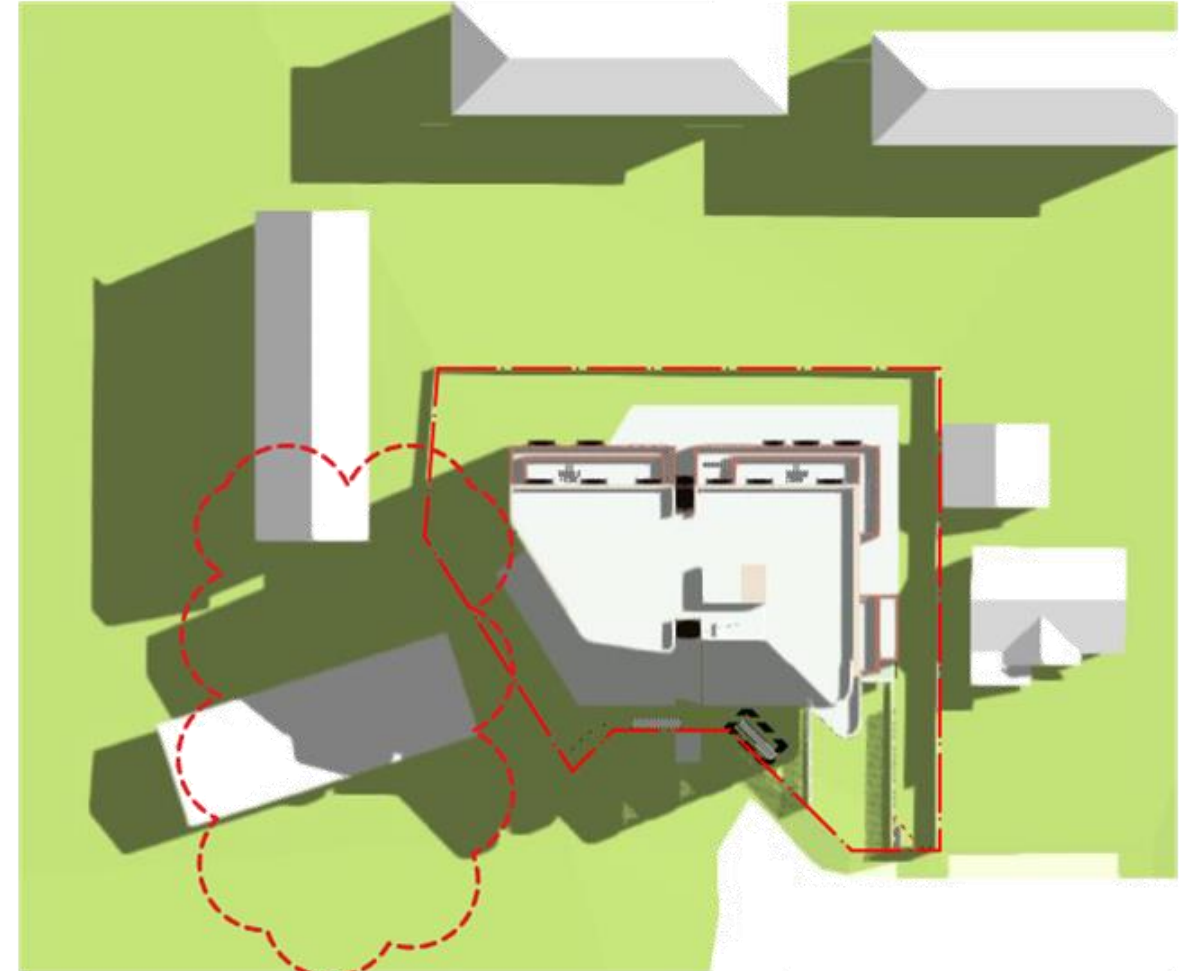
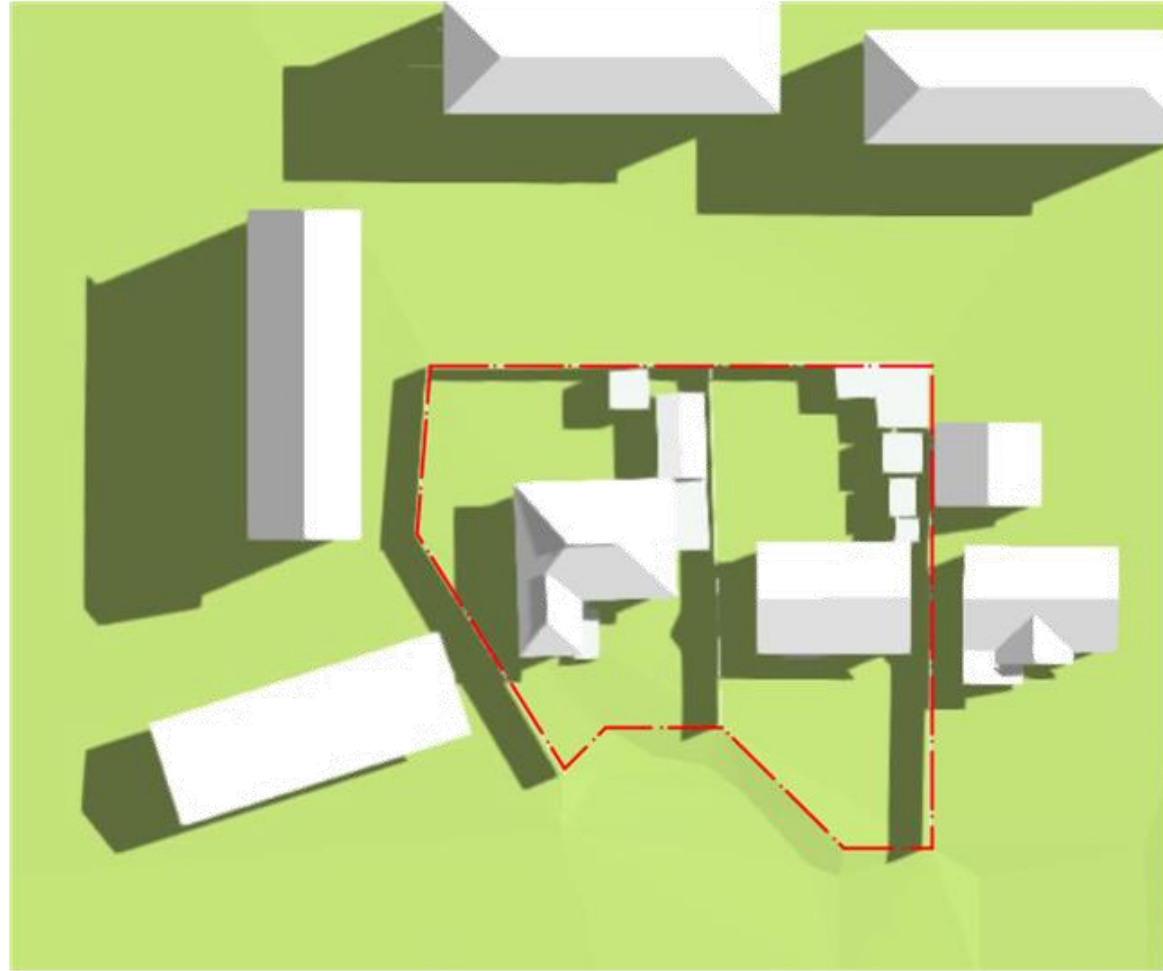
TITLE  
9AM, 21 JUNE SHADOWS

SCALE @ A1 1:350 @ A3  
DRAWN BY  
CHECKED BY A2

For Development  
Application Only

PROJECT NO. 21008  
DRAWING NO. DA 300  
REVISION C

ALEKSANDAR  
PROJECTS



KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
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B AMENDED DA  
A DA SUBMISSION

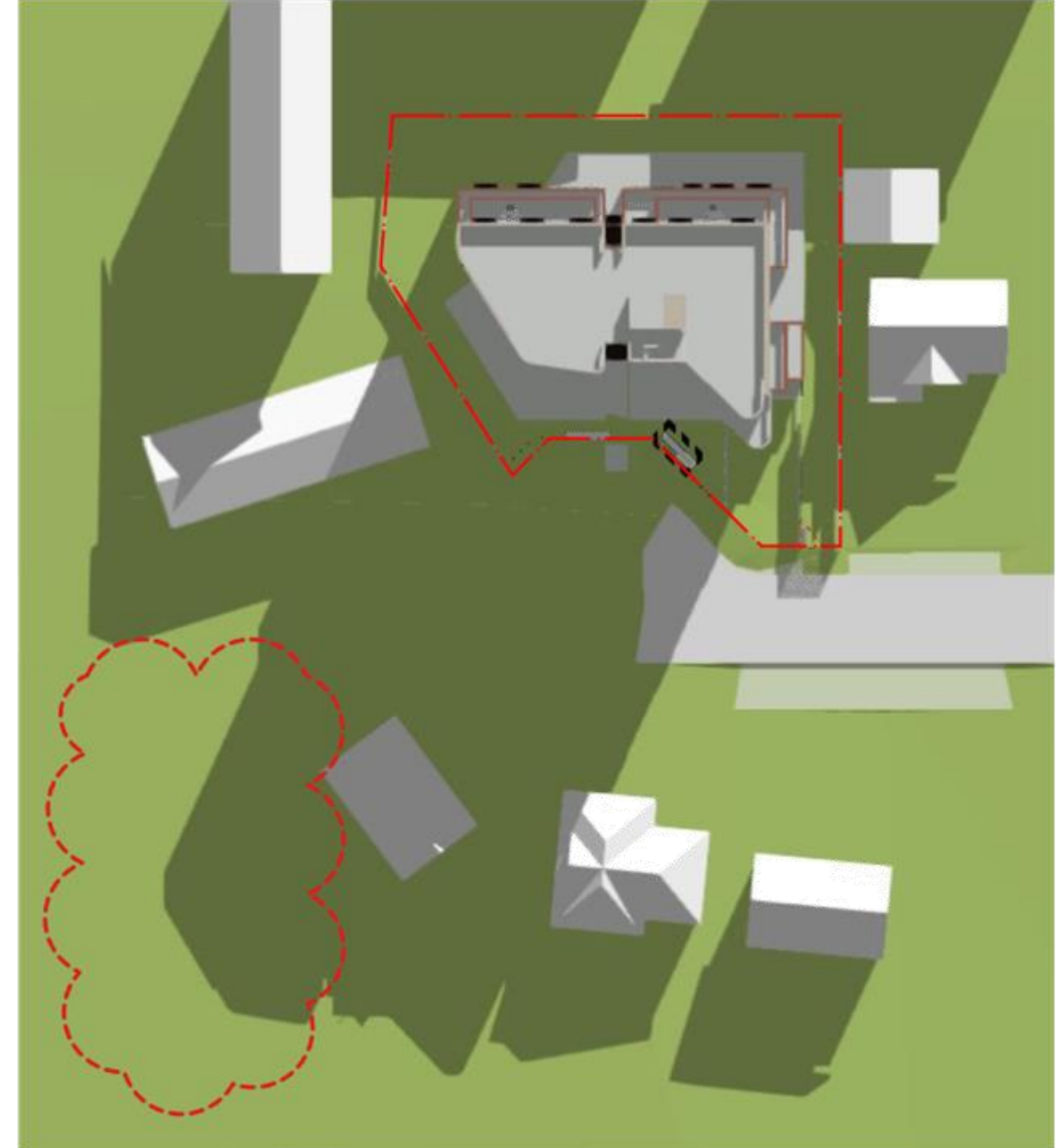
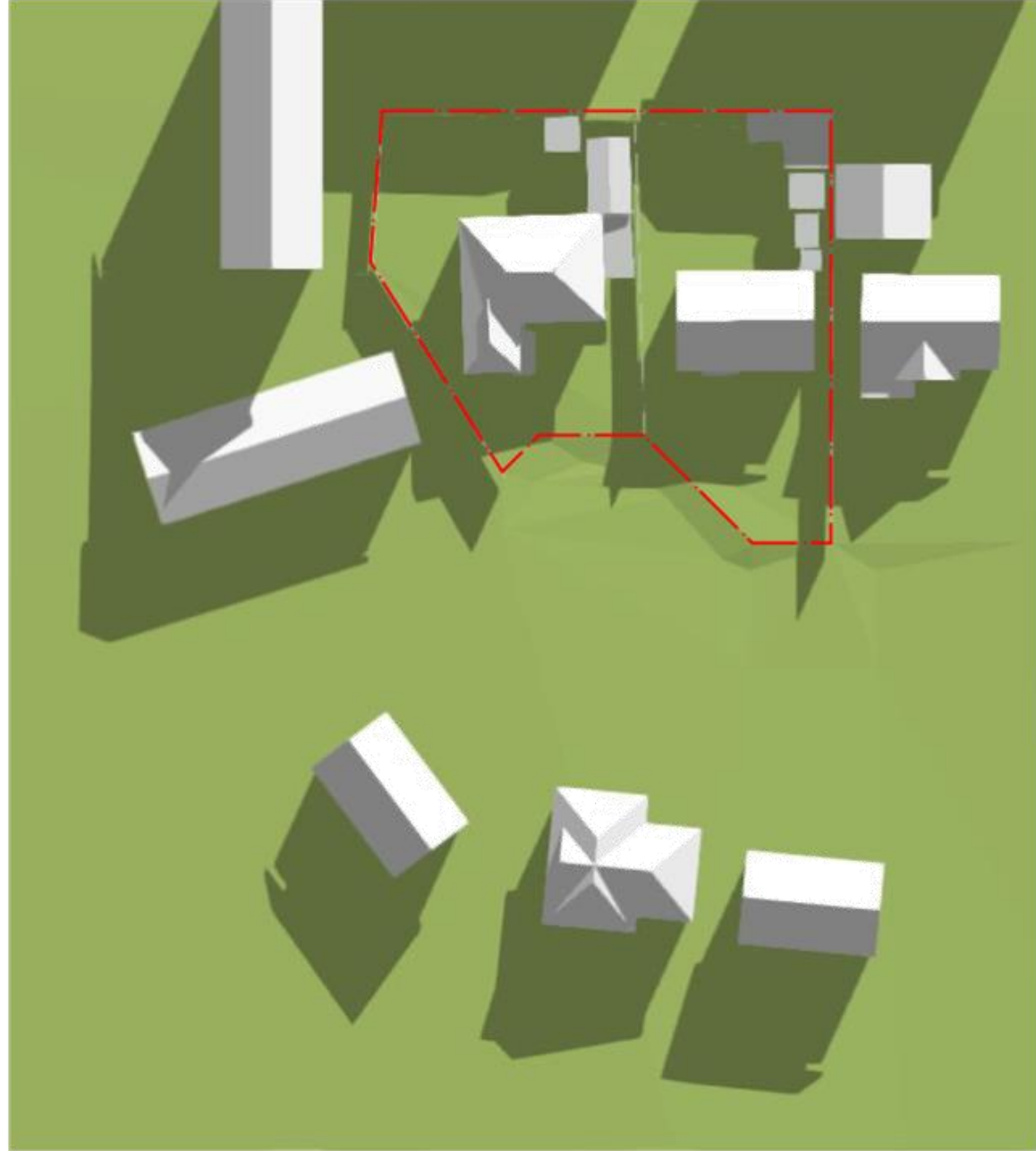
TITLE  
12 NOON, 21 JUNE SHADOWS

SCALE @ A1 1:350 @ A3  
DRAWN BY  
CHECKED BY A2

For Development  
Application Only  
PROJECT NO. 21008  
DRAWING NO. DA 301  
REVISION C



ALEKSANDAR  
PROJECTS



KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
3PM, 21 JUNE SHADOWS

SCALE @ A1 1:350 @ A3  
DRAWN BY  
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Application Only

PROJECT NO. 21008  
DRAWING NO. DA 301  
REVISION C

ALEKSANDAR  
PROJECTS



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM

KEY / NOTES



SOLAR ACCESS TO LIVING ROOM

SOLAR ACCESS REQUIREMENTS MIN 70% FOR 2 HRS

SOLAR ACCESS PROPOSED 16/ 20 APTS MIN 2 HRS = 80%

CLIENT

SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS

12-14 SHEAHAN STREET,  
WARWICK FARM

12/14 SHEAHAN STREET, WARWICK FARM NSW 2026  
PO BOX 207 BUNDI NSW 2026  
+61 2 9361 9590 ALEKSANDARPROJECTS.COM.AU  
WWW.ALEKSANDARPROJECTS.COM.AU

REVISION

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A DA SUBMISSION

TITLE

7/19/23  
12/1/23  
28/4/22  
WINTER SOLSTICE  
VIEW FROM THE SUN DIAGRAMS



SCALE @ A1  
DRAWN BY  
CHECKED BY

NTS  
A2

For Development  
Application Only

PROJECT NO. 21008

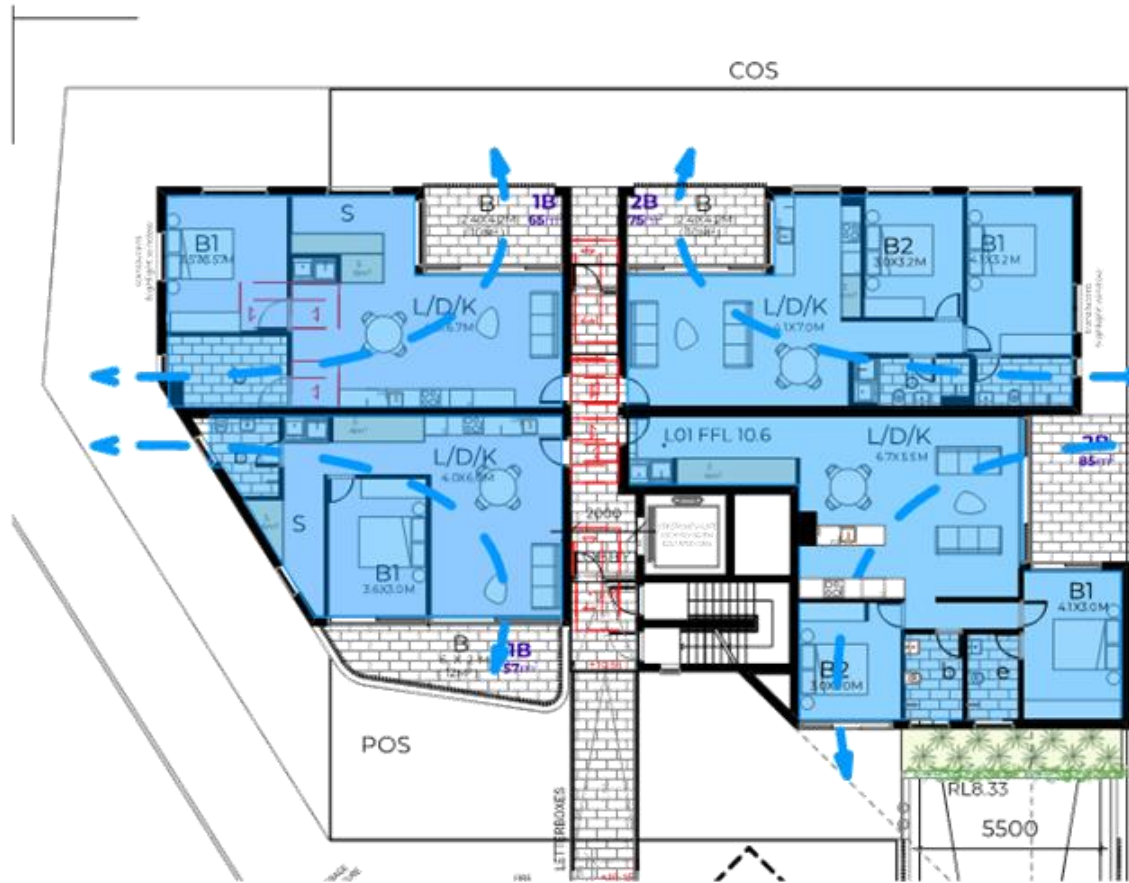
DRAWING NO. DA 303

REVISION C



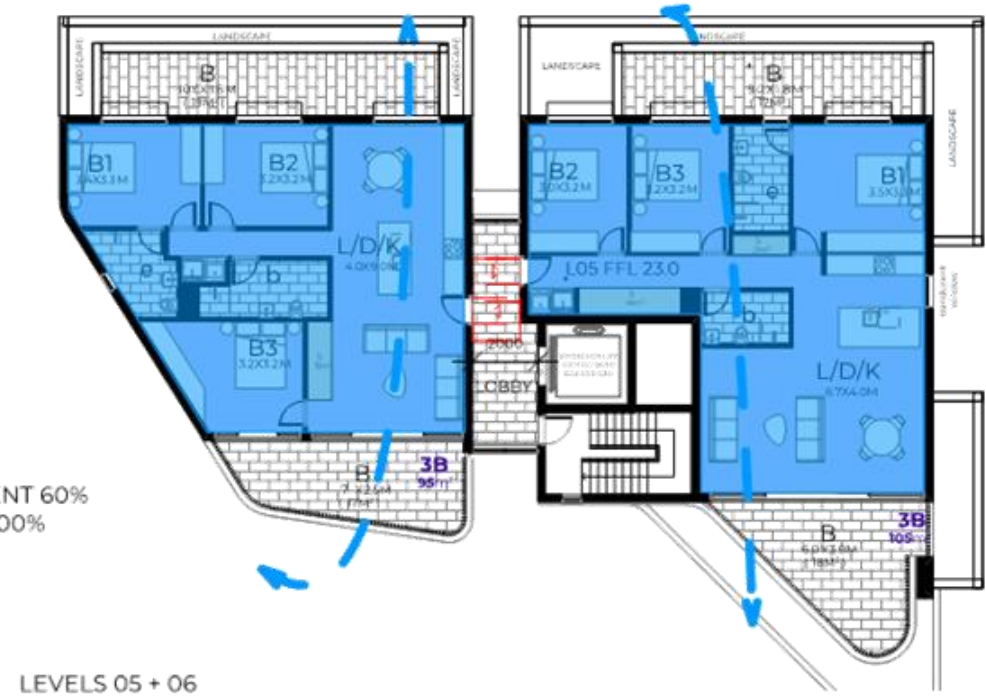


ALEKSANDAR  
PROJECTS



LEVEL 01

PO: CROSS VENTILATED APTS  
CROSS VENTILATED APTS MIN REQUIREMENT 60%  
CROSS VENTILATED APTS PROPOSED 100%



LEVELS 05 + 06



LEVELS 02, 03 + 04

Table 1

APARTMENT	TYPE	FLOOR AREA M2	STORAGE M3 50% BASEMENT	CARPARKING	PRIVATE OPEN SPACE
1	1 BED	65	6	1	15
2	1 BED	57	6	1	15
3	2 BED	75	8	1	15
4	2 BED	85	8	1	15
5	1 BED	65	6	1	10
6	1 BED	57	6	1	10
7	2 BED	75	8	1	10
8	2 BED	84	8	1	16
9	1 BED	65	6	1	10
10	1 BED	57	6	1	10
11	2 BED	75	8	1	10
12	2 BED	84	8	1	16
13	1 BED	65	6	1	10
14	1 BED	57	6	1	10
15	2 BED	75	8	1	10
16	2 BED	84	8	1	16
17	3 BED	95	10	1	17
18	3 BED	105	10	2	18
19	3 BED	95	10	1	17
20	3 BED	105	10	2	18

For Development  
Application Only

KEY/NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
CROSS VENTILATION DIAGRAMS



SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY A2

PROJECT NO. 21008  
DRAWING NO. DA 400  
REVISION C

ALEKSANDAR  
PROJECTS



VIEW FROM  
NORTH EAST / STREET



VIEW FROM  
NORTH WEST



VIEW FROM  
SOUTH



AFW : ALL WINDOWS, DOOR FRAMES



BR1 : FACE BRICK IN BIEGE



CF : CONCRETE FINISH



SC1 : NON-COMBUSTIBLE ALUMINIUM BLACK SCREEN



BR2 : FACE BRICK IN RED

<b>AFW</b>	ALL WINDOWS, DOOR FRAMES IN BLACK
<b>BR1</b>	FACE BRICK IN BIEGE
<b>BR2</b>	FACE BRICK IN RED
<b>CB</b>	FRAMELESS GLASS BALUSTRADE
<b>CF</b>	CONCRETE FINISH
<b>WSC</b>	WALL STONE CLADDING
<b>SC1</b>	ALUMINIUM SCREENING + CLADDING IN BLACK
----- 21M ALLOWABLE HEIGHT OF BUILDING	
----- EXISTING GROUND LINE	

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA 12/8/23  
B AMENDED DA 12/8/23  
A DA SUBMISSION 28/4/22

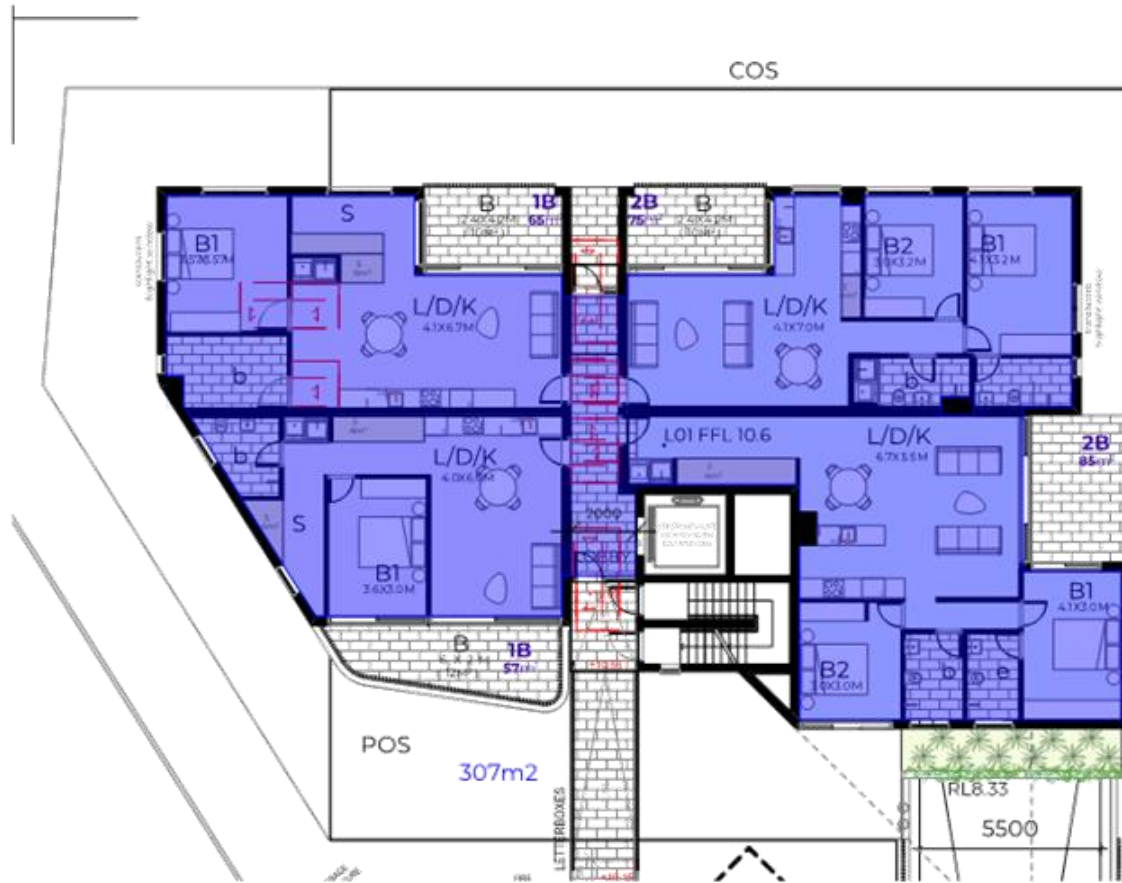
TITLE  
SCHEDULE OF FINISHES

SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY A2

PROJECT NO. 21008  
DRAWING NO. DA 500  
REVISION C

For Development  
Application Only

**ALEKSANDAR  
PROJECTS**



LEVEL 01



LEVELS 02, 03 + 04

KEY / NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM


REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
GROSS FLOOR AREA  
CALCULATIONS

SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY A2

PROJECT NO. 21008  
DRAWING NO. DA 600  
REVISION C

GROSS FLOOR AREA  
SITE AREA 1109.9 M2  
**REQUIRED AREAS**  
FSR 1.5:1 = ALLOWABLE 1664.85M2 GFA  
**PROPOSED 1657M2 GFA / 1.5:1 FSR**

 COMMUNAL OPEN SPACE  
SITE AREA 1109.9 M2  
**REQUIRED AREAS**  
25% SITE AREA = 277M2  
**PROPOSED 440M2 GFA / 40%**

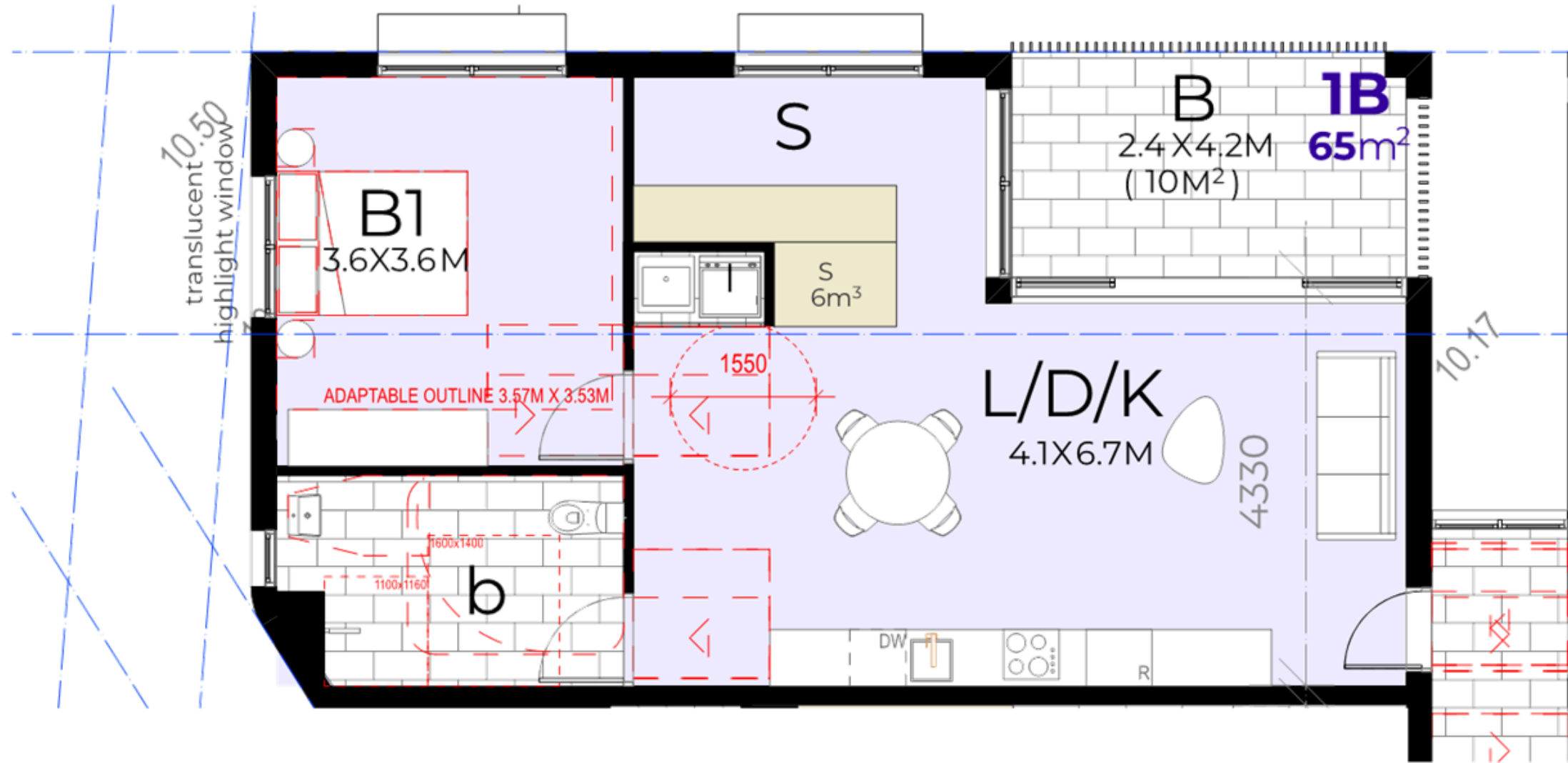


LEVELS 05 + 06



For Development  
Application Only

ALEKSANDAR  
PROJECTS



KEY/NOTES

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
ADAPTABLE APARTMENT  
12/8/23  
12/9/23  
28/4/22



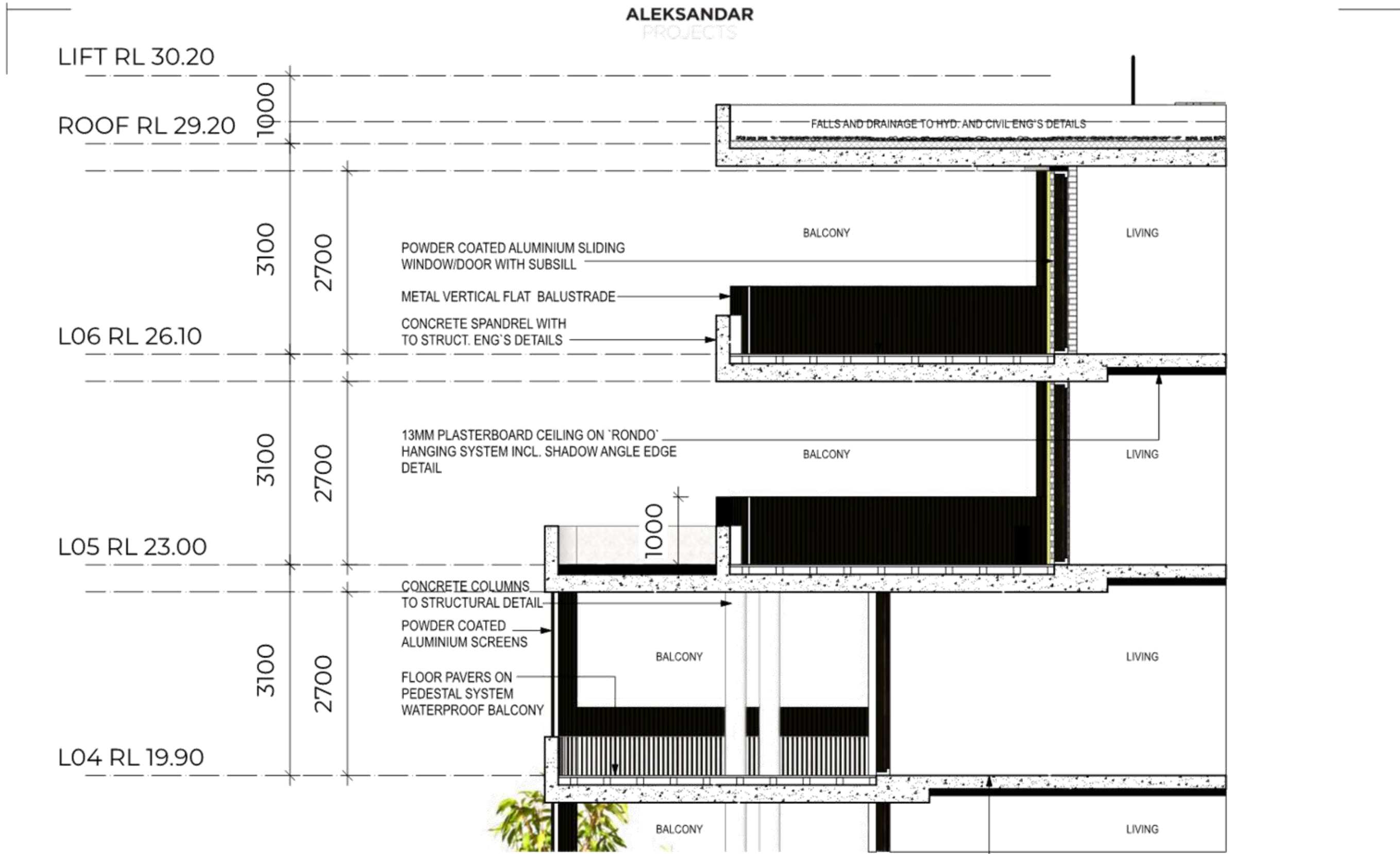
SCALE @ A1 1200@A3  
DRAWN BY  
CHECKED BY A1

For Development  
Application Only

PROJECT NO. 21008  
DRAWING NO. DA 900  
REVISION C



**ALEKSANDAR  
PROJECTS**



- KEY / NOTES**
- AFW ALL WINDOWS, DOOR FRAMES IN BLACK
  - BR1 FACE BRICK IN RED
  - BR2 FACE BRICK IN OFF WHITE
  - CB FRAMELESS GLASS BALUSTRADE
  - CF CONCRETE FINISH
  - WSC WALL STONE CLADDING
  - SC1 ALUMINIUM SCREENING + CLADDING IN BLACK
- 21M ALLOWABLE HEIGHT OF BUILDING  
----- EXISTING GROUND LINE

FLOOR FINISH LAID OVER  
ACOUSTIC UNDERLAY TO  
NCC REQUIREMENT

CLIENT  
SHEAHAN STREET INVESTMENTS  
PTY LIMITED

ADDRESS  
12-14 SHEAHAN STREET,  
WARWICK FARM

REVISION  
C AMENDED DA  
B AMENDED DA  
A DA SUBMISSION

TITLE  
7/9/23  
13/9/23  
28/9/23

FACADE SECTION

SCALE @ A1 1:20 @ A3  
DRAWN BY  
CHECKED BY AJ

PROJECT NO. 21008  
DRAWING NO. DA 900  
REVISION C

For Development  
Application Only

## Attachment -3 Assessment against the Liverpool Development Control Plan 2008

<b>LDCP 2008 Part 1: General Controls for All Development</b>			
<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
2. Tree Preservation	Controls relating to the preservation of trees	Seven (7) trees are required to be removed to necessitate the proposal.  One tree is to be retained.	<b>Complies</b>
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	One existing tree is able to be retained.	<b>Complies</b>
4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	No bushland or significant habitat for flora or fauna is situated on site.	<b>Not applicable</b>
5. Bush Fire Risk	Controls relating to development on bushfire prone land	The site is not bushfire prone.	<b>Not applicable</b>
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's Land Development Engineers for comments. The proposed stormwater management and treatment systems are supported.  No objection is raised to the proposed development subject to conditions.	<b>Complies</b>

<b>LDCP 2008 Part 1: General Controls for All Development</b>			
<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The site is not located nearby to a water course.	<b>Not applicable</b>
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development.	<b>Complies</b>
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not affected by flood planning and therefore flood related development controls are not applicable.	<b>Not applicable</b>
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Given the site has been historically residential in use, it is considered that contamination is unlikely.	<b>Complies</b>
11. Salinity Risk	Provisions relating to development on saline land.	The site is not identified as subject to salinity risk.	<b>Not applicable</b>
12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The site is not affected by Acid Sulfate Soils	<b>Not applicable</b>
13. Weeds	Provisions relating to sites containing noxious weeds.	No noxious weeds are on site.	<b>Not applicable</b>

<b>LDCP 2008 Part 1: General Controls for All Development</b>			
<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
14. Demolition of Existing Development	Provisions relating to demolition works	Each site is currently occupied by 2 dwelling houses that will be demolished to accommodate the proposed development.  Conditions of consent will be imposed to ensure that demolition is carried out in accordance with Australian Standards.	<b>Complies by condition</b>
15. On Site Sewage Disposal	Provisions relating to OSMS.	The site is connected to mains sewer.	<b>Not applicable</b>
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is unlikely that it would contain Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including excavation, work is to cease immediately. Condition to be imposed.	<b>Complies by condition</b>
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site is not identified as a heritage item or within the immediate vicinity of a heritage item.	Not applicable
19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	<b>Not applicable</b>
20. Car Parking and Access	Note: The ADG specifies that, on sites within 800m of a train station within Metropolitan Sydney, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or	Council's DCP control is not applicable, the ADG requirement of 22 minimum car spaces is applicable.  28 car spaces are provided in accordance with the ADG control.	<b>Complies with ADG</b>

<b>LDCP 2008 Part 1: General Controls for All Development</b>			
<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
	<p>the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>In this instance, the ADG requires less car parking spaces than the DCP (22 under the ADG compared to 33 under the DCP).</p> <p>Therefore, this control is not applicable.</p>		
21. Subdivision of Land and Buildings	Minimum Subdivision Lot Size: any lot size shown on the Lot Size Map greater than 300sqm	Subdivision is not proposed.	<b>Not applicable</b>
22. and 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX Certificate has been provided for the development.	<b>Complies</b>
23. Reflectivity	Provisions relating to the use of reflective materials on the exterior of buildings.	Highly reflective materials are not proposed.	<b>Complies</b>

<b>LDCP 2008 Part 1: General Controls for All Development</b>			
<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	A Waste Management Plan was submitted in support of the application.  The proposal has been reviewed by Council's Waste officer who is supportive and has provided conditions of consent.	<b>Complies by condition</b>
26 Outdoor Advertising and Signage	Provisions relating to signage.	The DA does not propose any signage.	<b>No applicable</b>
27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units.	The proposal accommodates 20 units. No SIC is required to be prepared.	<b>Not applicable</b>

<b>Development Control</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<b>Part 3.7 – Residential Flat Buildings in the R4 Zone</b>			
2 Frontage and Site Area	Minimum lot width of 24m	The site's street frontage is irregular in shape. The total frontage length is 32.94m and is acceptable.	<b>Complies on merit</b>
3 Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	The proposal requires excavation to accommodate the proposed basement levels. Apart from the basement levels, excavation is not required.	<b>Complies</b>

	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	The building is sited to accommodate useable and efficient space. As discussed, the application is accompanied by a BASIX certificate.	<b>Complies</b>
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	The proposal accommodates pedestrian pathways to the street, which provide a point of connection for the development to the street.	<b>Complies</b>
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The development is sited sympathetically to surrounding development. The design is of a quality that will provide a positive contribution to the street and preserve visual amenity.	<b>Complies</b>
	Storm water 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 storm water system. Where storm water drains directly to the street, there may also be a need to incorporate on-site detention of storm water where street drainage is inadequate	The proposed stormwater management system is supported by Council's engineer, subject to the imposition of conditions.	<b>Complies</b>

	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	The proposal satisfies key requirements of SEPP 65 as discussed in compliance table provided in Part 6.1(a) of this report.	<b>Complies</b>
<b>4. Setbacks</b>			
<b>Front Setback</b>	Front building setback of 5.5m is required from the street.	Front setback proposed is 5.5m.	<b>Complies</b>
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m	No encroachment is proposed.	<b>Not applicable</b>
	The secondary setback is along the longest length boundary.	The site does not have a secondary street frontage.	<b>Not applicable</b>
<b>Side and Rear Setback</b>	Boundary to land in R4 zone (First 10m in height, excluding roof/attic): 3m to side 8m to rear	The side setback for the first 10m of the building proposed is 4.5m for the northern boundary and 6m for the southern boundary. The rear setback proposed for the first 10m is 6m. All setbacks comply with the building separation distances required under the Apartment Design Guide as assessed in Section 6.1 of this report.	<b>Complies with ADG</b>



	Boundary to land in R4 zone (Greater than 10m in height): 8m to side 8m to rear	The setbacks proposed over 10m in height for the northern side boundary are 4.5m, transitioning to 6m. For the southern boundary, it is 6m.  The rear setback for the portion of the building over 10m in height is 6m transition to 9m.  All setbacks comply with the building separation distances required under the Apartment Design Guide as assessed in Section 6.1 of this report.	<b>Complies with ADG</b>
<b>8. Landscaped Area and Private Open Space</b>			
<b>Landscaped area</b>	A minimum of 25% of the site area shall be landscaped area.	Site area = 1109.9sqm  Landscaped area = 303sqm  Total landscaped area = 27.3% of the site landscaped.	<b>Complies</b>
	A minimum of 50% of the front setback area shall be landscaped area.	The front setback includes extensive landscaping and planting which softens the impact of the driveway and pedestrian entry.	<b>Complies</b>

	<p>Optimise the provision of consolidated landscaped area within a site by:</p> <ul style="list-style-type: none"> <li>- the design of basement and sub-basement car parking, so as not to fully cover the site.</li> <li>- the use of front and side setbacks.</li> <li>- optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.</li> </ul>	<p>Landscaped areas are continuous throughout all site setbacks and encircle the built form appropriately,</p>	<p><b>Complies</b></p>
	<p>Promote landscape health by supporting for a rich variety of vegetation type and size.</p>	<p>A variety of vegetation types are provided within the proposed landscape scheme.</p>	<p><b>Complies</b></p>
	<p>Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.</p>	<p>Paved areas are limited throughout the development and are limited to the paved communal area within the rear setback.</p>	<p><b>Complies</b></p>

<b>Open Space</b>	<p>Where communal open space is provided, facilitate its use for the desired range of activities by:</p> <ul style="list-style-type: none"> <li>- locating it in relation to buildings to optimise solar access to dwellings.</li> <li>- consolidating open space on the site into recognizable areas with reasonable space, facilities and landscape.</li> <li>- Designing its size and dimensions to allow for the range of uses it will contain.</li> <li>- minimizing overshadowing.</li> <li>- Carefully locating ventilation duct outlets from basement car parking.</li> </ul>	<p>The proposed communal open space is located within the western (rear) setback and ensures that dwellings receive optimal solar access.</p> <p>The communal open space is consolidated and centralised in the rear setback, and also extends into the other building setbacks for further recreational use.</p> <p>The communal open space area does not contribute to overshadowing.</p>	<b>Complies</b>
	Locate open space to increase the potential for residential amenity.	Communal open space is suitably located to preserve residential amenity.	<b>Complies</b>
<b>Private Open Space</b>	Private Open Space shall be provided in accordance with Table 3.	<p>Complies with the private open space requirements in the SEPP 65 ADG.</p> <p>Refer to section 6.1 of this report for ADG compliance.</p>	<b>Complies with ADG</b>

<b>Drying areas</b>	Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	Clothes drying can be undertaken on balconies which is acceptable in this regard,	<b>Complies</b>
<b>Building Design, Style and Streetscape</b>			
<b>Building Appearance and Streetscape</b>	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and should consider the Residential Flat Design Code.	A detailed assessment of the proposal against the requirements of SEPP 65 and the ADG is provided within Section 6.1 of this report.	<b>Complies</b>
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	The facades are well-articulated and provide visual variety through balconies and stepped building design.	<b>Complies</b>
	The pedestrian entrance to the building shall be emphasised.	The pedestrian entry is easily identifiable from the street.	<b>Complies</b>
	A sidewall must be articulated if the wall has a continuous length of over 14 m.	Sidewalls are articulated with windows and a stepped design.	<b>Complies</b>
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance	The proposed basement access is provided at the primary frontage.	<b>Complies</b>

	at the front of the building may be considered if the entrance is not readily visible from the street.		
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	The proposed driveway walls are appropriately treated and will be consistent with the basement walls.	<b>Complies</b>
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	The design of the carpark is not highly visible and will not impede the developments presentation the street.	<b>Complies</b>
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	Podiums are not proposed.	<b>Not applicable</b>
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements	The development integrates vertical elements that aid in articulating the built form.	<b>Complies</b>

	<p>across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p>		
	<p>Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to:</p> <ul style="list-style-type: none"> <li>- Defining a base, middle and top related to the overall proportion of the building.</li> <li>- Expressing key datum lines in the context using cornices, a change in materials or building set back.</li> <li>- Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions.</li> </ul>	<p>The development is well articulated, and facades are of an appropriate scale, rhythm and proportion. The development will form a positive contribution to the character of the street.</p>	<p><b>Complies</b></p>

	<ul style="list-style-type: none"> <li>- Expressing the variation in floor-to-floor height, particularly at the lower levels.</li> <li>- Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.</li> <li>- Selecting balcony types which respond to the street context, building orientation and residential amenity.</li> <li>- Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles.</li> <li>- Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials.</li> </ul>		
	Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	Shade features are integrated within the façade. Particularly, box window frames are provided at the western façade to mitigate heat absorption into windows.	<b>Complies</b>
	Co-ordinate and integrate building services, such as	Drainage pipes and building services will be integrated into the design and will not be an 'eyesore' to the streetscape.	<b>Complies with condition</b>

	drainage pipes, with overall facade and balcony design.		
	Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design.	Noted.	<b>Complies</b>
<b>Roof Design</b>	<p>Relate roof design to the desired built form. This may include:</p> <ul style="list-style-type: none"> <li>- Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.</li> <li>- Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas.</li> <li>- Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.</li> <li>- Using special roof features, which relate to the desired</li> </ul>	<p>The proposed roof design contributes positively to the design of the building.</p> <p>A flat roof is proposed with small parapet walls.</p>	<b>Complies</b>



	character of an area, to express important corners.		
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	The roof is a flat roof design and accommodates photovoltaic panels.	<b>Complies</b>
	Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	The lift overrun is not clearly visible from the street.	<b>Complies</b>
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	Habitable space is not provided within the roof.	<b>Not applicable</b>
<b>Building Entry</b>	Improve the presentation of the development to the street by:  - Locating entries so that they relate to the existing street and subdivision pattern, street tree	The main common entry is centrally located on Sheahan Street and is clearly identified within the streetscape.	<b>Complies</b>

	<p>planting and pedestrian access network.</p> <ul style="list-style-type: none"> <li>- Designing the entry as a clearly identifiable element of the building in the street.</li> <li>- Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street</li> </ul>		
	Provide as direct a physical and visual connection as possible between the street and the entry.	The proposal provides pedestrian pathways to Dredge Avenue and Harvey Avenue.	<b>Complies</b>
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	Clear lines of transition are provided from the public street, common circulation areas and private dwellings.	<b>Complies</b>
	Ensure equal access for all	Conditions of consent will be imposed to ensure that the development is compliant in regard to access and Australian Standards is met.	<b>Complies by condition</b>
	Provide safe and secure access by:	Publicly accessible space is provided at the entry. A weather protection awning is provided at the front entranceway.	<b>Complies</b>

	<ul style="list-style-type: none"> <li>- Avoiding ambiguous and publicly accessible small spaces in entry areas.</li> <li>- Providing a clear line of sight between one circulation space and the next.</li> <li>- Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.</li> </ul>		
	<p>Generally provide separate entries from the street for:</p> <ul style="list-style-type: none"> <li>- Pedestrians and cars.</li> <li>- Different uses, for example, for residential and commercial users in a mixed use development.</li> <li>- Ground floor dwellings, where applicable.</li> </ul>	<p>Separate entries for pedestrians and cars are provided.</p> <p>Ground floor dwellings cannot be accessed directly from the street, but have private access gates for the communal open space area.</p>	<b>Complies</b>
	<p>Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.</p>	<p>The entry and circulation space is of an adequate size to enable movement.</p>	<b>Complies</b>
	<p>Provide and design letterboxes to be convenient for residents and not to clutter the</p>	<p>The design of the letterboxes is appropriate and is at a 90-degree angle to the street.</p>	<b>Complies</b>

	<p>appearance of the development from the street by:</p> <ul style="list-style-type: none"> <li>- Locating them adjacent to the major entrance and integrated into a wall, where possible.</li> <li>- Setting them at 90 degrees to the street, rather than along the front boundary.</li> </ul>		
<b>Balconies</b>	Balconies may project up to 1m from the façade of a building.	Balconies do not project beyond 1m from the façade of the building.	<b>Complies</b>
	Balustrades must be compatible with the façade of the building.	The proposed balustrades are well-integrated with the façade.	<b>Complies</b>
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	The depth of balconies is not so deep it would obstruct solar access.	<b>Complies</b>
	Design balustrades to allow views and casual surveillance of the street.	Views will be available from above the balustrades.	<b>Complies</b>
	Balustrades on balconies at lower levels shall be of solid construction.	The proposed balustrades are of solid construction.	<b>Complies</b>

	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	Balconies are concentrated primary eastern frontage and rear western frontage. This minimises overlooking on the northern and southern boundary neighbouring properties.	<b>Complies</b>
	<p>Primary balconies should be:</p> <ul style="list-style-type: none"> <li>- Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space;</li> <li>- Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.</li> </ul>	<p>Balconies are located adjacent to living rooms and are of a proportion that is functional and will enable seamless indoor/outdoor living.</p> <p>All balconies are also compliant with ADG minimum area requirements.</p>	<b>Complies</b>
	<p>Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by:</p> <ul style="list-style-type: none"> <li>- Locating balconies facing predominantly north, east or west to provide solar access.</li> </ul>	<p>The proposed development site benefits from its east, north and west aspects which maximise solar access.</p> <p>The submitted solar access diagrams indicate that compliant solar access is available to the apartments, as required under the ADG.</p> <p>Balconies are orientated to the east and west to capture morning and afternoon sunlight.</p>	<b>Complies</b>

	<ul style="list-style-type: none"> <li>- Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind.</li> <li>- Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions</li> <li>- along rail corridors, on busy roads or in tower buildings</li> <li>- choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.</li> </ul>		
<b>Daylight Access</b>	Plan the site so that new residential flat development is oriented to optimise northern aspect.	The proposal achieves compliance with the minimum solar access requirements prescribed by the ADG.	<b>Complies</b>
<b>Internal Design</b>	Minimise the length of common walls between dwellings.	The length of common walls is appropriate.	<b>Complies</b>

		Basement car parking shall be located beneath the building footprint.	Basement parking is located beneath the building footprint.	<b>Complies</b>
		Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Privacy screening is integrated to mitigate privacy impacts to the eastern primary street frontage.  No habitable windows are provided on the northern or southern boundaries to minimise privacy impacts.	<b>Complies</b>
<b>Ground Dwellings</b>	<b>Floor</b>	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	Ground floor units that adjoin the street are provided with direct street access and contribute to the activation, surveillance and front façade treatment that interacts with the street. Individual entries are provided for ground floor units fronting Dredge Avenue.	Complies
		Create more pedestrian activity along the street and articulate the street edge by:  - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety	The proposed development has a balanced and articulated street edge that meets privacy requirements and pedestrian accessibility and activity with appropriate fencing, landscaping, lighting and change in level from the street to the private gardens and terraces.  Pedestrian infrastructure is also provided to the Dredge Avenue and Harvey Avenue frontages.	

	<p>requirements of occupants while contributing to a pleasant streetscape.</p> <p>- Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.</p>		
	<p>Provide ground floor dwellings with access to private open space, preferably as a courtyard.</p>	<p>Ground floor apartments 01, 03 and 04 are provided with direct access to the communal open space by way of a locked gate. Private balconies are also provided.</p>	<b>Complies</b>
<b>Security</b>	<p>Entrances to buildings should be orientated towards the front of the site and facing the street.</p>	<p>The entrance to the building is clearly defined and identifiable from Sheahan Street. This contributes to causal surveillance opportunities in addition to the balconies already provided.</p>	<b>Complies</b>
	<p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to</p>	<p>No blank walls are proposed to the street frontage.</p>	<b>Complies</b>



	<p>applied to the wall to a height of 2 metres.</p>		
	<p>Reinforce the development boundary to strengthen the distinction between public and private space by:</p> <ul style="list-style-type: none"> <li>- Employing a level change at the site and/or building threshold (subject to accessibility requirements).</li> <li>- Signage.</li> <li>- Entry awnings.</li> <li>- Fences, walls and gates.</li> <li>- Change of material in paving between the street and the development.</li> </ul>	<p>Development boundary is reinforced by the proposed fencing and landscape scheme. The awning over the primary entryway further reinforces the development boundary.</p>	<b>Complies</b>
<b>Natural Ventilation</b>	<p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example,</li> </ul>	<p>The submitted plans indicate that 100% of apartments (20 apartments) achieve the cross-ventilation requirement prescribed by the SEPP 65 ADG.</p>	<b>Complies</b>

	<p>cross through dwellings and corner dwellings.</p> <p>- Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.</p>		
<b>Building Layout</b>	<p>The layout of dwellings within a residential flat building should minimise the extent of common walls. Figure 9 shows layouts that are not preferred and options that are considered acceptable.</p>	<p>The proposed building layout with an open common linear corridor maximises natural light and ventilation.</p> <p>Common walls are avoided to the most practical extent.</p>	<b>Complies</b>
<b>Storage Areas</b>		Complies with the storage requirements in the SEPP 65 ADG	Not applicable according to clause 6A of SEPP 65
<b>Landscaping and Fencing</b>			
<b>Landscaping</b>	<p>The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height</p>	Canopy tree plantings are provided within all setbacks.	<b>Complies</b>

	at maturity within front and rear setback areas.		
	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.	Species selection is considered to be appropriate in the local context.	<b>Complies</b>
	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.	A mix of canopy trees, shrubs and groundcovers are provided within the proposed landscape scheme.	<b>Complies</b>
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Landscaping adjoining the driveway has been selected so as to preserve sight lines.	<b>Complies</b>
	Tree and shrub planting alongside and rear boundaries	Plantings along property boundaries will screen the development from adjoining properties.	<b>Complies</b>

	should assist in providing 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.	Planter boxes are provided at the Levels 05 and 06.  Planter boxes are accessible for maintenance from windows.	<b>Complies</b>
	The development must be designed around significant vegetation on the site.	The proposal provides for the removal of a number of existing site trees, all of which are proposed to be replaced with new landscape plantings.	<b>Complies</b>
	It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	Noted.	<b>Noted</b>
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	New canopy plantings meet this minimum distance requirement.	<b>Complies</b>

	<p>Contribute to streetscape character and the amenity of the public domain by:</p> <ul style="list-style-type: none"> <li>- Relating landscape design to the desired proportions and character of the streetscape.</li> <li>- Using planting and landscape elements appropriate to the scale of the development.</li> <li>- Mediating between and visually softening the bulk of large development for the person on the street</li> </ul>	The proposed landscaping scheme will contribute positively to streetscape character and amenity through provision of planting at an appropriate scale that will soften the presentation of the development.	<b>Complies</b>
<b>Fencing – Primary Frontage</b>	The maximum height of a front fence is 1.2m.	A 1.2m open palisade fence is proposed.	<b>Complies</b>
	The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Not applicable	<b>Not applicable</b>
	The front fence must be 30% transparent.	Palisade fencing is transparent.	<b>Complies</b>
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with	The front fencing is a metal palisade fence.	<b>Complies</b>

	the proposed design of the dwelling.		
	<p>The front fence may be built to a maximum of 1.8m only if:</p> <ul style="list-style-type: none"> <li>• The primary frontage is situated on a Classified Road.</li> <li>• The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.</li> <li>• The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.</li> </ul>	Not applicable as the front fence is 1.2m	<b>Not applicable</b>
<b>Car Parking and Access</b>			
<b>Car Parking</b>	Visitor car parking shall be clearly identified and may not be stacked car parking.	Visitor parking is clearly identified and not provided within a stacked arrangement.	<b>Complies</b>
	Visitor car parking shall be located between any roller shutter door and the front boundary.	Visitor parking is provided within the basement.	<b>Complies</b>
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a	Vehicle entry to the basement is provided at the primary street front due to site location constraints. There is only one street frontage which would permit vehicle entry.	<b>Complies</b>

	curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.		
<b>Pedestrian Access</b>	Utilise the site and it's planning to optimise accessibility to the development.	Common pedestrian access is provided at grade from Sheahan Street.	<b>Complies</b>
	Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	Accessible routes are provided throughout the site.	<b>Complies</b>
	Promote equity by: <ul style="list-style-type: none"> <li>- Ensuring the main building entrance is accessible for all from the street and from car parking areas.</li> <li>- Integrating ramps into the overall building and landscape design.</li> <li>- Design ground floor dwellings to be accessible from the street,</li> </ul>	The main building entrance is accessible from Sheahan Street and from within the basement carpark.  Ground floor units 01, 03 and 04 are provided with ground floor gates for external entry.	<b>Complies</b>

	where applicable, and to their associated private open space.		
	<p>Maximise the number of accessible and adaptable dwellings in a building by:</p> <ul style="list-style-type: none"> <li>- Providing more than one accessible entrance where a development contains clusters of buildings.</li> <li>- Separating and clearly distinguish between pedestrian accessways and vehicle accessways.</li> <li>- Locating vehicle entries away from main pedestrian entries and on secondary</li> </ul>	Four (4) adaptable units are proposed.	<b>Complies</b>
<b>Amenity and Environmental Impact</b>			
<b>Privacy</b>	Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.	<p>Privacy has been considered within the development.</p> <p>There are no habitable room windows to either the northern or southern elevations to preserve the privacy of adjacent residential lots.</p> <p>Balconies have been designed to overlook the street and rear communal open space, reducing overlooking into neighbouring yards and dwellings.</p>	<b>Complies</b>



	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.	There are no habitable room windows to either the northern or southern elevations to preserve the privacy of adjacent residential lots.	<b>Complies</b>
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscape screening is proposed at property boundaries.	<b>Complies</b>
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:  - Balconies to screen other balconies and any ground level private open space.  - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.  - Changing the level between ground floor dwellings with their associated private open space,	Refer above.	<b>Complies</b>

	<p>and the public domain or communal open space.</p>		
	<p>Use detailed site and building design elements to increase privacy without compromising access to light and air by:</p> <ul style="list-style-type: none"> <li>- Offsetting windows of dwellings in new development and adjacent development windows.</li> <li>- Recessed balconies and/or vertical fins between adjacent balconies. Liverpool Development Control Plan 2008 Amenity and Environmental Impact Part 3.7 36</li> <li>- Solid or semi-solid balustrades to balconies – louvres or screen panels to windows and/or balconies.</li> <li>- Fencing.</li> <li>- Vegetation as a screen between spaces.</li> <li>- Incorporating planter boxes into walls or balustrades to increase the visual separation between areas.</li> </ul>	<p>Refer above.</p>	<p><b>Complies</b></p>

	- Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space		
Acoustic Impact	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	The development locates high-use areas proximate to each other and locates more sensitive areas proximately to preserve acoustic privacy.	<b>Complies</b>
Site Services			
Letterboxes	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.	Letterboxes are provided at the pedestrian entry.	<b>Complies</b>
Waste Management	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	A waste room is located at basement level 02 and will provide for bin storage.	<b>Complies</b>
Electricity Substation	In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area	No electricity substation is proposed.	<b>Not applicable</b>

	as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage		
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## Minutes

### MINUTES OF DESIGN EXCELLENCE PANEL MEETING

Thursday the 13<sup>th</sup> of July 2023

#### DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
Michael Mandl	Panel Member	Mandl Consults Pty Ltd
Vishal Lakhia	Panel Member	Vishal Lakhia Architect

#### APPLICANT REPRESENTATIVES:

Aleksander Jelcic	Architect	Aleksander Design Group
Adam Byrnes	Planner	Think Planners
Sameer Kunwar	Planner	Think Planners

#### OBSERVERS:

Joshua Walters	Convenor / Acting Senior Urban Designer	Liverpool City Council
Amanda Merchant	Panel Support Officer	Liverpool City Council
Emily Lawson	Senior Development Assessment Planner	Liverpool City Council
Lashta Haidari	Team Leader Development Assessment	Liverpool City Council

#### ITEM DETAILS:

**Item Number:** 2

**Application Reference Number:** DA-653/2022

**Property Address:** 12-14 Sheahan Street, Warwick Farm NSW 2170

**Council's Planning Officer:** Emily Lawson

**Applicant:** Think Planners Pty Ltd

**Proposal:** Demolition of all structures and the construction of a residential flat building involving 6 floors and 20 residential flat dwellings.

**Meeting Venue:** Microsoft Teams Meeting

#### 1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

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

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

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

## 2.0 DECLARATIONS OF INTEREST

NIL

## 3.0 PRESENTATION

The applicant presented their proposal for DA-653/2022, 12-14 Sheahan Street, Warwick Farm NSW 2170.

## 4.0 DEP PANEL RECOMMENDATIONS

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

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

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
<p><b>4.1. Context</b></p> <ul style="list-style-type: none"> <li>The Panel notes that the adjoining site (i.e., on the southern side) might get isolated in terms of its future development potential. The Panel recommends the applicant to re-explore the possibility of site amalgamation with the southern neighbour. In case, the amalgamation is not feasible, the applicant needs to develop a schematic design scheme for the adjoining site to demonstrate its development potential / future outcome.</li> <li>The Panel notes that the design for the proposal is heading in the right direction and encourages the applicant to strive for design excellence as part of detailed design. The Panel recommends the applicant to consider the proposal as an exemplar for this precinct which can be referenced by all future developments in this area.</li> <li>The Panel recommends the applicant to adhere to the minimum setback requirements as per ADG (i.e., 6m setback</li> </ul>	<p><b>4.1. Context</b></p> <ul style="list-style-type: none"> <li>The Panel thanks the applicant for thoughtfully responding to the recommendations offered within the previous DEP report.</li> <li>The Panel commends the overall massing and site planning strategy adopted by the applicant.</li> <li>The Panel acknowledges the proposals increased setback along the southern boundary from 3m to 6m and the removal of the encroaching façade element within the front setback of the site, to comply with the 5.5m street setback requirement. The amendments are considered positive.</li> <li>The Panel supports the setbacks within this proposal, ensuring that a high-level of amenity can be achieved within each apartment and an acceptable level of</li> </ul>

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
<p>for levels 1-4 and 5.5m setback along the lot frontage).</p> <ul style="list-style-type: none"> <li>The Panel requires the applicant to respond to 'Country' as part of the development. Demonstrate the response to 'Country' as part of the revised documentation (reference material/ information &amp; engagement can be gained by First Nations knowledge holders/ consultants &amp; from the Government Architect of NSW).</li> </ul>	<p>amenity is maintained for the residents on the adjoining properties.</p> <ul style="list-style-type: none"> <li>The increase in the communal open space and landscaping is positive.</li> <li>The Panel acknowledges the contextual diagrams included within the updated architectural package, which address the site isolation issues raised by the previous DEP.</li> <li>The Panel notes that a response to Country has not been provided and should be included in subsequent thinking and submissions.</li> </ul>
<p><b>4.2. Built Form + Scale</b></p> <ul style="list-style-type: none"> <li>The Panel notes that the built form for the current proposal steps in like a wedding cake and recommends the applicant to consider a form that is more linear / solid.</li> <li>The Panel recommends the applicant detail out the western façade for the building and ensure that it responds to the climate of Liverpool.</li> <li>The Panel notes that the balustrades for the balcony on lower levels (especially Level 1) could incorporate an element of solidity (at least up to 800mm AFFL). This would help provide privacy / screening for lower-level balconies.</li> <li>The Panel notes that the windows need to be redesigned in terms of proportions, solar aspect, response to climate and its relationship to the overall building façade. Consider providing sunshade devices to improve the overall thermal performance.</li> <li>The Panel requires the applicant to resolve doors/ accessways with overhead canopy to provide cover for the residents. Consider increasing the width for the front door which is quite narrow in the current scheme.</li> <li>The Panel notes that the ramp transitions are quite steep and, if possible, can be more generous. Consider increasing the length of the main ramp and consider</li> </ul>	<p><b>4.2. Built Form + Scale</b></p> <ul style="list-style-type: none"> <li>The Panel was informed that the proposal now complies with the maximum permissible 1.5:1 FSR control.</li> <li>The Panel supports the applicants' adjustments to the built form, in response to the previous DEP comments. It is noted that the southern elevation is now a continuous vertical façade, which will require careful detailing to provide scale and architectural interest.</li> <li>The Panel notes the additional box frames to the glazing on the western facade to improve sun shading. This minimises the solar amenity concerns associated with flush glazing, that were raised by the previous DEP.</li> <li>The Panel supports the awning protection for external entries and doorways.</li> <li>The Panel acknowledges the revised design that provides day lighting for the fire stairs, in accordance with the previous DEP advice.</li> <li>The Panel encourages the applicant to explore opportunities to increase the</li> </ul>

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
<p><i>providing 1:5 / 1:6 slope for the main ramp for a more comfortable driving experience.</i></p> <ul style="list-style-type: none"> <li>• <i>The Panel recommends the applicant to consider access to natural light for the fire stairs.</i></li> </ul>	<p>size of the south-eastern balconies (for apartments 2, 6 and 10), maintaining a radiused southeast corner, to align with the front setback line and provide a 4-storey scale to the street.</p> <ul style="list-style-type: none"> <li>• The Panel requires the applicant to confirm the requirements for building utilities and services including but not limited to a substation, fire hydrant booster valve, meters room, plant room, fire indicator panels, main switch board and alike. The applicant should ensure that all services elements are thoughtfully located within the ground plane whilst achieving a desirable amenity for the residents.</li> <li>• The Panel encourages the applicant to further resolve the internal layout of Units 4, 8, 12 and 16. Where possible the configuration should limit corridor length and aim to better optimise the use of constrained spaces. It is suggested that Unit 4 remove the obligation to traverse the living room to access the bathroom from the bedrooms.</li> <li>• The Panel recommends the access door to the rear communal open space is relocated towards the building perimeter at the rear façade, to avoid conflicts with the front doors of apartments 01 and 03. The Panel notes that this will also create a more generous lobby area on ground floor.</li> <li>• The Panel encourages the applicant to incorporate a floor to ceiling high translucent slot window (with louvres). Centrally aligned between the kitchen benches, an appropriately considered window, positioned within the north facing wall of apartments 18 and 20 will facilitate improved cross ventilation and</li> </ul>



<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
	<ul style="list-style-type: none"> <li>solar access for the kitchen and adjacent living spaces.</li> </ul>
<p><b>4.3. Density</b></p> <ul style="list-style-type: none"> <li>The Panel supports the overall density being proposed for the site. The Panel reiterates that minor breaches to building height can be supported if it helps in achieving meaningful outcomes for the site.</li> </ul>	<p><b>4.3. Density</b></p> <ul style="list-style-type: none"> <li>NIL</li> </ul>
<p><b>4.4. Sustainability</b></p> <ul style="list-style-type: none"> <li>The Panel requires the applicant to include sustainability measures for the site (e.g., Photovoltaic panels, water harvesting / storage, passive design, etc.). Demonstrate all sustainability initiatives being applied to this development supported by consultant reports and detail drawings specifically highlighting all ESD measures applied.</li> </ul>	<p><b>4.4. Sustainability</b></p> <ul style="list-style-type: none"> <li>The Panel notes inclusion of water harvesting strategies and photovoltaic panels on the roof plan.</li> <li>The Panel requires the applicant to prepare a NCC report and establish an appropriate star rating for the development.</li> <li>The Panel encourages the applicant to achieve 100% cross ventilation within the design, which could be accomplished through minor modifications to the proposal. The recommendation is to include a high-level window in bedroom B1 (of the north-western apartments) which would remove the reliance on the bathroom windows and provide proper cross ventilation and improved solar access (to the north). This strategy can be replicated for all similar apartments to improve natural cross ventilation and solar access.</li> <li>The Panel requires the applicant to incorporate ceiling fans within all habitable areas and details are to be indicated on the architectural drawings.</li> </ul>
<p><b>4.5. Landscape</b></p> <ul style="list-style-type: none"> <li>The Panel notes that there is ample opportunity to provide additional greening / vegetation around the building façade on Level 4 (especially along the western façade). Provide adequate vegetation in</li> </ul>	<p><b>4.5. Landscape</b></p> <ul style="list-style-type: none"> <li>The Panel notes the 40% communal open space provisions proposed, which has increased from the previous submission and is more than the 25%</li> </ul>

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
<p><i>planters along the building periphery to improve the overall design outcome. Consider adequate provisions for soil volume / depth and maintenance access for these planters.</i></p> <ul style="list-style-type: none"> <li>• <i>The Panel notes that the Communal Open Space (COS) being provided on the ground level is very close to the balconies for the ground floor units. Provide adequate separation (in terms of screen planting / privacy) between the COS and POS areas. The Panel recommends the applicant to consider additional COS at roof level to add to the overall amenity being provided for the residents. Provide lift access, an accessible toilet and some shade devices, on roof terrace level.</i></li> <li>• <i>Liverpool is a hot inland environment which requires substantial landscape to improve any future development. The Panel requires the applicant to provide substantial canopy tree planting as part of the proposal and encourages the applicant to achieve a 40% canopy cover target.</i></li> </ul>	<p>required by the ADG. However, the Panel notes that the communal open space proximity to the adjoining private open spaces, somewhat compromises the amenity of the ground floor apartments.</p> <ul style="list-style-type: none"> <li>• The Panel recommends the applicant provide additional communal open space on the roof top to supplement to the overall amenity achieved for the residents. The rooftop communal open space should be provided with lift and fire stairs, an accessible toilet, planting, seating, outdoor kitchen / BBQ facilities and shading devices. The Panel supports a minor height encroachment, to facilitate this improved amenity.</li> <li>• The Panel notes the incorporation of planting on Level 4, in accordance with the previous DEP comments. However, it is concerned by the apparent limitations for maintenance access and serviceability, such as the removal of green waste.</li> <li>• The Panel recommends the extent of the planting areas on the level 4 terraces be reduced to accommodate additional private open space / balconies for the adjoining rooms. This would allow residents to undertake maintenance of this private open space, and additionally improve amenity for these apartments. The Panel is supportive of a minor setback non-compliance (slight encroachment on the 9m ADG setback) to facilitate a higher level of amenity, in this regard.</li> <li>• The Panel supports that the potential privacy concerns between the ground floor communal open space and the adjoining ground floor units will be reduced through the incorporation of</li> </ul>

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
	<p>additional planting offering a visual buffer between these spaces.</p> <ul style="list-style-type: none"> <li>The Panel commends the applicant's adherence to the setbacks within the basement footprint to facilitate extensive deep soil zones and landscape areas within the proposal.</li> <li>The Panel requires preparation of detailed landscape design and planting plans for the revised Level 4 private open spaces and the Rooftop communal open spaces, to be included within the revised landscape package.</li> </ul>
<p><b>4.6. Amenity</b></p> <ul style="list-style-type: none"> <li>The Panel requires the applicant to provide detailed solar analysis and sun-eye diagrams to demonstrate the level of solar compliance for each unit. Provide hourly intervals between 8am and 4pm for Winter, Summer solstices and the equinox.</li> <li>The Panel notes that there are privacy concerns regarding the ground floor apartments facing the COS. Consider adequate separation / planting to ameliorate the impacts of privacy and overlooking.</li> </ul>	<p><b>4.6. Amenity</b></p> <ul style="list-style-type: none"> <li>The Panel acknowledges the comprehensive solar analysis and sun-eye diagrams provided by the applicant, in accordance with the previous DEP recommendations.</li> <li>The Panel recommends the applicant consider repositioning the accessible walkway (within the communal open space) away from the adjacent bedroom windows.</li> <li>Review the submitted shadow diagrams, as the shadows appear to be markedly less than submitted in the previous submission.</li> <li>Potential apartment layout improvements have been noted earlier.</li> </ul>
<p><b>4.7. Safety</b></p> <ul style="list-style-type: none"> <li>The Panel requires the applicant to ensure general safety provision for the residents. Consider CPTED principles to evaluate any safety concerns within the proposal and demonstrate applied principles with specific drawings to highlight them.</li> </ul>	<p><b>4.7. Safety</b></p> <ul style="list-style-type: none"> <li>The Panel acknowledges the simple and direct pedestrian site entry proposed. This is supported from a CPTED perspective.</li> <li>The Panel encourages the applicant to explore opportunities to soften the impact of the driveway / carpark entry and reduce opportunities for headlights to enter ground floor apartments.</li> </ul>

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 13 July 2023)
	<ul style="list-style-type: none"> <li>Consider applying a gentle radius to the basement driveway, south-east towards the straight section of the turning circle, rather than the corner. This will reduce the impact on the streetscape of the driveway, assist in manoeuvring and reduce the impact of headlights into the bedrooms of apartment 4.</li> </ul>
<p><b>4.8. Housing Diversity + Social Interaction</b></p> <ul style="list-style-type: none"> <li>The Panel notes that the unit mix does not provide a diversity within the proposal. The Panel recommends the applicant to consider 2x 2-bedroom units and 1x 3-bedroom unit per floor as part of the revised proposal.</li> </ul>	<p><b>4.8. Housing Diversity + Social Interaction</b></p> <ul style="list-style-type: none"> <li>The Panel acknowledges the applicant's introduction of 1 x 3-bedroom unit as well as multiple additional 1-bedroom units to improve the overall apartment mix. The mix of units has been adjusted to include 8 x 1-bedroom, 8 x 2 bedroom and 4 x 3-bedroom. This is supported by the Panel.</li> </ul>
<p><b>4.9. Aesthetics</b></p> <ul style="list-style-type: none"> <li>The Panel requires the applicant to prepare a detailed materials palette for Panel to consider. The Panel will comment on the aesthetics / materiality in the next DEP presentation.</li> <li>Provide a detail 1:20 section of the façade including all materials, change of form and use.</li> <li>Please provide renders of the building from eye height from the public domain and 2 other vantage points of adjacent sites (also at eye height).</li> </ul>	<p><b>4.9. Aesthetics</b></p> <ul style="list-style-type: none"> <li>The Panel notes the additional information, images, sections (i.e., 1:20) and renders provided by the applicant, in accordance with the previous DEP comments.</li> <li>The Panel requires the level of detail provided within the 1:20 sections to be expanded within the updated architectural package. Include additional of 1:20 detailed sections through length and width of the building to detail the façade and internal structures.</li> <li>The Panel notes the submitted elevations lack detail (particularly for the brick elements) and require further development for Council assessment. However, the Panel acknowledges that the general direction of the project is acceptable.</li> </ul>

<i>Previous DEP Recommendations</i> (DEP Meeting held on 10 November 2022)	<i>Latest DEP Recommendations</i> (DEP Meeting held on 13 July 2023)
	<ul style="list-style-type: none"> <li>The Panel requires the applicant to provide additional elevational detailing to the proposed external walls including the brickwork. This would illustrate the layout/from, colour, size, brick type of the proposed brick facades. For instance, the panel is interested in the detailing of the radiused brick elements which form an important part of the project aesthetic. This information should be included within the submitted package to ensure Council has an accurate understanding of the proposal, in this regard. The quality of the proposal is important, as this development is the first contemplated in an existing lower density environment.</li> </ul>
<p><b>5.0 OUTCOME</b></p> <p><i>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</i></p> <p><i>The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</i></p>	

### 5.0 OUTCOME

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

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

## A. THE DEVELOPMENT

### Approved Plans

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

(a) Architectural Plans

Plan Name	Plan Number	Date	Rev	Prepared By
Cover Page / Location Plan	DA 000	17/08/2023	C	Aleksandar Projects
Site Analysis + Demolition Plan	DA 001	17/08/2023	C	Aleksandar Projects
Site + Roof Plan	DA 100	17/08/2023	C	Aleksandar Projects
Basement 02 Plan	DA 101	17/08/2023	C	Aleksandar Projects
Basement 01 Plan	DA 102	17/08/2023	C	Aleksandar Projects
Level 01 Floor Plan	DA 103	17/08/2023	C	Aleksandar Projects
Level 02 Floor Plan	DA 104	17/08/2023	C	Aleksandar Projects
Level 03 Floor Plan	DA 105	17/08/2023	C	Aleksandar Projects
Level 04 Floor Plan	DA 106	17/08/2023	C	Aleksandar Projects
Level 05 Floor Plan	DA 107	17/08/2023	C	Aleksandar Projects
Level 06 Floor Plan	DA 108	17/08/2023	C	Aleksandar Projects
Section A-A	DA 200	17/08/2023	C	Aleksandar Projects
North Elevation	DA 201	17/08/2023	C	Aleksandar Projects
South Elevation	DA 202	17/08/2023	C	Aleksandar Projects
East Elevation	DA 203	17/08/2023	C	Aleksandar Projects
West Elevation	DA 204	17/08/2023	C	Aleksandar Projects
Cross Ventilation Diagrams	DA 400	17/08/2023	C	Aleksandar Projects

Schedule of Finishes	DA 500	17/08/2023	C	Aleksandar Projects
Gross Floor Area Calculations	DA 600	17/08/2023	C	Aleksandar Projects
Adaptable Apartment	DA 900	17/08/2023	C	Aleksandar Projects
Façade Section	DA 900	17/08/2023	C	Aleksandar Projects

## (b) Landscape Plans

Plan Name	Plan Number	Date	Issue	Prepared By
Landscape Plan	LS01	16/06/2023	D	Melissa Wilson Landscape Architects
Level 5 Landscape	LS01 Addendum	16/06/2023	A	Melissa Wilson Landscape Architects

## (c) Stormwater Concept and Sediment and Erosion Control Plans

Title	Job No./Drawing No.	Revision/Issue	Date	Prepared By
Title page, notes & details	ME-2022-STW016 - SW001	C	14/06/2023	Modular Engineers Pty Ltd
Basement level 2 & details	ME-2022-STW016 - SW010	C	14/06/2023	Modular Engineers Pty Ltd
Basement level 1 & details	ME-2022-STW016 - SW020	C	14/06/2023	Modular Engineers Pty Ltd
Ground floor level & details	ME-2022-STW016 - SW030	C	14/06/2023	Modular Engineers Pty Ltd
Pre-developed catchment plan & details	ME-2022-STW016 - SW031	C	14/06/2023	Modular Engineers Pty Ltd
Level 1 – 5 typ. Layout & details	ME-2022-STW016 - SW040	C	14/06/2023	Modular Engineers Pty Ltd
Roof level layout & details	ME-2022-STW016 - SW050	C	14/06/2023	Modular Engineers Pty Ltd
Erosion and sediment control plan	ME-2022-STW016 – RR001	C	14/06/2023	Modular Engineers Pty Ltd

## (d) Reports

Report Name	Date	Reference	Prepared By
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Arboricultural Development Impact Assessment Report	3 March 2022	-	Horticultural Resources Consulting Group
Tree Management Plan	3 March 2022	-	Horticultural Resources Consulting Group
Waste Management Plan	May 2022	22074	Dickens Solutions
Traffic Impact Statement	16/06/2023	22.066r01 v02	Traffix

(e) BASIX certificate number1303257M\_03

Except where modified by the undermentioned conditions.

#### **Comply with EP&A Act**

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

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

#### **Comply with NCC**

3. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2021*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- Complying with the Deemed to Satisfy Provisions; or
  - 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**

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

#### **Plan Amendments**

5. As 2 x 240L green waste bins will be supplied to the RFB, a secure, lockable enclosure must be provided. This enclosure is required to be shown on amended architectural plans and is to be of an appropriate size for 2 x green bins, this is to be accessible only to the individuals or company that is responsible for carrying out grounds' maintenance at the RFB.



6. Amended Landscape Plans are to be submitted to Council and the principal certifying authority prior to issue of a construction certificate showing the updated balcony and planter box design on Level 05 consistent with the approved architectural drawings. Specifically, LS01 Addendum, Issue A 'LEVEL 5 LANDSCAPE' is to be amended to reflect the updated design.

**B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**Fee Payments**

7. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:
- (a) Damage Inspection Fee;
  - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
  - (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

*Long Service Levy* payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

**Section 7.11 Payment (Liverpool Contributions Plan 2009)**

8. As a consequence of this development, Liverpool City Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$197,245** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. Payment must be accompanied by the form.

The Contributions Plan may be inspected online at:

<https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>

**Construction Certificates**

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

**Building Work**

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

**Site Development Work**

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

**Accessibility**

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

**Cladding**

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

**Notification**

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

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

**Design Verification Statement**

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

and should refer to the stamped plans. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

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

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

#### **Construction Environmental Management Plan (CEMP)**

16. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include, but not be limited to, the following:

- a) Asbestos Management Plan;
- b) Project Contact Information;
- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan;
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident Management Contingency; and
- m) Unexpected Finds Protocol.

#### **Construction Noise, Vibration Assessment and Management Plan**

17. A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

- Identification of nearby residences and other noise sensitive land uses;
- Assessment of expected noise impacts;
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- Strategies to promptly deal with and address noise complaints;
- Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- Methods for receiving and responding to complaints about construction noise;
- Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- Reference to relevant licence and consent conditions.

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

#### **Waste Storage Area – Construction**

18. All Waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the Waste storage area/s. The plans shall identify the location of the Waste storage area/s and incorporate the following requirements:
- a) Sufficient space for access by residents, storage and easy manoeuvring of bins;
  - b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls covered to the floor;
  - c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
  - d) Adequate ventilation to the external air by natural or mechanical means;
  - e) The door to the room must be tight fitting and self-closing;
  - f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
  - g) Sufficient lighting to permit usage at night; and
  - h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

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

#### **Garbage Services**

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

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

#### **Waste Storage Area**

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

#### **Waste Condition**

22. Prior to the issue of a Construction Certificate, the waste management plan is to be amended to state the removal, handling, wrapping and disposal of asbestos construction materials, or other hazardous materials encountered in the course of demolition works, will fulfil all legislation, regulations and safe work practices that apply in the State of NSW.

**Security Access to car park**

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

**S138 Roads Act – Minor Works in the public road**

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

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

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

**Retaining Walls on Boundary**

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

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

**S138 Roads Act – roadworks requiring approval of civil drawings**

26. 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 footpath construction and stormwater drainage work in Sheahan Street.

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.

**Waste Materials**

27. Details of the name and address of the facilities that the different types of waste materials coming from the demolition/excavation and construction stages of the project will be taken to, must be supplied in writing both to Council and to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Dilapidation Report Private Property (Excavations)**

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

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

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

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

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

**On-Site Detention**

29. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by prepared by Modular Engineers Pty Ltd, reference number ME-2022-STW016, revision C, dated 14/06/2023. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

**Stormwater Discharge – Basement Car Parks**

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

**Water Quality**

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

The Construction Certificate must be supported by:

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

**Inter-allotment Drainage**

32. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m.

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

**Special Conditions**

33. Detailed stormwater plan and the design calculations shall be submitted to Certifying Authority prior to issue of a Construction Certificate.
34. On-Site-Detention calculations including orifice calculations and stage-storage-discharge relationship are to be submitted to Certifying Authority prior to issue of a Construction certificate.
35. A DRAINS model when carrying out hydraulic calculation of OSD model shall be submitted for further assessment.
36. All on site detention must be checked and certified by an accredited stormwater drainage designer prior to issue of the Construction Certificate for building work
37. MUSIC modelling shall be undertaken to confirm that stormwater runoffs leaving the site shall comply with Council's water quality standards. Water quality modelling report and a copy of the MUSIC model shall be submitted to Council.



**Dilapidation Report**

38. A dilapidation report of all infrastructure fronting the development in Sheahan Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

**No loading on easements**

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

**Access, Car Parking and Manoeuvring**

40. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.
41. The Certifying Authority shall ensure and certify that:
- Off street access and parking complies with AS2890.1,
  - Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid / Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
  - Sight distance at the street frontage has been provided in accordance with AS 2890.1,
  - All vehicles can enter and exit the site in a forward direction, and/or
  - Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

**Detailed Design Drawings**

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

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

**Road Works**

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

**Street Lighting**

44. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online.

This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages.

Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas.

The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

**Public Domain Works – Street Lighting**

45. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

**Provision of Services**

46. 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](http://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.

47. 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.
48. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall of structure are to match those of the approved development.

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

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

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

50. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.
51. If it is determined that a substation is required to meet Endeavour Energy requirements, the substation must be suitably screened with landscaping from the public domain.

**C. PRIOR TO WORKS COMMENCING**

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

**Building/Compliance**

52. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
53. 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.

**Demolition Works**

54. 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 SafeWork NSW 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 SafeWork NSW requirements.

**Arborist Recommendations**

55. Prior to works commencing, the recommendations and management procedures within the Arboricultural Implication Assessment (AIA) and Tree Protection Specification (Methodology Statement) prepared by Horticultural Resources Consulting Group, dated 3<sup>rd</sup> March 2022 are to be adhered to at all times.

**Waste Classification and Disposal of Contaminated Soil and Material**

56. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

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

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

**Sediment & Erosion Control**

57. 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**

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

#### **Waste**

59. Prior to any works commencing, the Council-issued domestic waste bins of the existing residence to be demolished at 12-14 Sheahan Street, Warwick Farm 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 on the rates system.
60. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

#### **Residential Building Work**

61. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
62. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

#### **Notification/Principal Certifying Authority**

63. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:

- a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.
64. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
  - (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

**Site Notice Board**

65. 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.

**Sediment and Erosion Control Measures**

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

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

**Waste Classification**

67. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

**Construction Traffic Management Plan (CTMP)**

68. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online.

Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction.

A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers.

Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

**Work Zone**

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

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

**Road Occupancy Permit**

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

- Road Occupancy Application Form
- Road Opening Application Form

**Hoarding**

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

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

**Craning**

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

**Site Facilities**

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

**Return of Waste Bins**

74. Prior to any works commencing, including demolition or site clearing, any residential waste bins that have been issued to 32 or 34 McKay Avenue Moorebank must be returned to Liverpool City Council. Ring 1300 26 2170 to notify Council when those waste bins are ready for collection and so that their removal can be noted.

**Notification of Service Providers**

75. The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

**Demolition Works**

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

**Demolition Inspections**

77. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the



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

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

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

#### **D. DURING CONSTRUCTION**

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

##### **Building Inspections**

78. 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.
79. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

##### **Notification/Principal Certifying Authority**

80. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
  - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
  - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.
81. 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.

82. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
83. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

**Construction Waste**

84. Any asbestos materials encountered during the demolition work, must be removed, handled, wrapped and disposed of in accordance with the relevant legislation, regulations and safe work practices, of the NSW EPA and WorkCover NSW, in force at the time. The licenced disposal facility of any asbestos that is found, must be advised to both Council and the PCA.
85. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder's site bins and/or skips.
86. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

**Hours of Construction Work and Deliveries**

87. 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.

**Refuse Disposal**

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

**Removal of dangerous and/or hazardous waste**

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

**Imported Fill Material**

90. Filling material must be limited to the following:
- a) Virgin excavated natural material (VENM)
  - b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014, and/or
  - c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

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

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

**Record Keeping of Imported Fill**

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

**Unidentified Contamination**

92. 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**

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

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.

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

#### **Erosion Control Stabilisation**

94. 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.

#### **Erosion Control Measures**

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

#### **Erosion Control Maintenance**

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

#### **Erosion Control**

97. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

#### **Water Quality**

98. During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

#### **Pollution Control Site Operations**

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

#### **Pollution Control – Truck Movements**

100. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

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

Vehicle loads must be covered when entering and exiting the site with material.

**Ventilation**

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

**Construction Noise, Vibration Assessment and Management Plan**

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

**Construction Noise and Vibration**

103. 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).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

**Car Parking Areas**

104. Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better.

All parking spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities.

The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking.

All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved stamped plans.

All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

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

**Directional Signage**

105. Directional signage indicating the location of customer parking, "in" and "out", crossings and directional arrows are to be provided in accordance with the Council approved stamped plans.

**Public Domain Works**

106. All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS 'Delineation Guidelines'.

**Public Domain Works – Street Lighting**

107. Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.

**Waste**

108. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
109. All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

**Waste Management Plan**

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

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

**Security Fence**

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

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

**Hours of Construction Work**

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

**Drainage Connection**

113. 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.

#### **Major Filling/Earthworks**

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

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

#### **Construction Noise**

115. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.
116. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

#### **General Site Works**

117. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
118. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
119. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
120. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
121. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

122. 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.
123. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
124. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
125. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

**Contamination**

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

**Ventilation**

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

**External**

128. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
129. The mailboxes are to be consistent with the design and colours and materials for the development.
130. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
131. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
132. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

**Graffiti**

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



**Display of Street Numbers**

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

**Security and Safety**

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

**Vegetation and Landscaping**

139. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
140. 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.
141. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
142. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

**E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

**Building/Compliance**

143. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.
144. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

**Cladding**

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

**Fire Safety Certificate**

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

**Public Domain Works – Street Lighting**

147. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to submitting OC or SC application.

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

**Lot Consolidation/Registration**

148. Separate lots Lots 65 & 66 in DP 200705 shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

**Design Verification Statement**

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

**Liverpool City Council clearance – Roads Act/ Local Government Act**

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

**Works as Executed**

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

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

**Structural Engineer Certificate**

152. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

**Stormwater Compliance**

153. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:
- (a) On-site detention system/s; and
  - (b) Stormwater pre-treatment system/s,
  - (c) Basement carpark pump-out system:
    - i. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
    - ii. Have met the design intent with regard to any construction variations to the approved design, and
    - iii. Any remedial works required to been undertaken have been satisfactorily completed

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

**Restriction as to User and Positive Covenant**

154. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property:
- (a) On-site detention system
  - (b) Stormwater pre-treatment system/s
  - (c) Basement Carpark pump-out system:

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

155. Prior to the Issue of an Occupation Certificate, if no provision is to be made in the waste storage area for green waste bins to store garden waste from the property, then the following restriction as to user shall be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

#### **Roadworks**

156. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

#### **Footpaths**

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

#### **Rectification of Damage**

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

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

#### **Service Providers**

159. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
160. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
161. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;
  - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - (c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

#### **Waste Management**

162. Prior to issue of an Occupation Certificate, all permanent waste signage necessary for the correct separation and disposal of waste items by residents, is to be installed.
163. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.
164. Prior to issue of an Occupation Certificate, the strata by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste correctly upon all residents, and ensures that any additional costs incurred by the strata as a result of a failure to do so, can be recovered from the parties responsible.

#### **Garbage Services**

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

#### **Dilapidation Report**

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

### **F. CONDITIONS RELATING TO USE**

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

#### **Car Parking / Loading**

167. A total of twenty-eight (28) off street car parking inclusive of five (5) visitor and four (4) disabled spaces must be provided.
168. All parking areas shown on the approved plans must be used solely for this purpose.
169. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

170. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
171. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

**Landscaping**

172. 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.

**Loading Areas**

173. All loading and unloading must take place from the designated loading dock/bay. This area is to be clearly marked/signposted for use by delivery vehicles only.

**Vehicle Access**

174. Vehicles entering or leaving the development site should be in forward direction if practicable.

**Lighting**

175. Illumination of the site is to be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

**Use of building intruder alarm/s**

176. Any building intruder alarm/s associated with the development shall only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.

**Use of air conditioner/s on residential premises**

177. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
- a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    - i. Before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday;  
or
    - ii. Before 7:00am or after 10:00pm on any other day; or
  - b) Cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or

- c) Emit a sound pressure level as measures over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

**Mailboxes**

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

**Noise and Environmental Emissions**

180. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
181. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
182. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

**Waste Management**

183. Under current collection arrangements, the property will be issued by Council with 10 x 240L general waste bins and 10 x 240L recycling bins. 2 x 240L green waste bins or services will be supplied. These arrangements re bin sizes and types may be subject to change in future, as FOGO waste services are adopted.
184. Once the Occupation Certificate has been issued, but at least seven days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins to these units. Please contact Council on 1300 36 2170 to arrange the delivery of the bins.
185. Agents of the strata must present the waste bins for emptying to the kerbside of Sheahan Street, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection, and placed back into the basement bin storage room.
186. Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:
- Waste is to be placed wholly within the waste bins provided,
  - Only recyclable materials accepted by Council are to be placed, loose and unbagged within the recycling bins,
  - The area is to be kept tidy,
  - Graphic illustrative content is to be at least 50%

187. The powered bin towing device and trailer provided by the developer are to be used on all occasions that bins are required to be moved up and down the driveway ramp. These pieces of equipment must be maintained according to the manufacturer's instructions and be available in an operable condition when needed. If this equipment breaks down, it must either be repaired promptly, or replaced as needed.
188. The powered bin mover and trailer must be operated by persons who are trained and insured to use them.
189. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials placed in recycling bins must be loose, unbagged and easily separable.
190. Maximum limits for bulky household waste collections apply, and the types of materials accepted will be as per the council conditions at the time. Household materials may be put out for collection at the kerbside no earlier than 24 hours before a booked clean-up is due.
191. The building manager/strata manager is to be responsible for providing monitoring and feedback to residents on correct waste performance, and instituting corrective actions to address non-conformance where necessary.

#### **Washing on Balconies**

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

### **G. ADVISORY**

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 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 of determination.
- 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 applicant 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](http://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.

<b>Item Number:</b>	<b>2</b>
<b>Application Number:</b>	DA-535/2022
<b>Proposed Development:</b>	Demolition of existing dwelling, strata subdivision and construction of a multi dwelling housing development comprising of four (4) two (2) storey dwellings, parking and associated landscaping.
<b>Property Address</b>	217 Memorial Avenue, Liverpool
<b>Legal Description:</b>	Lot 71 DP 25142
<b>Applicant:</b>	Granny Flat Pioneers Pty Ltd
<b>Land Owner:</b>	Mr Mohamed Hussein and Dima Abou Ali.
<b>Cost of Works:</b>	\$836,720.00
<b>Recommendation:</b>	Refusal
<b>Assessing Officer:</b>	Emily Lawson

## 1 EXECUTIVE SUMMARY

Council has received a Development Application (DA 535/2022) seeking consent for demolition of the existing dwelling, strata subdivision and construction of a multi dwelling housing development comprising of four (4) two (2) storey dwellings, parking and associated landscaping at 217 Memorial Avenue, Liverpool.

The site is zoned R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan (LLEP) 2008 and the proposed development is permissible with consent. The application is submitted pursuant to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) as the proposal includes the provision of affordable housing, being Unit 1.

One key issue associated with the proposal pertains to the variation of minimum dwelling sizes, per number of bedrooms proposed, prescribed under the Housing SEPP as a non-discretionary development standard. The Housing SEPP requires:

- (i) for each dwelling containing 1 bedroom—65m<sup>2</sup>, or*
- (ii) for each dwelling containing 2 bedrooms—90m<sup>2</sup>, or*
- (iii) for each dwelling containing at least 3 bedrooms—115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.*

The proposed dwelling sizes are as follows:

<b>Dwelling</b>	<b>Proposed GFA</b>	<b>Housing SEPP</b>	<b>Variation</b>
1	83.4m <sup>2</sup>	90m <sup>2</sup>	7.3%
2	85.8m <sup>2</sup>	90m <sup>2</sup>	4.6%
3	89m <sup>2</sup>	115m <sup>2</sup>	22.6%

4	99m <sup>2</sup>	115m <sup>2</sup>	13.9%
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In seeking to vary the standard, the applicant has submitted a written request pursuant to Clause 4.6 of the LLEP 2008. The premise of the justification relies upon utilising floor area descriptions contained in the Liverpool Development Control Plan (LDCP) 2008 instead of the Housing SEPP provisions. It is worth noting the floor area descriptions of the LDCP relate to private open space requirements, not dwelling size controls.

It is not considered acceptable that the applicant preferentially selects to apply the provisions of either the Housing SEPP or the LDCP to suit the proposal, where the DA is made pursuant to the Housing SEPP. This is established in Clause 8 of the Housing SEPP which stipulates that, if there is an inconsistency between this Policy and another environmental planning instrument, this Policy prevails to the extent of the inconsistency. While it is noted that the applicant seeks to rely on the LDCP, which is not an environmental planning instrument, the intent of the prevalence of the Housing SEPP over comparable local provisions is apparent.

The proposed development does not comply with a number of development controls under the LDCP, such as:

- Minimum Lot with for multi dwelling housing being 18m;
- Incorporation of existing vegetation into the proposed landscaping;
- Information pertaining to the removal of the existing vegetation on site;
- Site planning in terms of first floor balcony overlooking private open space of neighbouring dwellings;
- Solar Access;
- Internal driveway access;
- Insufficient information pertaining to proposed fencing;
- Side setbacks;
- Building appearance, in terms of the first floor not being 2/3 of the ground floor; and
- Impact on the amenity of the dwellings within the proposed development.

The above non-compliance's are not supported.

The application was required to be notified in accordance with the provisions of the Liverpool Community Participation Plan 2019. The Development Application was notified between 16 July 2022 and 2 August 2022, no submissions were received against the Development Application.

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

**Departure from Development Standards**

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

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

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The locality

The surrounding area is predominantly residential. Surrounding development includes a variety of single dwellings and multi-dwelling housing developments to the west and south.

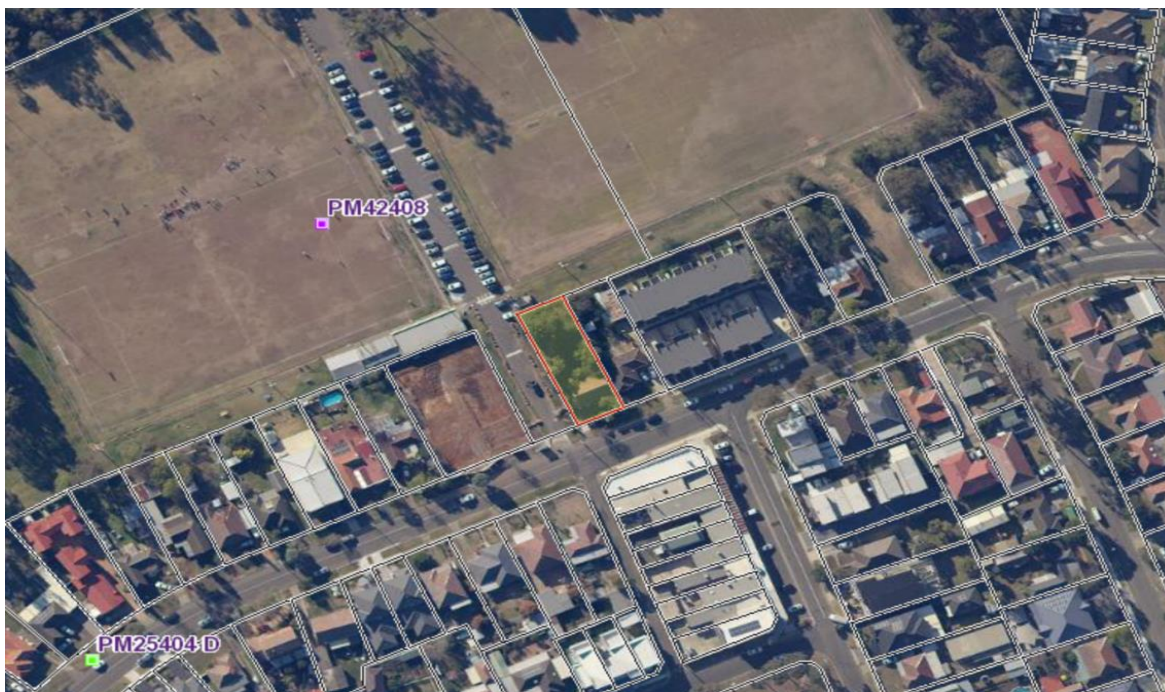


Figure 1: Locality Surrounding the Proposed Development (Source: Sixmaps)

### 2.2 The site

The subject site is identified as Lot 71 in Deposited Plan (DP) 25142 and is known as 217 Memorial Drive, Liverpool. The site has a total area of 710m<sup>2</sup> and is located on the northern side of Memorial Drive, at the north-eastern corner of the intersection of Rieckman Lane and Memorial Avenue.

The site is rectangular in shape and is currently occupied by a single storey dwelling and detached garage/carport structures at the rear, with vehicular access to the site at the south-western corner of the street frontage. The site has a primary frontage of 15.45m to Memorial Avenue and a secondary frontage to Rieckmann Lane of 45.72m. The site has a fall from the southern boundary to the northern boundary. There are some trees located within the southern portion of the site, which are proposed to be removed.

The site adjoins public open space, Ireland Park and Stanwell Oval at its rear boundary to the north and west. The western boundary of the site adjoins a drainage easement, with a width of 1.83m.

**2.3 Site Constraints**

<p><b>Are there any constraints or affectation on the site:</b></p> <ul style="list-style-type: none"> <li>- Bushfire</li> <li>- Flooding</li> <li>- Heritage Items</li> <li>- Aboriginal heritage</li> <li>- Environmentally Significant Land</li> <li>- Threatened Species/ Flora/ Habitat/ Critical Communities</li> <li>- Acid Sulphate Soils</li> <li>- Aircraft Noise</li> <li>- Flight Paths</li> <li>- Railway Noise</li> <li>- Road Noise/ Classified Road</li> <li>- Significant Vegetation</li> <li>- Contamination</li> </ul>	<p><b>Site Constraints:</b></p> <p>The site is located adjacent to Cabramatta Creek and identified as low flood risk.</p>
<p><b>Are there any restrictions on title?</b> Attach 88B instrument to the report</p>	<p>No known restrictions on title</p>



Figure 2: Aerial view of the site (Source: Sixmaps)

**3. BACKGROUND/HISTORY**

The following provides a summary of the development history:

4 May 2022	Development Application was lodge and referred to Councils internal departments.
16 <sup>th</sup> July to 2 August 2023	The application was notified with no submission received
12 December 2022	Additional Information was requested
23 February 2023	Additional Information was provided by the applicant

7 July 2023	Request to withdraw the application was issued to the applicant due to a number of noncompliance's and fundamental issues pertaining to the development.
25 of July 2023	A meeting was held with the applicant. The applicant was granted additional time to respond to Council's issues till 14 August 2023
14 August 2023	Applicant submitted additional information

#### **4. DETAILS OF THE PROPOSAL**

Demolition of existing dwelling, strata subdivision and construction of a multi dwelling housing development comprising of four (4) two (2) storey dwellings, parking and associated landscaping. The applicant is proposing to have one of the dwellings (nominated as Unit 1) to be utilised as an affordable rental unit.

<b>Dwelling</b>	<b>Unit mix</b>	<b>Ground Floor GFA</b>	<b>First Floor GFA</b>	<b>Total GFA</b>	<b>POS</b>
Unit 1 - ARH	2-bedroom unit	31m <sup>2</sup>	54m <sup>2</sup>	85m <sup>2</sup>	43.31m <sup>2</sup>
Unit 2	2-bedroom unit	35m <sup>2</sup>	53m <sup>2</sup>	88m <sup>2</sup>	44.16m <sup>2</sup>
Unit 3	3-bedroom unit	36m <sup>2</sup>	60m <sup>2</sup>	96m <sup>2</sup>	44.68m <sup>2</sup>
Unit 4	3-bedroom unit	44m <sup>2</sup>	57m <sup>2</sup>	101m <sup>2</sup>	75.66m <sup>2</sup>

The applicant has provided the above calculation for the dwelling size with a total GFA of 370sqm. Council has calculated the dwellings and provides the following table in comparison:

<b>Dwelling</b>	<b>Unit mix</b>	<b>Ground Floor GFA</b>	<b>First Floor GFA</b>	<b>Total GFA</b>	<b>POS</b>
Unit 1 - ARH	2-bedroom unit	31m <sup>2</sup>	52.8m <sup>2</sup>	83.4m <sup>2</sup>	43m <sup>2</sup>
Unit 2	2-bedroom unit	34m <sup>2</sup>	51.8m <sup>2</sup>	85.8m <sup>2</sup>	43m <sup>2</sup>
Unit 3	3-bedroom unit	34m <sup>2</sup>	55.6m <sup>2</sup>	89m <sup>2</sup>	44m <sup>2</sup>
Unit 4	3-bedroom unit	43m <sup>2</sup>	56m <sup>2</sup>	99m <sup>2</sup>	74m <sup>2</sup>

Councils total GFA calculation is 357.2.sqm, a difference of 12.8sqm.

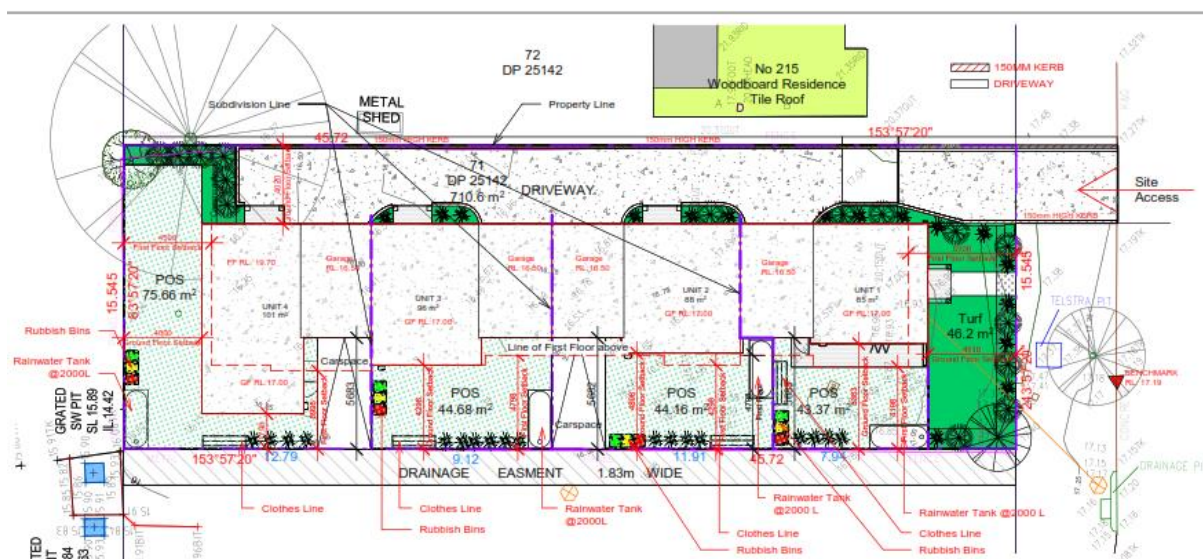


Figure 3: Site Plan

## 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 (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing) 2021
- Liverpool Local Environmental Plan (LLEP) 2008
- LDCP 2008
  - Part 1: General Controls for All Development
  - Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 zones.

## 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 2021*, as follows:

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

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



The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land. The objectives of Chapter 4 of the SEPP are:

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

Pursuant to clause 4.6 of the above SEPP, Council must consider:

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

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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.
(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 may be suitable for the proposed works and as it is unlikely that the land is contaminated.
(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 assessment, the proposal is considered to satisfy the relevant objectives and provisions of the SEPP, therefore, it is considered the subject site may be suitable for the proposed development.

**(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 (Certificate Number 1267696M). However, an amended BASIX has not been submitted since the amended plans have been submitted to Council. Therefore, the proposal, as amended does not satisfy the requirements of the SEPP, and this issue has been included as reason for refusal.

**(c) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 11 Georges River Catchment is applicable. This chapter generally aims to protect the environment of the Georges River system by ensuring that impacts of future land uses are considered in a state, regional, and local context.

*Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, the savings and transitional provisions in Part 6.6 of the SEPP (Biodiversity and Conservation) 2021 state these former repealed provisions of the SEPP continue to apply to a development application made, but not yet determined, before the date of the repeal.*

Given that DA-535/2022 was lodged and not determined before the repeal date of 21 November 2022, the former Chapter 11 of the SEPP (Biodiversity and Conservation) 2021 applies to this DA.

When a consent authority determines a development application, planning principles are to be applied (Chapter 11). Accordingly, a table summarising the matters for consideration in determining development applications and compliance with such is provided below.

<b>11.6 General principles</b>	<b>Comment</b>
(a) the aims, objectives and planning principles of this Chapter,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater plans have been submitted with the application. The application has been referred to Council's Land Development Engineers, which supported the proposal.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal will have a negligible impact on the Georges River. The application has been referred to Council's Land Development Engineers, which supported the proposal. .
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.

(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposed development is consistent with the Georges River Catchment Regional Planning Strategy
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The Development Application was not required to be referred to the State Government.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The proposed drainage is similar to other residential developments within the surrounding area. The proposal has been well considered and presents a suitable drainage design. Alternatives are not required to be considered.
When this Part applies the following must be taken into account:	
<b>11.7 Specific Planning Principles</b>	<b>Comment</b>
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is identified as low Risk Flooding.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan has been submitted with the application; however, it was not submitted with the stormwater plans and lacks details which demonstrates how sediment will be managed.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A stormwater plan has been submitted with the application. Council's Land Development Engineers raise no objection to the concept stormwater design.
(10) Urban development areas	Not Applicable
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	An erosion and sediment control plan has been submitted with the application; however, it was not submitted with the stormwater plans and lacks details which demonstrates how sediment will be managed.
(13) Wetlands	Not applicable.

It is considered the proposal satisfies the provisions of the Biodiversity and Conservation SEPP.

**(d) State Environmental Planning Policy (Housing) 2021**

The application has been made pursuant to Chapter 2 Part 2 of the Housing SEPP. Division 1 applies to Affordable Rental Housing on land for the purposes of multi-dwelling housing if

the development is permitted with consent under another Environmental Planning Instrument (EPI). At least 20% of the GFA from the proposed development must be used for the purposes of affordable housing.

## Part 2, Division 1 In-fill affordable housing

### 16 Development to which Division applies:

- (1) *This Division applies to residential development if—*
- a) *the development is permitted with consent under another environmental planning instrument, and*
  - b) *at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and*
  - c) *for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and*
  - d) *for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone—*
    - i. *Zone B1 Neighbourhood Centre,*
    - ii. *Zone B2 Local Centre,*
    - iii. *Zone B4 Mixed Use.*

The site is zoned R3 Medium Density Residential under LLEP 2008, in which multi-dwelling housing is permissible with consent in the R3 zone.

The applicant has stated the proposed development has a GFA of 370m<sup>2</sup>, resulting in a Floor Space Ratio (FSR) of 0.52:1. Unit 1 has a GFA of 83.4m<sup>2</sup>, which is 23% of the total GFA. However, Council's calculation has identified the development has a total GFA of 357.2m<sup>2</sup>, with all units total GFA differing from the applicant's statement. Notwithstanding, Unit 1 still meets the minimum requirement of 20% of the GFA to be utilised for affordable housing and the Housing SEPP can be applied to the proposal.

The proposed development is located approximately 27m from the nearest bus stop, providing services to Liverpool Station and Town Centre. The bus services comply with the requirements detailed under the definition of 'accessible area'.

### 17 Floor space ratio

- 1) *The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an **additional floor space ratio** of—*
- a) *if the maximum permissible floor space ratio is 2.5:1 or less—*
    - i. *if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or*

- ii. *if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where—*

**AH** is the percentage of the gross floor area of the building that is used for affordable housing.

$$Y = AH \div 100$$

or

- b) *if the maximum permissible floor space ratio is more than 2.5:1—*

- i. *if at least 50% of the gross floor area of the building will be used for affordable housing—20% of the maximum permissible floor space ratio, or*
- ii. *if less than 50% of the gross floor area of the building will be used for affordable housing—Z% of the maximum permissible floor space ratio, where—*

**AH** is the percentage of the gross floor area of the building that is used for affordable housing.

$$Z = AH \div 2.5$$

(2) *The additional floor space ratio must be used for the purposes of affordable housing.*

Clause 17 provides an additional FSR for the provision of at least 20% of affordable housing within the development. The proposal provides 23% of affordable housing GFA. The proposal is therefore subject to an FSR bonus of 0.23:1, equating to a total FSR of 0.73:1. The development proposes an FSR of 0.50:1, which complies with the FSR requirement.

#### **Clause 18 Non-discretionary development standards -the Act, s 4.15**

Clause 18 (1) states the following:

*(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

Clause 18 (2) of the Housing SEPP contains non-discretionary development standards, a detailed assessment is provided in Attachment 4, however, the noncompliance's are listed below.

<b>Development standard</b>	<b>Site control</b>	<b>Proposed</b>	<b>Comment</b>
Deep soil zone	15% (106.59m <sup>2</sup> )  Dimensions of 3m At least 65% of the	The applicant has not identified areas in which will be utilized for deep soil. The plans submitted identify landscape areas and turfed areas in the front of the site, however, the	Does not comply

	deep soil zone located at the rear of the site	landscape area to the rear is the private open space area of that of Unit 4. No planting has been demonstrated or highlighted in which it will achieve the required deep soil of 106sqm required.	
Solar access	Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	Units 1 -3 do not achieve the required Solar Access Requirements. Unit 1, 2 and 3 only start to receive sunlight from 1pm which does not achieve the required 3 hours of direct solar access.	Does not comply
Car Parking	if paragraph (f) does not apply— i. for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or ii. for each dwelling containing 2 bedrooms—at least 1 parking space, or iii. for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	5 car spaces are required, the development provides 6 spaces. However, the applicant relies on the provision of a car park space within the Private Open Space areas of Unit 4 and Unit 2, which is not supported.	Not supported
Housing	for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low-Rise Housing Diversity Design Guide.  if paragraphs (h) and (i) do not apply, the following minimum floor areas—	Unit 1 (2 bed) – 83m <sup>2</sup>  Unit 2 (2 bed) – 85.8m <sup>2</sup>  Unit 3 (3 bed) – 89m <sup>2</sup>  Unit 4 (3 bed) – 99m <sup>2</sup>  The Low Rise Housing Diversity Design Guide, 2.3 Terraces, notes that the key characteristics of development to which this section applies are:  <ul style="list-style-type: none"> <li>• <i>The development contains three or more dwellings;</i></li> <li>• <i>Each dwelling has a frontage to a public</i></li> </ul>	Does not comply. Clause 4.6 Variation Requested

	<p>i. for each dwelling containing 1 bedroom—65m<sup>2</sup>, or</p> <p>ii. for each dwelling containing 2 bedrooms—90m<sup>2</sup>, or</p> <p>iii. for each dwelling containing at least 3 bedrooms—115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.</p>	<p><i>road; and</i></p> <ul style="list-style-type: none"> <li><i>The dwellings are located side by side, with no part of a dwelling located above another dwelling.</i></li> </ul> <p>The proposed development is not considered to be multi-dwelling housing (terraces) and therefore the minimum floor areas under 18 (2)(j) apply to the development.</p> <p>The applicant has lodged a written request to vary a development standard, to justify reliance on the provisions for Private Open Space per dwelling size (in square metres) of the LDCP, Section 3.6, instead of complying the with provisions of this Clause. The applicant has submitted a Clause 4.6 pertaining to this control. Which is discussed below.</p>	
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The proposal does not achieve compliance with a number of the non-discretionary standards as listed above, and therefore is not supported.

### Clause 19 Design Requirements

Clause 19 requires the Council to consider the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, as follows.

Principle	Council Comment
Responding to the context	<p>The development proposal has been designed to present a two (2) storey form to Memorial Avenue. However, the proposal has not considered the existing typography of the site, in particular the existing vegetation which is present and incorporated it within the landscaping proposal of the development. Whilst the development presents to the street, it does not maintain the existing vehicular access of the site instead relocates it to abut the neighbouring property.</p>
Site Planning and Design	<p>Whilst the development is designed to address the street, the development does not achieve the required solar access to three (3) of the proposed dwellings. Furthermore, the bulk and scale are not deemed appropriate given it does not comply with the GFA requirements under Clause 18 of the Housing SEPP and further seeks to vary other development controls associated with development.</p> <p>The site planning of the development does not provide a high level of amenity given the fundamental issues established in assessing the proposal. It fails to maximise deep soil and open space for mature trees whilst also minimizing the domain of bulk of the proposal which intrudes on providing suitable solar access to the POS of each dwelling.</p>
Impacts on Streetscape	<p>The building form presents a two-storey form to the street consistent with that of other contemporary redevelopment in the locality. The proposal is articulated with a variety of materials and finishes. Whilst this is noted, the</p>

	proposal does not provide for a high level of street activation or passive surveillance, given only one dwelling faces the street and the proposal does not include the incorporation of the adjoining lot to maximum the streetscape and surveillance opportunities consistent with other multi-dwelling housing in the vicinity.
Impacts on neighbours	The proposal has relocated the vehicular access driveway to abut the neighbouring property boundary. Given this, Units 1, 2 and 3 all of balconies which have the potential to see into the neighbouring property, particular Unit 3 has the potential to overlook in the rear of yard. It does not protect the neighbour's amenity or privacy.
Internal Site amenity	<p>Whilst the development is designed to address the street, the development does not achieve the required solar access to three (3) of the proposed dwellings. Furthermore, the bulk and scale are not deemed appropriate given it does not comply with the GFA requirements under Clause 18 of the Housing SEPP and further seeks to vary other development controls associated with development.</p> <p>Furthermore, the application does not provide a usable communal open space for all residents, suitable solar access to private open space or provide a suitable driveway which is wide enough for a vehicle and wheelchair to safely pass by concurrently. There are fundamental design flaws in the proposal which prohibit the application being supported.</p>

For the above reasons, it is considered the proposed development would not be compatible with the desirable elements of the character of the local area and the desired future character of the area.

**Clause 21 Must be used for affordable housing for at least 15 years.**

- 1) *Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—*
  - a. *the affordable housing component of the residential development will be used for affordable housing, and*
  - b. *the affordable housing component will be managed by a registered community housing provider.*
- 2) *Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.*
- 3) *In this section—*  
*affordable housing component, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).*

The SEE states that the proposed affordable housing unit (Unit 1) will be managed by a community housing provider for 15 years from the issue of the occupation certificate. No further information has been provided as to which community housing provider has been engaged in relation to the development.



**Clause 22 Subdivision permitted with consent.**

*Land on which development has been carried out under this Division may be subdivided with development consent.*

The development is proposed to be strata subdivided.

**Non-compliance to Non-Discretionary Development Standards**

Section 4.15(3) of the *Environmental Planning and Assessment Act 1979* specifically addresses non-compliances to non-discretionary development standards and states:

*“If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard”.*

Point 2 refers to a provision of an environmental planning instrument (EPI) which allows flexibility in the application of a development standard which is taken to mean a request to vary the standard via Clause 4.6 of the Standard Instrument and, in this respect, a development application should be accompanied by a request under Clause 4.6 to vary each non-compliance to a non-discretionary development standard.

In this regard, the applicant has acknowledged the need for a Clause 4.6 to the Non-discretionary Development Standard and has submitted a Clause 4.6 Variation to vary Clause 18(2)(j) pursuant to the Housing SEPP and is assessed below.

**Clause 4.6 Variation Request for Clause 18(2)(j) relating to minimum dwelling size.**

Clause 18(2)(j) of the State Environmental Planning Policy (Housing) 2021 states.

- (j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—*
- (i) for each dwelling containing 1 bedroom—65m<sup>2</sup>, or*
  - (ii) for each dwelling containing 2 bedrooms—90m<sup>2</sup>, or*
  - (iii) for each dwelling containing at least 3 bedrooms—115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.*

The proposed dwelling sizes are as follows:

Dwelling	Proposed GFA	Housing SEPP	Variation
1	83.4m <sup>2</sup>	90m <sup>2</sup>	7.3%
2	85.8m <sup>2</sup>	90m <sup>2</sup>	4.6%
3	89m <sup>2</sup>	115m <sup>2</sup>	22.6%
4	99m <sup>2</sup>	115m <sup>2</sup>	13.9%

The applicant seeks a variation to the minimum dwelling size requirements prescribed under the Housing SEPP, Clause 18(2)(j), to rely instead on the dwelling sizes (in square metres) described under the Private Open Space control within Part 3.6 Multi Dwelling Housing of the Liverpool Development Control Plan 2008 (LDCP).

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

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

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

- (a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*

The applicant submitted a Clause 4.6 Variation request in order to justify the variation departures as described above.

**Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are**

**sufficient planning grounds to justify the contravening of the development standard.**

**(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

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

**Applicant Comment:**

*It is unreasonable to require compliance with the development standard contained in Section 18(2)(j) of the Housing SEPP due to the following:*

- The contravention to the development standard is the result of the inconsistency between the minimum envisaged floor areas for smaller sites under the Liverpool DCP and that expressed by the Housing SEPP. Liverpool DCP nominates sizes of 65m<sup>2</sup>-110m<sup>2</sup> for medium sized dwellings. The dwellings have been designed as medium sized dwellings, to provide housing diversity on the smaller allotment within the medium density residential zone, consistent with the intent of Section 4, Part 3.6 of the Liverpool DCP.*
- The proposed dwelling sizes are compatible with the established density – dwelling sizes of recently approved medium density development. The contravention to the minimum sizes under the Housing SEPP will allow dwelling sizes that are affordable within this locality that is defined by smaller tenure sizes. Strict application of the minimum floor areas under the Housing SEPP will result in a tenure size that is larger than the established housing stock – multi dwelling housing that is in the vicinity of the site. Larger dwelling sizes will result in the rent/sale of dwellings being higher reducing affordability which is inconsistent with the objects of the Housing SEPP.*

**Council Comment:**

The applicant's Clause 4.6 references Section 4, Part 3.6 of the Liverpool DCP which relates to Townhouse and Villa Development on an 18m frontage block and discusses dwelling size ranges in the same context. It is assumed, however the applicant's reference to dwelling size ranges is actually taken from Section 6 - Landscaped Area and Private Open Space, Part 3.6 of the Liverpool DCP, as this is the section makes reference to dwelling size ranges.

The applicant is therefore seeking a variation to the minimum dwelling size requirements prescribed under the Housing SEPP through utilization of the dwelling sizes described under the Section 6 which relates to Private Open Space, as shown in the following LDCP extract:

<b>Private Open Space</b>	
<b>Objectives</b>	
a)	To ensure that a minimum amount of <u>Private Open Space</u> is provided for outdoor activities.
b)	To ensure that <u>Private Open Space</u> is clearly defined for private use.
c)	To ensure that <u>Private Open Space</u> is private, landscaped, screened from overlooking and receives an adequate amount of solar access.
<b>Controls</b>	
1.	Each dwelling shall provide a minimum <u>private open space</u> area, which is not covered by a roof in accordance with Table 3.
<b>Table 3</b>	
<u>Dwelling Size</u>	<u>Private Open Space</u>
Small <65 m <sup>2</sup>	30 m <sup>2</sup>
Medium 65 - 100 m <sup>2</sup>	40 m <sup>2</sup>
Large > 100 m <sup>2</sup>	50 m <sup>2</sup>
2.	Areas less than 1.5 m in width does not qualify as <u>Private Open Space</u> for the purpose of the above table.
3.	<u>Private Open Space</u> must be directly accessible from the main living area.
4.	A minimum of 50% of the <u>Private Open Space</u> are must received 3 hours of hours of sunlight between 9:00am and 5:00pm on 21 June.

Figure 4 – Excerpt Liverpool DCP

The dwelling sizes identified in Figure 4, is not a development control that relates to classifying or controlling multi-dwelling sizes, be it small, medium or large, but rather relates to the provision of adequate private open space by making it commensurate with dwelling size.

Whilst Units 1 and 2 variations may be considered minor given, they are 5-8sqm deficient of the prescribed minimum GFA under Clause 18(2)(j) being 90sqm, the Units 3 and Units 4 variations are considered to significantly fall short of the required 115sqm, by 22.6% and 13.9% respectively.

Clause 18 of the Housing SEPP does not have objectives or aims associated with it. It is assumed that the clause seeks a non-discretionary suitable level of amenity for infill affordable housing developments by prescribing a minimum dwelling sizes per bedrooms proposed. Accordingly, compliance with Clause 18(2)(j) is not unnecessary or unreasonable in this instance.

*(b) There are sufficient environmental planning grounds to justify contravening the development standard*

**Applicant Comment**

*Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the density development standard because:*

- The variation proposed, allows a development density – dwelling size that is consistent with the approved sizes of multi dwelling housing developments within the Liverpool LGA, ensuring the form and size of tenure is compatible with the available housing stock. The following table provides an analysis of approved dwelling sizes in the vicinity of the site.*

Approved Development Application	Address	2 Bedroom	3 Bedroom
DA 733/2018	6 Maryvale Avenue, Liverpool	80m <sup>2</sup>	104.6m <sup>2</sup> – 107.7m <sup>2</sup>
DA 649/2015	213 Memorial Avenue Liverpool	-	100m <sup>2</sup> – 105m <sup>2</sup>
DA 10/2016	221-223 Memorial Avenue, Liverpool	80.5m <sup>2</sup> – 80.6m <sup>2</sup>	94.3m <sup>2</sup> – 95.5m <sup>2</sup>

- *The proposed multi dwelling housing development has been designed in accordance with the future character envisaged by Council's planning controls and the site context. Noting the site context in the vicinity of constructed multi-dwelling housing developments at 209-213 Memorial Avenue, and 221 Memorial Avenue, Liverpool the layout facilitates the future expansion to the east should this become an option in the future.*
- *The proposed development is consistent with character envisaged by Liverpool Council as it complies with the intent of the performance criteria of development controls regarding setbacks, landscape and private open space contained in Liverpool DCP 2008.*

### **Council Comment**

The development applications referenced in the applicant's statement, in particular DA-10/2016 was submitted under the provisions of the Affordable Housing SEPP 2009 which has now been repealed and replaced with the Housing SEPP. The Affordable Housing SEPP 2009 provided different minimum floor area provisions based on dwelling type or number of rooms proposed.

The Affordable Housing SEPP 2009 provisions for minimum floor area previously was:

- 35sqm for studio
- 50sqm for 1 bedroom
- 70sqm for a 2 bedroom
- 95sqm for a 3 bedroom

In this regard, the applications referred to in the applicant justification were consistent with *Clause 14 Standards that cannot be used to refuse consent* under the previous SEPP.

DA-733/2018 was approved for a multi-dwelling housing development, with 3 units, but was not made under the previous Affordable Housing SEPP 2009.

DA-649/2015 was approved for a multi-dwelling housing development, with 14 units, and was made under the previous Affordable Housing SEPP 2009. The approved development was fully compliant with the comparable non-discretionary development standards, including the minimum dwelling floor areas.

This proposal, however, is not consistent with a number of provisions under the Housing

SEPP and LDCP as demonstrated in this report. Furthermore, the applicant has not demonstrated sufficient environmental grounds to deviate from the requirements under Clause 18(2)(j) as the applications listed were submitted and approved under an EPI which has now been repealed and replaced with differing non-discretionary standards.

*Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

### **Applicant Comment**

*As demonstrated above, the proposed development has satisfied the matters required to be demonstrated pursuant to Clause 4.6(3) by providing a written request that demonstrates:*

- 1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance.*
- 2. The environmental planning grounds relied on are sufficient to justify the development standard.*

*The decision of Chief Justice Preston in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (“Initial Action”) provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant’s written request has in fact demonstrated the matters required to be demonstrated by clause 4.6(3). The relevant items in Clause 4.6(3) of the LEP have been adequately addressed above in order to enable the consent authority and the Court to form the requisite opinion of satisfaction.*

### **Council Comment:**

The applicant’s Clause 4.6 Variation request has not demonstrated sufficient environmental grounds to support the variation relating to Clause 18(2)(j), in particular given the application is made under the Housing SEPP and the Clause 4.6 is seeking to utilize a DCP control which does not relate to dwelling size provisions.

In addition to the above, the application is also found to be non-compliant with a number of other controls relating to the Housing SEPP and Liverpool DCP with regards to:

- Setbacks
- Overshadowing
- Parking
- Minimum dwelling size
- Privacy and overlooking; and
- Minimum lot width

The applicant has not provided sufficient information to demonstrate that compliance with the control would achieve an improved built form in comparison to a non-compliant scenario.

Therefore, the approval of the proposed variation would create an undesirable precedent for other developments that seek similar variations and would undermine the aims, objectives and requirements of the Housing SEPP and the strategic intent of the zone.

### **Consistent with the objectives of the zone – R3 High Density Residential**

The objectives of the R3 Medium Density Residential Zone under the LLEP 2008 are as follows:

- *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*

### **Applicant Comment:**

- *The proposal provides additional housing within the existing medium density residential environment in a built form that is consistent with the desired future character of the medium density residential zone.*
- *The proposal presents a multi dwelling housing development which is a suitable and permissible development type under the R3 – Medium Density Residential zone.*
- *The proposal provides dwelling sizes consistent with market demand in the locality contributing to the variety of residential accommodation within the medium density residential zone in proximity to existing services and public transport noting the site is located within ‘accessible area’ under SEPP (Housing) 2021.*
- *The proposal provides additional residential accommodation in proximity to facilities, services and employment land noting the subject site adjoins Ireland Park and is within walking distance of educational establishments and a well-serviced bus stop.*

*In addition to the above, the proposal is also in the public interest because:*

- *The building is an articulated/contemporary built form that is a suitable density for this site and consistent with the context and scale of other development in the locality, including nearby multi-dwelling development to the east and west of the site fronting Memorial Avenue.*
- *The proposed dwelling sizes are compatible with the established density – dwelling sizes of recently approved medium density development. The contravention to the minimum sizes under the Housing SEPP will allow dwelling sizes that are affordable within this locality that is defined by smaller tenure sizes.*

*Taking into consideration the above, the proposed development is in the public interest as it is consistent with the objectives of the development standard and the R3 Medium Density Residential zone.*

*For these reasons, the proposal does not undermine the integrity of the density development standard and principles of the Housing SEPP, or the zoning objectives which have been adopted by Council as being in the public interest.*

### **Council Comment**

The proposed variation of minimum dwelling size does not prevent the ability of the proposed development to provide housing needs to the community. Whilst the development is compatible with the zone, the design and built form is inconsistent with provisions of the Housing SEPP in which it was lodged under and therefore the proposal is not consistent with the following objective:

- *To ensure that a high level of residential amenity is achieved and maintained.*

### **Consistency with Clause 4.6 objectives**

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

It is not considered appropriate in this instance, for the reasons stated above, to provide a degree of flexibility in applying the non-discretionary development standard as it would not achieve better outcomes for development.

### **Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment**

Clause 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted. Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning & Infrastructure, advises the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

### **Conclusion**

The written request is not considered to have sufficiently demonstrated there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, the proposal is not in the public interest and is not supported in this instance.



(e) Liverpool Local Environmental Plan 2008

The site is zoned R3 Medium Density Residential pursuant to the Liverpool Local environmental Plan 2008.



Figure 3: Zoning Map (source: LLEP 2008 Map LZN 010)

(i) Permissibility

The proposed development is defined as a 'multi-dwelling housing' development. Multi-dwelling housing is permissible with development consent in the R3 zone under the LLEP 2008.

**Multi-dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

(iii) Objectives of the zone

The objectives of the R3 zone are as follows:

- 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 considered to be not consistent with the following objective of the zone:

*To ensure that a high level of residential amenity is achieved and maintained*

**(iv) Principal Development Standards**

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed within Attachment 5 with the insufficient information Clause addressed below.

Development Provision	Requirement	Proposed	Comment
<b>Part 4 Principal Development Standards</b>			
7.31 Earthworks	Earthworks should not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	No cut and fill plan has been supplied to determine the extent of the earthworks across the site.	Insufficient Information

Whilst the development meets a number of the above clauses, insufficient information has been submitted to determine the extent of the cut and fill, and therefore compliance with Clause 7.31 of LEP cannot be determined.

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

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

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

**(a) Liverpool Development Control Plan (LDCP) 2008**

The application has also been assessed against the relevant controls of the LDCP 2008, particularly Part 1 General Controls for all Development and Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 zones. This is provided within Attachment 6, however, the noncompliance's are listed below

<b>Part 1 General Controls for all Development</b>			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	The proposed development has sought consent for the removal vegetation; however, application has not provided an arborist report to demonstrate the need to the proposed removal of the site.  The application is also not supported by an Arborist Report, which is required to assess the	Does not comply

		<p>significance of the existing trees on site.</p> <p>Accordingly, as insufficient information has been provided regarding existing vegetation on site, the removal of trees cannot be supported by Council.</p>	
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Existing trees are to be removed to accommodate the development. The Development Application is not supported by a sufficient assessment of existing vegetation on the site.	Does not comply
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	A Sediment Control Plan has been submitted with the application to demonstrate who erosion and sediment will be controlled throughout the development. If the application were to be approved, a condition of consent could be imposed to ensure compliance with this control.	Would comply if the application was supported.
Section 9 – Flooding Risk	Flood affectation of property to considered	The site is identified as low flood prone land the applicant has not responded to control or provided information to determine whether the proposal is deemed to satisfy the controls associated with Flooding Risk.	Insufficient Information
Section 22 - Energy conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX certificate has been provided; however, the applicant has amended the design of the proposal and therefore a new BASIX was required which was not submitted with the amended information.	<b>Does not comply</b>
<b>Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
2. Subdivision, Frontage and Lot Size	<u>Lot Size</u> The minimum lot size for multi dwelling housing is 1,000m <sup>2</sup> . Where development pursuant to section 4 is proposed, the minimum lot size	<p>The site has an area of 710.6sqm which does not comply with the 1000sqm lot size requirement. However, the applicant is utilizing the Housing SEPP minimum lot size of 450 to apply to the site.</p> <p>Section 4 of the DCP applies to the proposed development, as the site</p>	<b>Does not comply</b>

	shall be 650m2.	<p>has a street frontage of less than 18m. The site has a street frontage of 15.5m which constrains the amenity and character output for multi-dwellings housing. Furthermore, the proposal does not comply with all controls under Section 4, in which the applicant seeks to apply the provision of the Housing SEPP for certain controls.</p> <p>As the applicant has not sufficiently addressed how the development is suitable given its minimal lot frontage and the combination of non-compliances under the Housing SEPP and LDCP.</p> <p>The DCP encourages the amalgamation of land parcels into larger development sites to enable better forms of housing development and design.</p>	
	<p><u>Lot Width</u> The minimum lot width for multi dwelling housing is 22m.</p> <p>Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m</p>	The site is a corner allotment. The primary frontage of the site is 15.54m	<b>Does not Complies</b>
3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighboring and on-site dwellings.	<p>It is considered the development has not been adequately designed to minimise overshadowing and visual intrusion, parking non-compliances and setbacks.</p> <p>Furthermore, Unit 4 has a rear balcony on the First Floor which poses visual privacy concerns for Unit 3 private open space area which is not supported.</p>	<b>Does not comply</b>
4. Townhouse and Villa Development on an 18m frontage	1. At least two dwellings must have a maximum floor space of 80sqm.	The Application is submitted under the Housing SEPP, however, provision under Part 4 is still taken into consideration.	<b>Does not comply</b>

<p>block</p>	<ul style="list-style-type: none"> <li>- These dwelling must have a maximum of two bedrooms.</li> <li>- These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access.</li> <li>2. Dwellings at the rear of the property must not be more than 1 storey high. An attic is permitted.</li> <li>- The rear of the property for Section 4 means all land 15m from the rear property boundary.</li> <li>3. At least one dwelling should face and address the street.</li> <li>4. All dwellings built must conform to the Controls listed within this Part.</li> </ul>	<p>The site features the following street frontage width of 15.5m.</p> <p>All dwellings exhibit more than 80sqm with all dwellings having a garage instead of a carport.</p>	
<p>5. Setbacks</p>	<p>Front setback</p> <p>Ground Floor = 4.5m First Floor = 5.5m</p>	<p>The ground floor front setback to Unit 1 is 4.5m.</p> <p>The plans do not encapsulate the full site to accurately measure the First Floor setback.</p>	<p><b>Insufficient Information</b></p>
	<p><b>Ground floor with windows to habitable rooms</b></p> <p>Side – 4m Rear – 4m</p>	<p>Attached dwellings are proposed with the development. There are no windows to habitable rooms proposed on the side boundaries between the proposed dwellings.</p> <p><u>Side setback</u></p> <p>The side setback to the rear of the dwellings is:</p> <ul style="list-style-type: none"> <li>- Unit 1 – 5.3m</li> <li>- Unit 2 – 4.8m</li> <li>- Unit 3 – 4.2m</li> </ul>	<p><b>Does not comply</b></p>

	<p><b>First floor with windows to habitable rooms and neighboring private open space</b> Side – 4m Rear – 6m</p>	<p>Attached dwellings are proposed with the development. There are windows to habitable rooms proposed on the side boundaries between the proposed dwellings, however the development does feature windows to habitable rooms and neighboring private open space.</p> <p>Side Setback Unit 1- 4.1m Unit 2- 4.2m Unit 3- 3.9m Unit 4 – 3.9m</p> <p>The plans provided do not encapsulate the full site to accurately measure the rear setback to the gf and first floor.</p>	<p><b>Insufficient Information</b></p>
6. Landscaping Area and Private Open Space	Min 20% site to be landscaped	The proposal is utilising the provisions under the Housing SEPP and complies with the 30% requirement of landscape area.	<b>N/A</b>
	A minimum unencumbered area of 4x5m shall be provided in rear setback to accommodate deep rooted trees.	<p>A minimum unincumbered area of 4m x 5m is required. However, only unit 4 has a rear setback which may be suitable in terms of providing deep rooted trees.</p> <p>No other dwellings are able to provide sufficient space to accommodate deep soil planting.</p>	<b>Does not comply</b>
	<u>Solar Access</u> 50% of private open space area to receive 3 hours sunlight between 9:00am and 5:00pm on 21 June	Units 1, 2, and 3 do not achieve the required solar access.	<b>Does not comply</b>
7. Cut and Fill, Building Design, Streetscape and Layout	Max cut 500mm	The application does not provide sufficient information regarding cut and fill levels required for the development. The Elevation Plans indicate that minimal cut is proposed.	Insufficient information.
	All retaining walls masonry construction	No retaining walls proposed on the site.	Insufficient information.
	Contaminated fill not permitted	Conditions of consent could be imposed on the development to	Insufficient information.

		ensure that no contaminated fill is used on site.																
	First floor no greater than 2/3 ground floor in area.	<p>Total floor areas of dwellings are shown in the table below.</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>Ground (m<sup>2</sup>)</th> <th>First (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>31</td> <td>54</td> </tr> <tr> <td>2</td> <td>35</td> <td>53</td> </tr> <tr> <td>3</td> <td>36</td> <td>60</td> </tr> <tr> <td>4</td> <td>44</td> <td>57</td> </tr> </tbody> </table> <p>The first floors of all units have a floor area greater than 2/3 (66.6%) of the ground floor area and therefore do not comply with this requirement. The proposal exhibits an exceedance of 153%.</p>	Unit	Ground (m <sup>2</sup> )	First (m <sup>2</sup> )	1	31	54	2	35	53	3	36	60	4	44	57	<b>Does not comply</b>
Unit	Ground (m <sup>2</sup> )	First (m <sup>2</sup> )																
1	31	54																
2	35	53																
3	36	60																
4	44	57																
	No balconies on side or rear of buildings	A balcony is proposed on the first floor of Unit 4, whilst the rear of the site faces public open space, the size of the balconies gives rise to concerns of overlooking into Unit 3 private opens space, and therefore not supported.	<b>Does not comply</b>															
	Min storage area 8m <sup>3</sup>	The applicant has not identified areas for storage within the architectural plans.	Insufficient information															
8. Car Parking and Access	Refer to Part 1 for requirements for minimum widths for Internal Driveways.	Internal driveways are proposed with the development. The internal driveway only exhibits a width of 4m with no turning circles provided. It is deemed car can't not exit in a forward fashion given the limited width proposed.	<b>Does not comply</b>															
9. Landscaping and Fencing	Plan to include canopy trees with mature height 8m in the front and rear setback areas	The applicant has been requested to address the non-compliance with the control but has failed to provide any justification.	<b>Does not comply</b>															
	<u>Fencing</u> The maximum height of a front fence is 1.2m. Fence may be up to 1.8m on classified road with landscaping	The application has not provided information on the proposed fencing.	Insufficient Information															
	Front fence 30%	The application has not provided	Insufficient Information															

	transparent	information on the proposed fencing.	
	<p>The front fence may be built to a maximum of 1.8m only if:</p> <ul style="list-style-type: none"> <li>• The primary frontage is situated on a Classified Road.</li> <li>• The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.</li> </ul>	The application has not provided information on the proposed fencing.	Insufficient Information
	<p><u>Secondary frontages</u></p> <p>Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped</p>	The application has not provided information on the proposed fencing.	Insufficient Information
	<p><u>Boundary Fences</u></p> <p>Boundary fences shall be lapped and capped timber or metal sheeting</p>	The application has not provided information on the proposed fencing.	Insufficient Information
	<p>Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.</p>	<p>The balcony proposed on First Floor of Unit 4 overlooks the PO of Unit 3 which is not supported. Furthermore, the window proposed on the first floor of Unit 2 has the potential to overlook into the POS of Unit 1, this is also reiterated for Unit 3 overlooking into the POS of Unit 4. The siting of the development has not taken into consideration of the privacy of the adjoining units.</p>	<b>Does not comply</b>
11. Site services	<p>Letterboxes shall be provided for each dwelling on site, easily accessible from the</p>	<p>Letterboxes have not been provided with the application. The requirement for letterboxes to be provided, in accordance with the Australia Post standards, could be imposed as a</p>	Insufficient Information



	street, able to be securely locked and provided in accordance with Australia Post's requirements.	condition of the consent.	
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	The applicant has demonstrated waste storage in the POS of each dwelling. No information has been provided whether a bin pad is to be located at the front of the site for collection.	Insufficient Information
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	No footpath on the road shoulder is provided or proposed by the applicant.	Insufficient Information

The proposal varies from a number of key controls outlined in the Liverpool Development Control Plan 2008. Given the nature of the variations, the proposal cannot be supported.

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

There are no Planning Agreements which apply to the development.

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

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

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

##### **Natural and Built Environment**

The proposed development is likely to create a detrimental impact on the natural environment located on site as the development has not taken into consideration the existing vegetation within the developments-built form and design.

The proposed development is not supported given there are a number of fundamental planning issues in terms of over bulk, scale, shadow impacts, privacy and overlooking and noncompliance with the Housing SEPP in which the application is made under. The applicant has not provided suitable environmental grounds to

support the proposed non-compliance and therefore, the built form is not conducive to the character of the Street and sites typology.

**Social Impacts and Economic Impacts**

Whilst the proposal is made under the Housing SEPP, there is considered to be insufficient grounds to support the non-compliances associated with the development.

Additionally, if approved, it would set an undesirable precedent in the application of the Housing SEPP and the provisions and intent associated with it.

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

The proposal does not comply with the applicable planning controls and the site is not considered to be suitable for the proposed development and therefore it is recommended the application be refused.

**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:

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Engineer	Approval subject to conditions.
Fire Safety	No fire safety referral required. Standard conditions apply.
Traffic and Transport	Approval subject to conditions.

**(b) Community Consultation**

The application was required to be notified in accordance with the provisions of the Liverpool Community Participation Plan 2019. The Development Application was notified between 16 July 2022 and 2 August 2022, no submissions were received against the Development Application.

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

The proposed development is considered to not be in the public interest. The development is inconsistent with a number of key relevant provisions under the Housing SEPP and the associated Clause 4.6 Variation Request is not supported. Furthermore, the development is considered inconsistent with a number of relevant local provisions and control.

## **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 variation to Clause 18(2)(j) of the Housing SEPP is unwarranted and not supported due to the overall developments non-compliance with a number of controls under the Housing SEPP and LDCP.

Based on the assessment of the application in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979, it is recommended DA-535/2022 be refused.

## **ATTACHMENTS**

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1. Refusal Notice of Determination
2. Architectural Plans
3. Clause 4.6 variation
4. SEPP Housing Assessment
5. LLEP Assessment
6. LDCP Assessment

**REASONS FOR REFUSAL:**

1. Pursuant to Section 4.16(1)(a) of the EP&A Act 1979, the proposed development does not comply with Clause 18 – Non-discretionary development standards of State Environment Planning Policy (Housing) 2021.
2. Pursuant to Section 4.16(1)(a) of the EP&A Act 1979, the proposed development design is not compatible with the desirable elements of the character of the local area as per Clause 19 – Design requirements of the State Environment Planning Policy (Housing) 2021.
3. Pursuant to Section 4.16(1)(a) of the EP&A Act 1979 the proposed development does not comply with the provisions of State Environmental Planning Policy (BASIX) 2004.
4. Pursuant to Section 4.16(1)(a) of the EP&A Act 1979 the proposed development is inconsistent with the R3 – Medium Density Residential Zone objectives, in that it does not ensure a high level of residential amenity is achieved and maintained, as per the Liverpool Local Environmental Plan 2008.
5. Pursuant to Section 4.15(1)(a)(iii) of the EP&A Act 1979, the proposed development does not comply with the following sections of the Liverpool Development Control Plan 2008:
  - a. Part 1: General Controls for All Development, Section 2 – Tree Preservation.
  - b. Part 1: General Controls for All Development, Section 3 – Landscaping and Incorporation of Existing Trees.
  - c. Part 1: General Controls for All Development, Section 9– Flooding Risk.
  - d. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 2 – Subdivision, Frontage and Lot Size.
  - e. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 3 – Site Planning.
  - f. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 4 – Townhouse and Villa Development on an 18m frontage block.
  - g. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 5 – Setbacks.
  - h. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 6 – Landscaping Area and Private Open Space.
  - i. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 7 – Cut and Fill, Building Design, Streetscape and Layout.
  - j. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 8 – Car Parking and Access.
  - k. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 9 – Landscaping and Fencing.
  - l. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 10 – Amenity and Environmental Impact.

m. Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones – Section 11 – Site Services.

6. Pursuant to Section 4.15(c) of the EP&A Act 1979, insufficient information has been submitted to demonstrate the site would be suitable for the proposed development,
7. Pursuant to Section 4.15(1)(a)(iv) of the EP&A Act 1979) an insufficient response has been received to Council's requests for additional information to allow a full assessment of the proposal.
8. Due to the above reasons, approval of the application is not in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

#### **ADVISORY NOTES**

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development). An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.
- b) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.



Sheet List		
Sheet Number	Sheet Name	Rev.
A101	Cover Sheet	B
A102	Architectural Specifications	B
A103	Demolition & Roof Plan	B
A104	Site Plan	B
A105	Ground Floor Plan	B
A106	First Floor Plan	B
A107	Elevations	B
A108	Elevations	B
A109	Sections	B
A110	Joinery Schedule	B
A111	Shadow Diagram June 21st 9am	A
A112	Shadow Diagram June 21st 12pm	A
A113	Shadow Diagram June 21st 3pm	A
A114	Streetscape Elevation	B
A115	Schedule of Colours and Finishes	A
A116	Sediment Control Plan	B
A117	Driveway Details	B

Sheet List		
Sheet Number	Sheet Name	Rev.
A118	Site Details	B
A119	External Solar Access - June 21	B
A120	Internal Solar Access - June 21	B
L100	Landscape Plan	B
L101	Landscape Specifications	A
L102	Landscape Specifications	A
N100	Neighbour Notification Plan	B

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Cover Sheet  
 DRAWN BY: A.J.  
 CHECKED BY: S.D.  
 LOT: 71 | SEC: | DP: 25142

SITE ADDRESS: 217 Memorial Avenue  
 CLIENT: ICE Projects  
 PROJECT TYPE: Multiple Dwellings  
 DATE: 07.03.2022 REV: B SHEET NO: A101  
 COUNCIL AREA: Liverpool SCALE:

**MAHN** bdaa  
 DESIGN ACCREDITED  
 BUILDING DESIGNER  
 Level 1, Suite 4/259 Northumberland St, Liverpool NSW 2170  
 Ph: 02 8319 9447 | info@mahn.com.au | www.mahn.com.au  
 Project No.: A-21020

# ARCHITECTURAL SPECIFICATION

BE ADVISED : SOME CLAUSES IN THIS SPECIFICATION MAY NOT BE RELEVANT TO THIS PROJECT

1. GENERAL
  - a. ALL DIMENSIONS SHALL BE CHECKED ON SITE PRIOR TO COMMENCEMENT ANY WORK.
  - b. ALL MATERIALS SHALL COMPLY WITH RELEVANT CURRENT AUSTRALIAN STANDARDS AND SHALL BE NEW AND THE BEST OF THEIR RESPECTIVE KINDS AND SUITABLE FOR THEIR INTENDED PURPOSES.
  - c. ALL WORKMANSHIP SHALL COMPLY WITH RELEVANT CURRENT AUSTRALIAN STANDARDS AND TO GOOD TRADE PRACTICES
  - d. ALL WORK SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF THE RESPECTIVE AUTHORITY HAVING JURISDICTION OVER THE WORKS.
  - e. THE ARCHITECTURAL DRAWINGS SHOULD BE READ IN CONJUNCTION WITH THE SPECIFICATION, SCHEDULES AND CONSULTANTS DRAWINGS THAT FORMS PART OF THE CONSTRUCTION DOCUMENTS REFERRED TO IN THE "BUILDING CONTRACT".
  - f. DO NOT SCALE FROM DRAWINGS. NOTIFY OF ANY ERRORS OR OMISSIONS BEFORE PROCEEDING WITH ANY WORKS.
  - g. ENSURE THAT BACKGROUNDS ARE SUITABLE FOR THE INTENDED SUBSEQUENT FINISHES. COMMENCEMENT OF WORK ON THE BACKGROUNDS IMPLIES ACCEPTANCE BY THE SUBCONTRACTOR OF THE BACKGROUNDS ON WHICH FINISHES ARE APPLIED.
  - h. SUPPLY ALL EQUIPMENT NECESSARY FOR THE COMPLETION OF RESPECTIVE WORKS.
  - i. PROGRESSIVELY CLEAN UP AFTER THE COMPLETION OF RESPECTIVE WORKS.
2. EARTHWORKS
  - a. UNLESS OTHERWISE STATED, REMOVE TOPSOIL TO A MINIMUM DEPTH OF 200mm INCLUDING ALL ROOTS, AND OTHER MATTER, AND REQUIRED BY THE SOIL CONDITION AND/OR THE BUILDER. PROVIDE SUITABLE CLEAN FILLING SAND AND COMPACT IN LAYERS NOT GREATER THAN 300mm TO REDUCE LEVELS AS SHOWN.
  - b. COMPACT SAND FILLING AND SANDY SUB GRADES UNDER FOOTINGS AND SLAB TO OBTAIN MIN. SEVEN (7) BLOWS PER 300mm ON A STANDARDS PERTH SAND PENEFROMETER TEST (AS PER AS 1289 F3.3)
  - c. DO NOT EXCAVATE SERVICES TRENCHES WITHIN AN ANGLE OF 45 DEGREES DOWN FROM BOTTOM EDGE OF FOOTING.
  - d. ALL RETAINING WALLS TO BE TREATED WITH "BITKOTE" WATERPROOFING AGENT.
3. CONCRETE
  - a. CONCRETE REINFORCEMENT AND FORMWORK SHALL BE TO A STRUCTURAL ENGINEERS DETAILS, RELEVANT BUILDING CODES AND STANDARDS
  - b. ALL CONCRETE TO CONFORM TO THE REQUIREMENTS OF AS 3600 CONCRETE STRENGTH GRADE: N20, AGGREGATE 20mm, SLUMP 80mm.
  - c. SLAB IS TO BE CURED FOR 7 DAYS MIN. & SLAB REINFORCEMENT PLACED ON APPROVED CHAIRS TO IMPROVE CRACK CONTROL.
  - d. THE FOOTING AND SLAB CONSTRUCTION IS TO COMPLY WITH AS 2870.
  - e. PROVIDE A PROPRIETARY VAPOUR BARRIER WHICH CONSISTS OF HIGH IMPACT RESISTANT POLYTHENE FILM MIN. 0.2mm THICK WHICH HAS BEEN PIGMENTED AND BRANDED BY THE MANUFACTURER.
  - f. TERMITE PROTECTION
    - PROVIDE ANTI-TERMITE TREATMENT UNDER THE BUILDING AREAS IN ACCORDANCE WITH AS 2057, AS 3660.1 AND APPENDIX D, FOR RETICULATED SYSTEMS.
    - BUILDER SHALL PROVIDE "DURSBAN" (HAND SPRAYED ORGANO-PHOSPHATE) OR SIMILAR APPROVED ANTI-TERMITE TREATMENT IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARD CODES.
4. BRICKWORK
  - a. BRICK WORK SHALL COMPLY WITH :
    - AS 3700 MASONRY CODE
    - AS A123 MASONRY CODE
    - MORTAR FOR MASONRY CONSTRUCTION
  - b. BRICK GAUGE 7 STANDARD COURSES = 600mm.
  - c. ALL BRICKS SHOULD HAVE MIN. COMPRESSIVE STRENGTH OF 20MPa AND AS FOLLOWS
    - EXTERNAL FACE WORK: 230x110x76mm
    - EXTERNAL RENDER: 305x162x90mm MAXIBRICK OR VERTICORE
    - WINDOW SILLS: 2c FACE BRICK SPLAYED SILLS
    - WINDOW HEADS: SOLID FACEBRICK COURSE
    - INTERNAL WALLS: 305x162x90mm MAXIBRICK OR VERTICORE WITH BED JOINT AND PERPENDS FILLED OR JUMBO FOR 305x76x90mm LONGREACH COURSE ADJUSTMENT
  - d. MORTAR: 1:1.5 CEMENT:LIME:SAND
    - MORTAR (FACE BRICK) COLOUR TO MATCH EXISTING AS SELECTED
  - e. TIES SHALL BE 3.5mm DIAMETER GALVANIZED WIRE KINKED FOR AND BUILT IN EVERY 5TH COURSE AT APPROXIMATELY 900mm CENTRES, WITH ADDITIONAL TIES AT THE RATE OF 1 TIE/300mm HEIGHT OF OPENINGS AND VERTICAL CONTROL JOINTS AND WITHIN 150mm OF THE OPENINGS. BUILD TIES INTO EACH LEAF AT LEAST 50mm. VERTICAL CONTROL JOINTS SHALL BE 12mm WIDE FILLED AT COMPLETION WITH 'COMPRIBAND' CONTINUOUS FILLER STRIP.
  - f. KEEP CAVITIES CLEAR OF MORTAR. PROVIDE CAVITY BOARDS. TEMPORARILY OMIT BRICKS TO PERMIT RAKING OUT OF CAVITY BOTTOMS.
  - g. FORM WEEP HOLES EVERY FOURTH PERPEND ABOVE FLASHING AND CAVITY FILL. KEEP CLEAR OF MORTAR. DO NOT LOCATE WEEPHOLES CLOSER THAN 500mm TO JOINTS IN DAMP PROOF COURSES OR FLASHING.
  - h. PROVIDE DAMP PROOF COURSES (DPC) IN THE BOTTOM 3 COURSES OF BRICK WORK AND SLAB AND/OR FOOTINGS. DPC ADDITIVE SHALL BE CLEAR IN ALL FACEWORK
9. SETOUT BRICKWORK ACCURATELY, PLUMB, LEVEL AND PROPERLY BONDED. RISING WORK TO BE RAKED BACK. JAMBS, REVEALS, CORNERS, PERPENDS, ETC. TO BE TRUE, PLUMB, AND IN LINE WITH PERPENDS TRUE TO LINE. SETOUT DOOR FRAMES NEAR PERPENDICULAR WALL WITH A MARGIN OF 12mm OR GREATER THAN 50mm.
10. MOISTEN ALL EXTRUDED BRICKS BEFORE LAYING.
11. PROVIDED 12mm PLASTERING MARGIN BETWEEN WINDOW FRAME AND INTERNAL BRICKWORK TO BE PLASTERED.
12. WHERE NECESSARY REINFORCE BELOW AND OVER OPENINGS WITH GALVANISED WOVEN WIRE FABRIC 75mm WIDE IN CENTRE OF EACH LEAF LOCATED IN 2 COURSES BELOW SILL AND IN THE 2 COURSES ABOVE AN OPENING EXTENDING A MINIMUM OF 600mm BEYOND THE OPENING.
13. BUILD IN ALCOR/PGI FLASHING AS FOLLOWS:
  - WHEREVER SHOWN ON DRAWINGS.
  - CAVITY WALLS BUILT OF SLAB ON GROUND (WHERE NOT PARGED.)
  - OVER LINTELS TO EXPOSED OPENINGS: FULL WIDTH OF OUTER LEAF CONTINUOUS ACROSS CAVITY 50mm INTO INNER LEAF 2c ABOVE.
  - OVER ROOF: FULL WIDTH OF EXTERNAL LEAF, STEPPED TO ROOF SLOPE TURNED DOWN MIN. 50mm OVER BASE FLASHING. TURN UP IN CAVITY SLOPING INWARDS AND BUILT INTO INNER LEAF 1c ABOVE.
  - DOOR / WINDOW STILES: FULL HEIGHT 150mm WIDE FIXED TO FRAMES INTERLEAVED WITH SILL AND HEAD FLASHING AT EACH END.
  - STRUCTURE OR SERVICES WITHIN 30mm OF OUTER BRICK LEAF IN CAVITY: VERTICAL FLASHING CONTINUOUS 1c BELOW FL TO ABOVE STRUCTURE OR FRAME. NOMINAL 300mm WIDE. FOR HORIZONTAL STRUCTURES / SERVICES: CONTINUOUS FLASHING BUILT IN AS FOR OVER LINTELS. AT CAVITY WALLS WITH GLASS BLOCK 300mm WIDE FIXED TO GLASS BLOCK FRAME AND TURNED AWAY IN CAVITY FROM INNER LEAVE.
14. LINTELS
 

MAX SPAN (mm)	LINTEL SIZE (VERT x HORIZ x THICK)	BEARING EACH END (mm)
900	75 x 10	150
1200	75 x 75 x 8	150
1500	90 x 90 x 8	150
1800	100 x 75 x 8	230
2100	125 x 75 x 8	230
2400	125 x 75 x 10	230
2500	100 x 100 x 8	230
3000	150 x 90 x 10	230
5. CARPENTRY WORK
  - a. ROOF AND CEILING FRAMING SHOULD COMPLY WITH AS 1684 LIGHT TIMBER FRAMING CODE. DRAW STRAP FIRMLY OVER WALL PLATES AND SECURELY FIX TO TOP OF PLATE BY 2x30mm GALV. CLOUTS/STRAP. REFER TO AS 1684 FOR ROOF FRAMING SIZES UNLESS SPECIFIED ON DRAWINGS.
  - b. SUPPLY AND FIX ALL BULKHEADS & FALSE CEILINGS AS SHOWN ON THE DRAWINGS.
6. METALWORK
  - a. ELECTRIC AND GAS METER BOXES AS SHOWN IN DRAWINGS
  - b. WINDOW FRAMES SHALL BE RESIDENTIAL OR COMMERCIAL SECTION WITH POWDERCOAT FINISH AS SELECTED BY OWNER. ALLOW FOR FLYSCREENS TO ALL WINDOWS. REFER TO ADDENDUM. ANGLED WINDOW UNITS SHALL BE FACTORY MADE AND FIXED AND DELIVERED ON SITE AS COMPLETE UNIT.
  - c. CLOTHES HOIST: REFER TO ADDENDUM.
7. ROOFING
  - a. SELECTED ROOFING MATERIAL SHALL BE INSTALLED AND FIXED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION AND RELEVANT BUILDING CODES
  - b. GUTTER, FASCIA, DOWN PIPES, FLASHING SHALL BE IN LONGEST POSSIBLE LENGTHS AND SHALL MATCH EXISTING.
  - c. DOWN PIPES SHALL MATCH EXISTING.
  - d. ALLOW FOR ALL JOINTS AND JOINING MATERIALS, COLLARS, STRAPS & FASTENINGS NECESSARY TO COMPLETE WORK.
8. JOINERY
  - a. ALL JOINERY SHALL BE OF HIGHEST QUALITY MATERIALS TO BEST TRADE PRACTICES AND HIGH QUALITY FINISH.
  - b. EXTERNAL DOOR FRAMES SHALL BE: 110x40 DOUBLE REBATED FRAME WITH 130x40 WEATHERED THRESHOLD U.N.O.
  - c. SUPPLY AND BUILD IN TIMBER DOOR FRAMES TO EXTERNAL LOCATIONS AS SHOWN ON ARCHITECTURAL DRAWINGS.
9. CEILINGS
  - a. CEILINGS SHALL BE RECESSED EDGE. MINIMUM 8.0mm PLASTERGLASS OR GYPROCK.
  - b. FLUSH JOINTS, SCREW HEADS, AND OTHER BLEMISHES IN THE SHEETS USING APPROVED SYSTEMS TO PROVIDE FLUSH SMOOTH CONTINUOUS SURFACE
  - c. PROVIDE AND FIX ALL FLUSH STOP BEADS & CASING BEADS TO ALL CORNERS & EDGES.
  - d. PROVIDE ALL SELECTED MOLDINGS AND CORNICES TO ALL CEILINGS AS STATED IN ARCHITECTURAL DOCUMENTS.
10. PLASTERING
  - a. INTERNAL WALL FINISHES INCLUDING CUPBOARD, BIN, & FRIDGE RECESSES, ETC. SHALL BE (OTHER THAN FACE FINISHES OR WHERE COVERED BY FEATURE MATERIALS) FLOAT AND SET IN HARDWALL PLASTER U.N.O.
  - b. PLASTERED WALLS SHALL BE NOMINAL 12mm THICK CONSISTING OF 1:1.9, CEMENT:LIME:SAND RENDER, AND FINISHED WITH NOMINALLY 3mm HARDWALL PLASTER.
  - c. SUPPLY AND FIX EXTERNAL CORNER BEADS TO ALL EXTERNAL CORNERS.
  - d. PROVIDE STOP BEADS WHERE PLASTER WORK ABUTS TIMBER FRAMES, OR FACEWORK
  - e. EXTERNAL RENDER WHEN APPLICABLE SHALL BE 2 COAT SAND FINISH. (FOR PAINTING)
  - f. NIBS IN INTERNAL CORNERS ADJACENT TO DOOR FRAMES GREATER THAN 40mm SHALL NOT BE FLUSHED UP WITH FRAMES.
  - g. PROVIDE V-JOINTS IN RENDER & FINISHING PLASTER WHERE BRICK WORK ABUTS OR JOINS ONTO CONCRETE WORK.
11. GLAZING
  - a. CLEAR GLASS GENERALLY: OBSCURE GLASS TO BATHROOMS, REFER TO DRAWINGS. ALL TO THE RELEVANT AUSTRALIAN STANDARDS.
  - b. WHERE GLASS BLOCKS HAVE BEEN NOMINATED, THEY SHALL BE IN FRAMES AND INSTALLED TO MANUFACTURES SPECIFICATIONS.
12. FLOORING FINISHES
  - a. CARPET FLOOR COVERINGS TO NOMINATED AREAS COMPLETE WITH SELECTED UNDERLAY SMOOTH EDGE, DIMINISHING STRIPS ETC. TO COMPLETE THE WORKS: REFER TO DRAWINGS & FINISHES SCHEDULE
  - b. PROVIDE TILED FLOOR FINISHES TO NOMINATED AREAS COMPLETE WITH ALL MATERIALS ANGLE TRIMS, ETC. TO COMPLETE THE WORKS: REFER TO DRAWINGS & FINISHES SCHEDULE.
  - c. PROVIDE TIMBER FLOOR FINISHES TO NOMINATED AREAS COMPLETE WITH ALL MATERIALS, DIMINISHING BOARDS ETC. TO COMPLETE THE WORKS: FLOOR BOARDS TO BE SANDED & POLISHED TO HIGH STANDARD WITH PREMIUM QUALITY SEALER (2 COATS). REFER TO DRAWINGS & FINISHERS SCHEDULE.
13. SIGNAGE
  - a. WHERE NECESSARY SUPPLY & FIX SELECTED UNIT AND HOUSE NUMBERS TO EACH UNIT AND TO LETTERBOXES AS SCHEDULED.
  - b. "MAHN DESIGN" RESERVES THE RIGHT TO ERECT A BUILDERS SIGN ON THE PROPERTY FACING THE STREET FRONTAGE IN COMPLIANCE WITH AUTHORITY REQUIREMENTS.
14. PAVING
  - a. GENERALLY: WHEN PAVING IS INCLUDED IN THE BUILDING CONTRACT, THE FOLLOWING SHALL APPLY AS A MINIMUM STANDARD
  - b. SUPPLY AND LAY ALL PAVING TO EXTERNAL AREAS AS SHOWN ON WORKING DRAWINGS.
  - c. CUT, FILL AND COMPACT SAND TO REQUIRED LEVELS. SCREED TO UNIFORM THINNESS AND LEVELS
  - d. PROVIDE BRICK EDGE-RETRAINING FOOTING EMBEDDED IN MORTAR BENEATH THE PAVING BRICK. GENERALLY, TO DRIVEWAY AREAS, PROVIDE NOMINAL 300x150mm CONCRETE FOOTING ALONG PERIMETER OF DRIVEWAY AND BED EDGE BRICK IN MORTAR.
  - e. PROVIDE 100mm COMPACTED LIMESTONE BASE TO DRIVEWAY TOPPED WITH 50mm CLEAN SAND AND GRADE TO FALLS.
  - f. PAVING PATTERN: REFER TO ADDENDUM.
  - g. BRICK PAVERS SHALL BE:
    - TRAFFICABLE AREAS: MIN. 65mm SOLID CLAY OR CONCRETE
    - PEDESTRIAN AREAS: MIN. 43mm SOLID CLAY OR CONCRETE

FILED DATE: 08/08/2023 10:10:10 PM

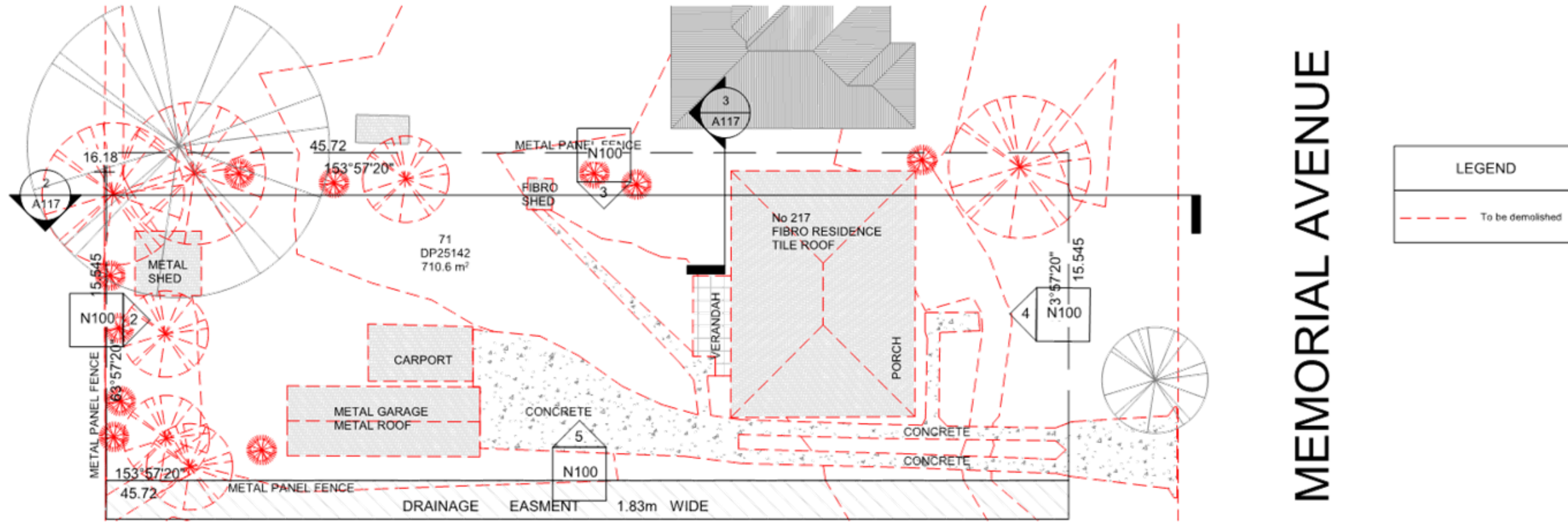
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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RF1	E.T.

DRAWING TITLE: Architectural Specifications  
DRAWN BY: A.J.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP:25142

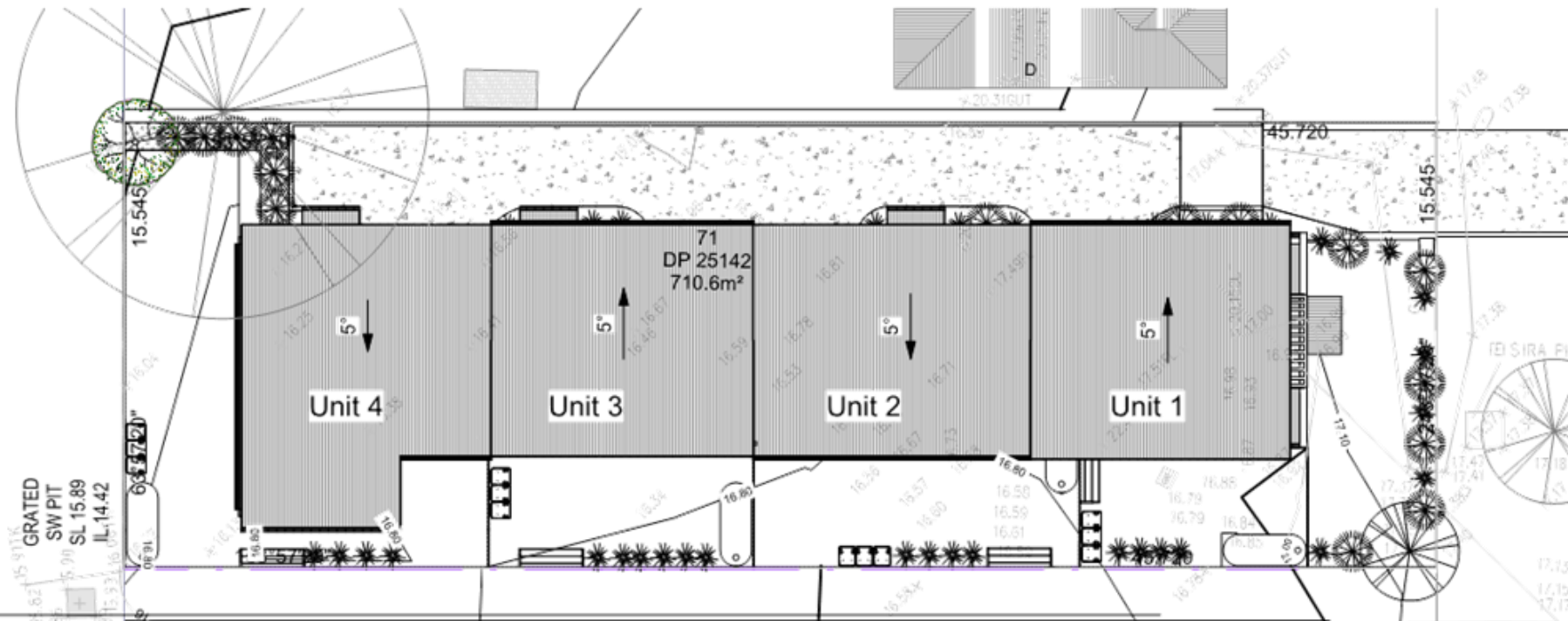
SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A102  
COUNCIL AREA: Liverpool SCALE:

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EUILDING DESIGNER  
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Ph: 02 8319 9447 | info@mahn.com.au | www.mahn.com.au  
PROJECT NO: A-21020



MEMORIAL AVENUE

1 Demolition Plan  
1 : 200



2 Roof Level  
1 : 200

MEMORIAL AVENUE

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Demolition & Roof Plan  
DRAWN BY: Anjali Joseph  
CHECKED BY: Sam Dennawi  
LOT: 71 | SEC: | DP:25142



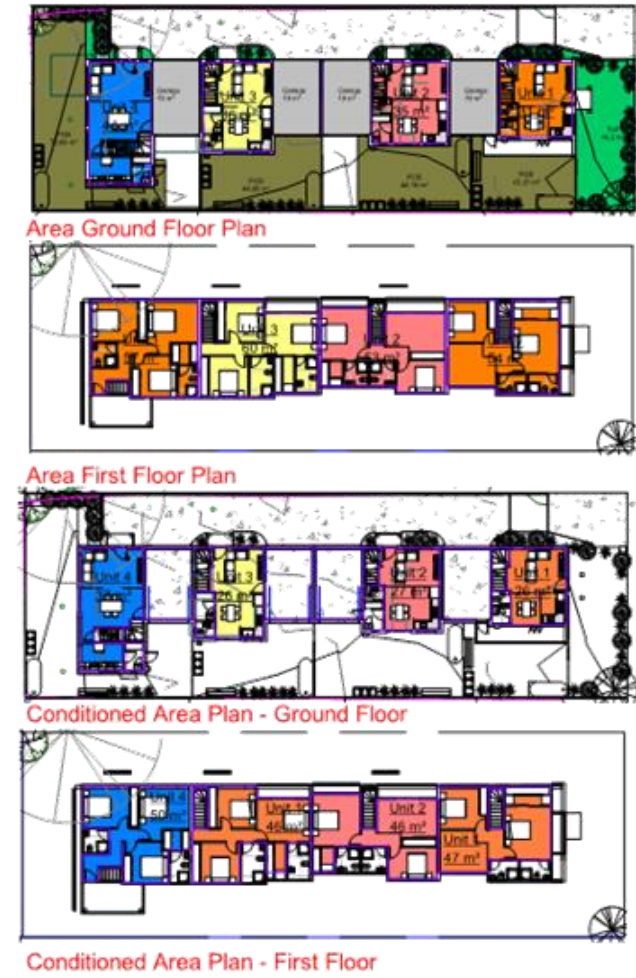
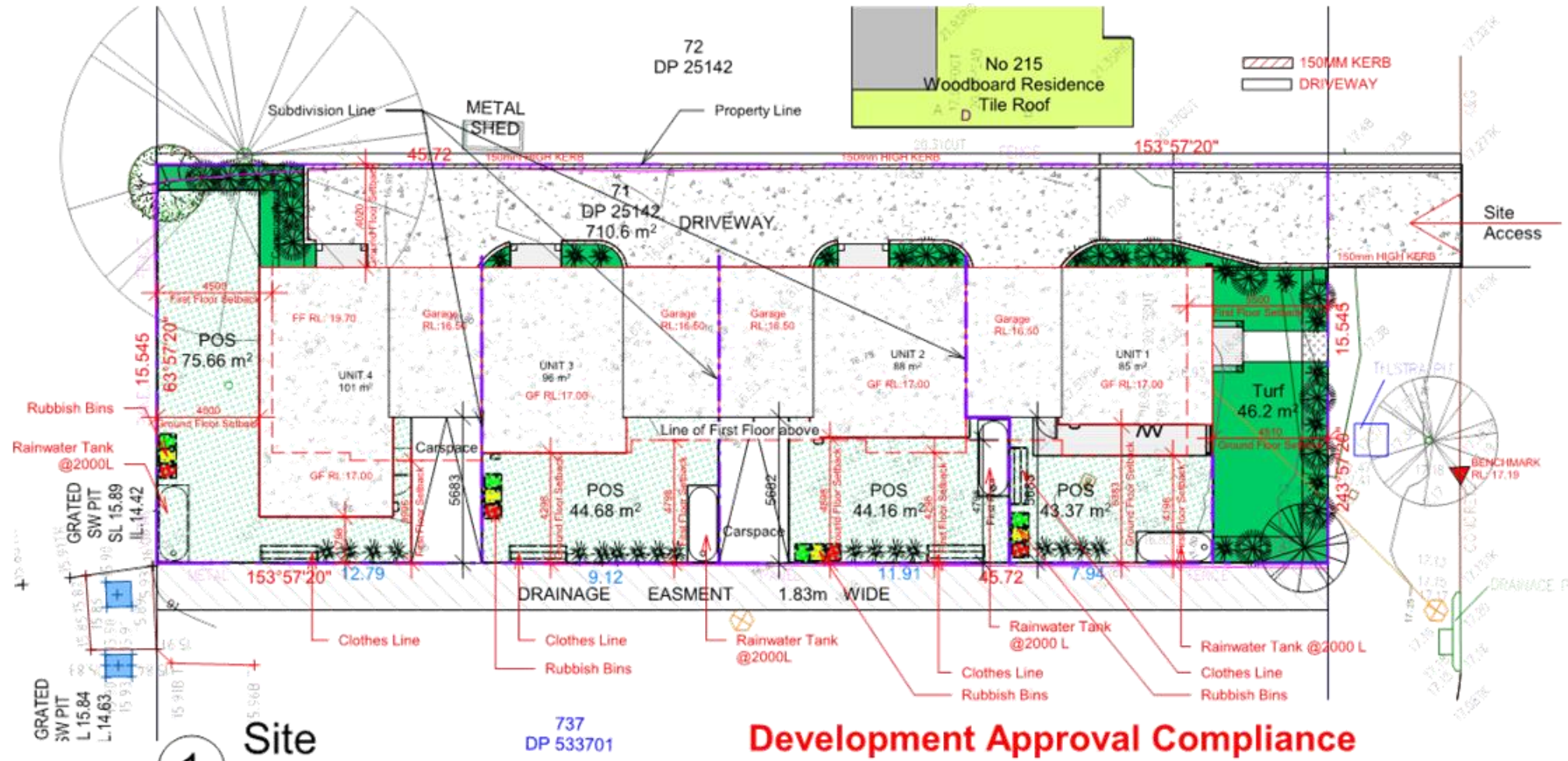
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CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A103  
COUNCIL AREA: Liverpool SCALE: 1 : 200

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PROJECT NO.: A-21020





**1** Site  
1 : 200 IRELAND PARK

**Development Approval Compliance**



**Location Plan**

Condition	Existing	Proposed				Compliance	% Required
		Unit 1	Unit 2	Unit 3	Unit 4		
Site Area	n/a	710.6 m <sup>2</sup>				n/a	n/a
Ground Floor Area	n/a		31 m <sup>2</sup>	35 m <sup>2</sup>	36 m <sup>2</sup>	44 m <sup>2</sup>	n/a
First Floor Area	n/a		54 m <sup>2</sup>	53 m <sup>2</sup>	60 m <sup>2</sup>	57 m <sup>2</sup>	n/a
Garage Area	n/a		19 m <sup>2</sup>	19 m <sup>2</sup>	19 m <sup>2</sup>	19 m <sup>2</sup>	n/a
Roof Area	n/a		n/a	n/a	n/a	n/a	n/a
Gross Floor Area	Garage GFA excludes 1 car parking space (19m <sup>2</sup> ) Excludes: Basements, Storage, Vehicle access, Terraces & Balconies with outer walls <1.4m high and Voids	n/a	85 m <sup>2</sup>	88 m <sup>2</sup>	96 m <sup>2</sup>	101 m <sup>2</sup>	n/a
Floor Space Ratio	Garage GFA excludes 1 car parking space (19m <sup>2</sup> ) Excludes: Basements, Storage, Vehicle access, Terraces & Balconies with outer walls <1.4m high and Voids	60.09%	-	-	-	-	n/a
Site Coverage	Ground floor & Garage	n/a	52.15 %	47.90 %	55.16 %	46.77 %	n/a
Street Setback	0.9m up to 4.5m; 0.9m plus 1/4 of additional height above 4.5m	n/a					n/a
Rear Setback	0.9m up to 4.5m; 0.9m plus 1/4 of additional height above 4.5m	n/a					n/a
Side Setback	0.9m up to 4.5m; 0.9m plus 1/4 of additional height above 4.5m	n/a					n/a
Total Conditioned Floor Area	n/a		73 m <sup>2</sup>	73 m <sup>2</sup>	72 m <sup>2</sup>	87 m <sup>2</sup>	n/a
Common landscaping	Common Landscaped areas	68.24 m <sup>2</sup>					n/a
Other landscaping	Private Landscaped areas	207.97 m <sup>2</sup>					n/a
Total landscaping	Common + Private Landscaped areas	276.21 m <sup>2</sup>					n/a
Private Open Space	POS site area	n/a	43.37 m <sup>2</sup>	44.16 m <sup>2</sup>	44.68 m <sup>2</sup>	75.66 m <sup>2</sup>	n/a

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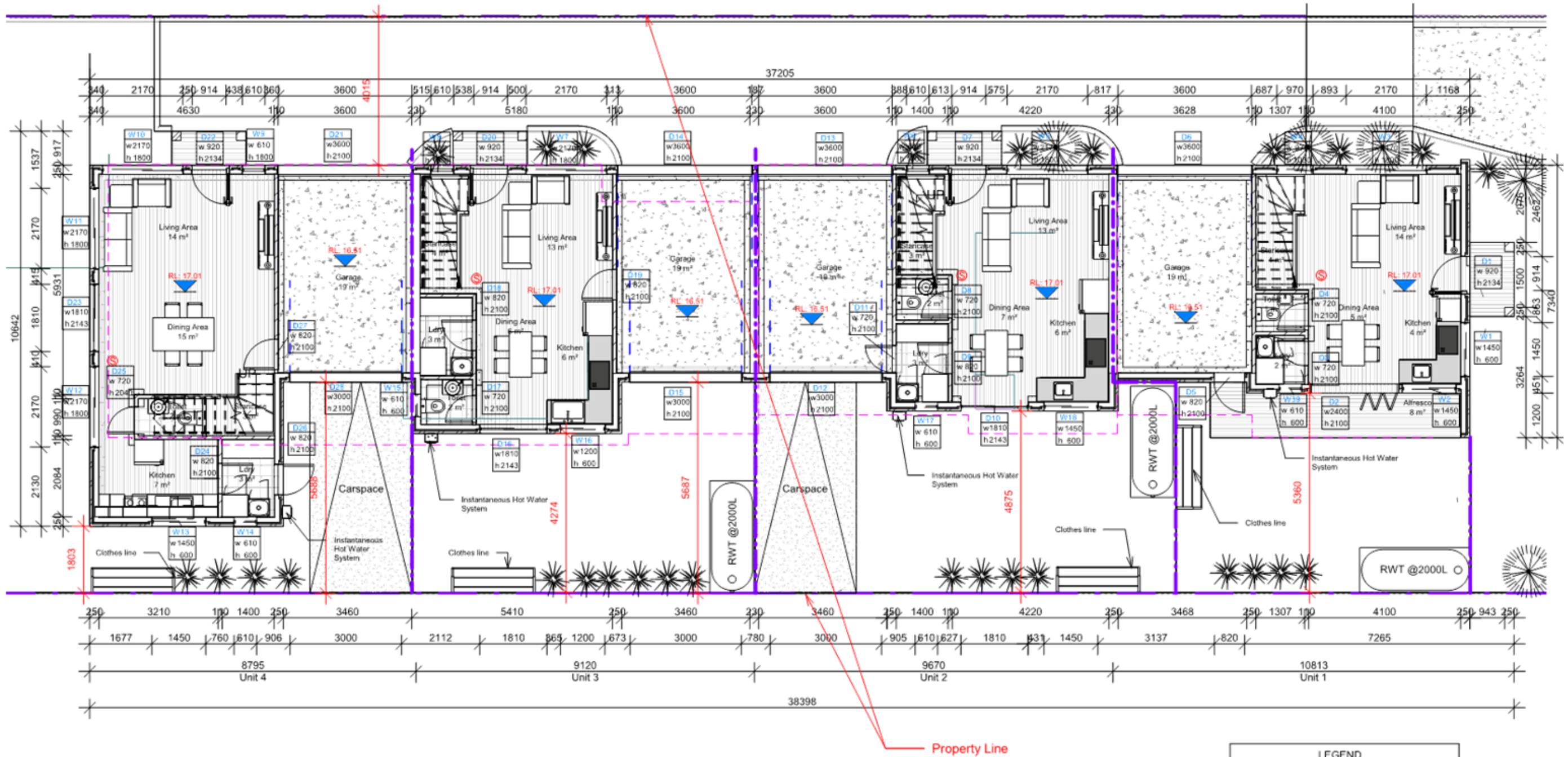
REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

**DRAWING TITLE:** Site Plan  
**DRAWN BY:** Anjali Joseph  
**CHECKED BY:** Sam Dennawi  
**LOT: 71 | SEC:** | **DP:** 25142



**SITE ADDRESS:** 217 Memorial Avenue  
**CLIENT:** ICE Projects  
**PROJECT TYPE:** Multiple Dwellings  
**DATE:** 07.03.2022 **REV:** B **SHEET NO:** A104  
**COUNCIL AREA:** Liverpool **SCALE:** As indicated

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PROJECT NO.: A-21020



**1** Ground Floor  
1 : 100

LEGEND	
	- Smoke Alarm
	- First Floor Line
	- Subdivision Line
	- Interior Walls - Gyproc
	- External Walls - Face Brick
	- Party Wall

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Ground Floor Plan  
DRAWN BY: Anjali Joseph  
CHECKED BY: Sam Dennawi  
LOT: 71 | SEC: | DP: 25142

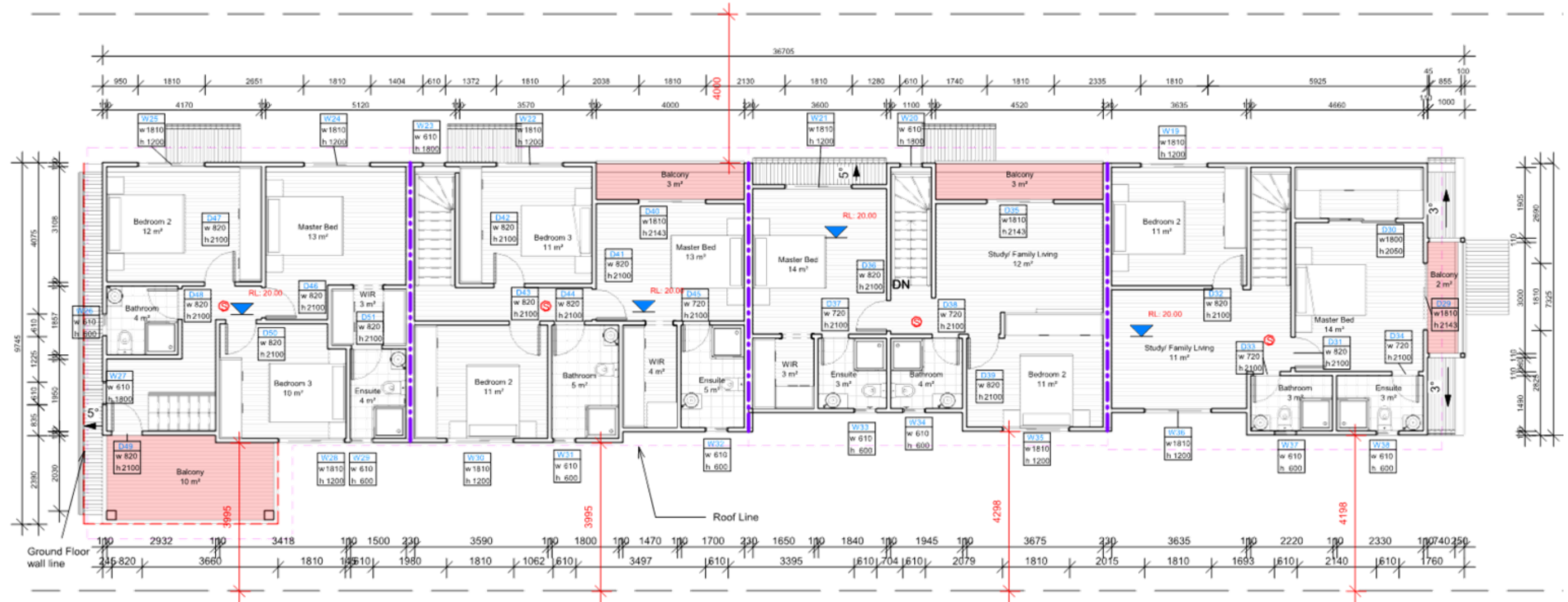


SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A105  
COUNCIL AREA: Liverpool

SCALE: 1 : 100

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 - Smoke Alarm



**1** First Floor  
1 : 100

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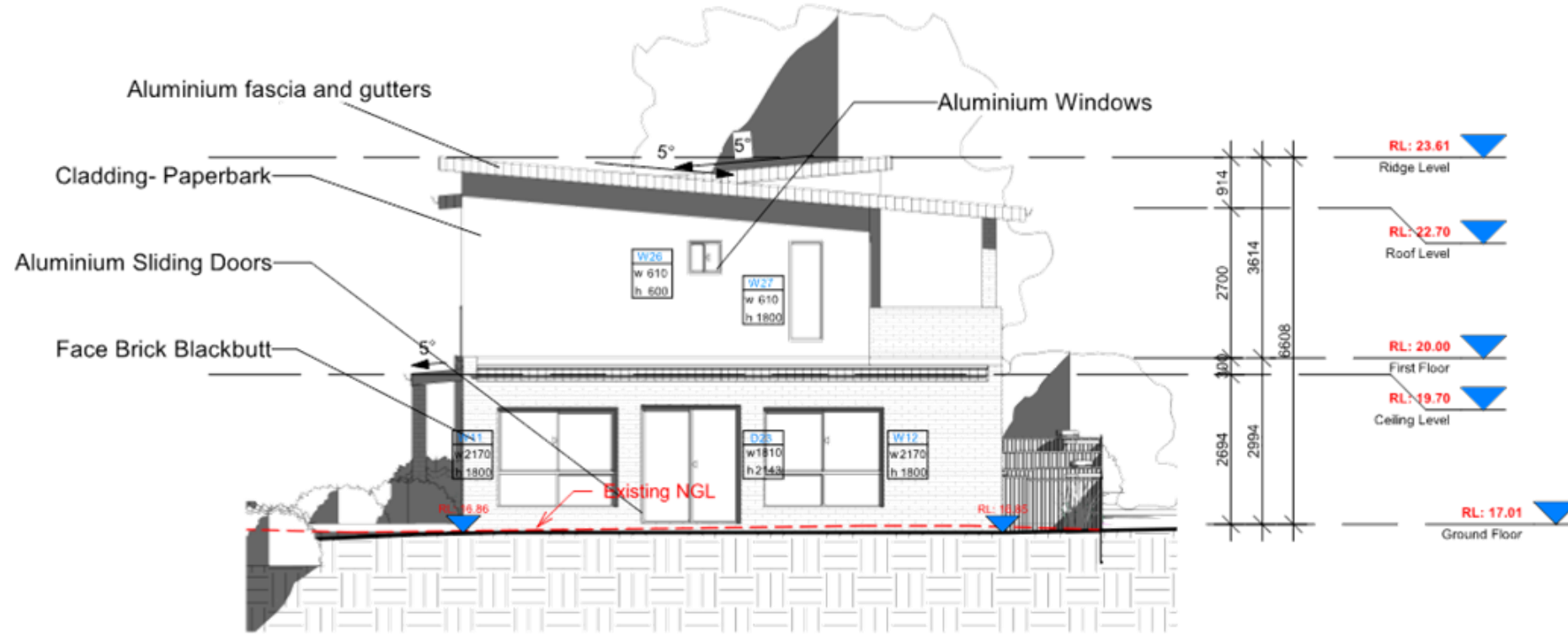
REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

**DRAWING TITLE:** First Floor Plan  
**DRAWN BY:** Anjali Joseph  
**CHECKED BY:** Sam Dennawi  
**LOT: 71 | SEC: | DP: 25142**

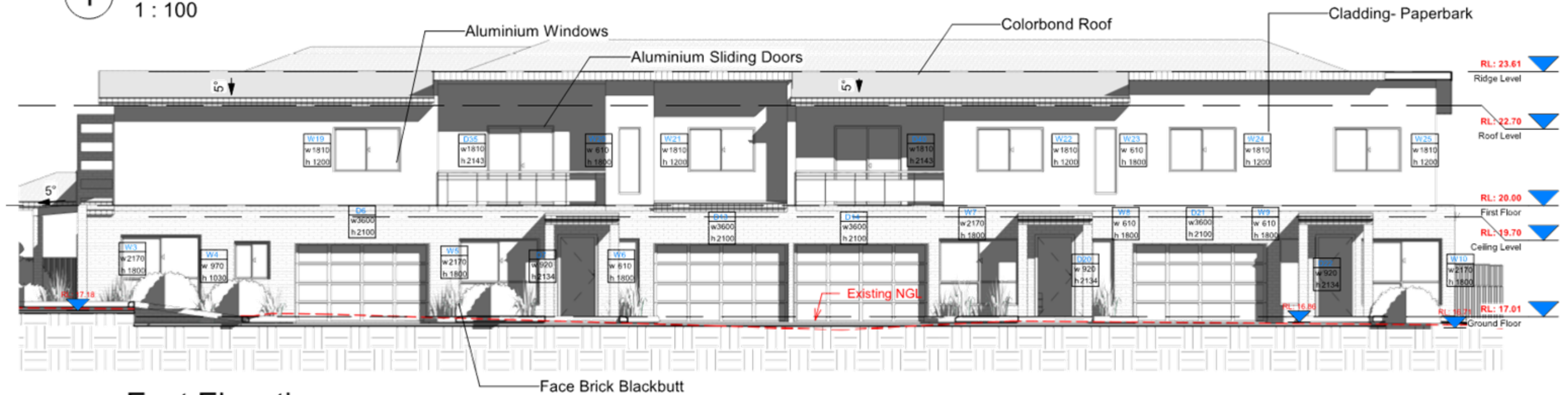


**SITE ADDRESS:** 217 Memorial Avenue  
**CLIENT:** ICE Projects  
**PROJECT TYPE:** Multiple Dwellings  
**DATE:** 07.03.2022 **REV:** B **SHEET NO.:** A106  
**COUNCIL AREA:** Liverpool **SCALE:** 1 : 100

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1 North Elevation  
1 : 100



3 East Elevation  
1 : 100

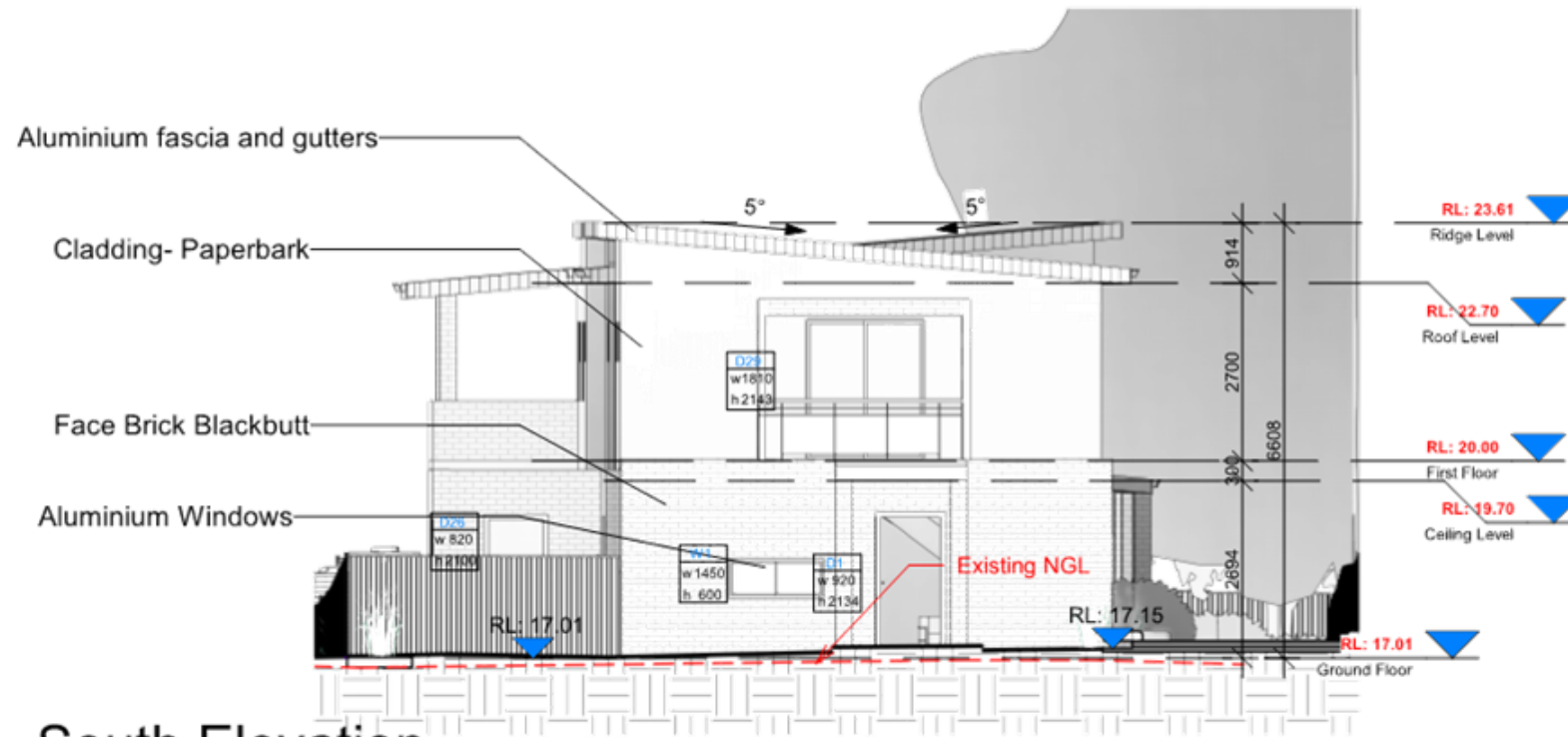
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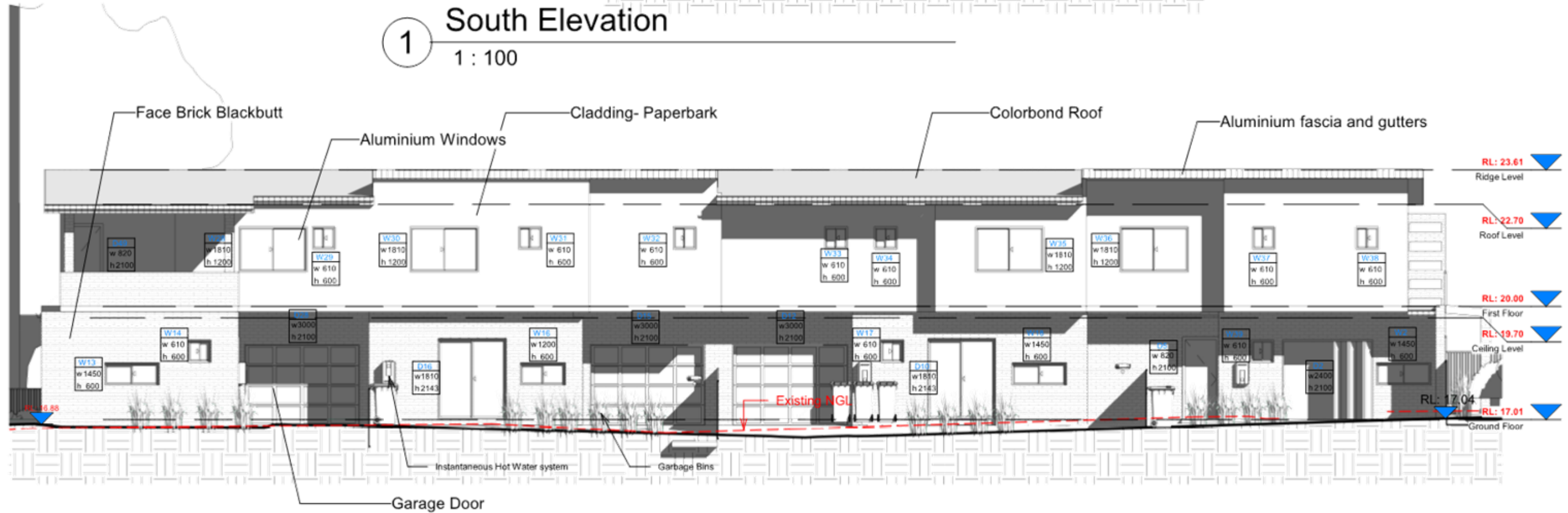
DRAWING TITLE: Elevations  
DRAWN BY: Anjali Joseph  
CHECKED BY: Sam Dennawi  
LOT: 71 | SEC: | DP: 25142

SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A107  
COUNCIL AREA: Liverpool SCALE: 1 : 100

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1 South Elevation  
1 : 100



2 West Elevation  
1 : 100

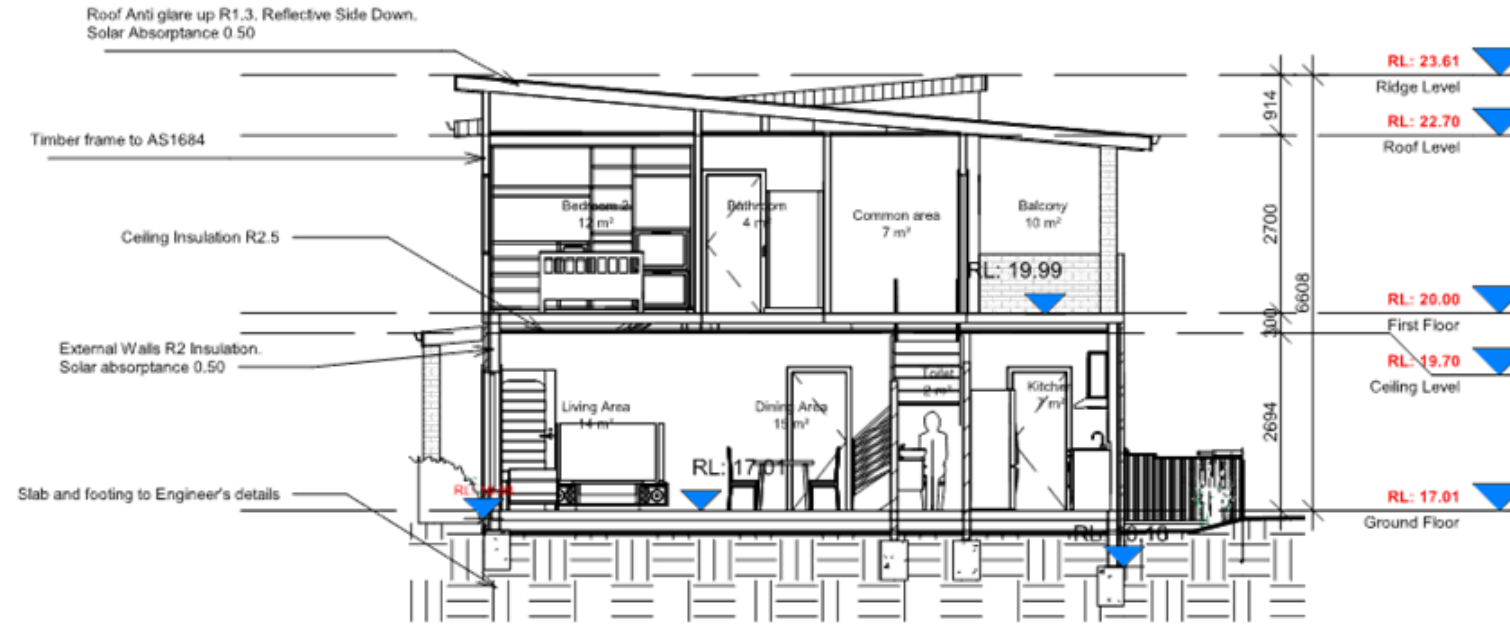
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REV	DATE	DESCRIPTION	INITIAL
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B	08.08.2023	Issued for RFI	E.T.

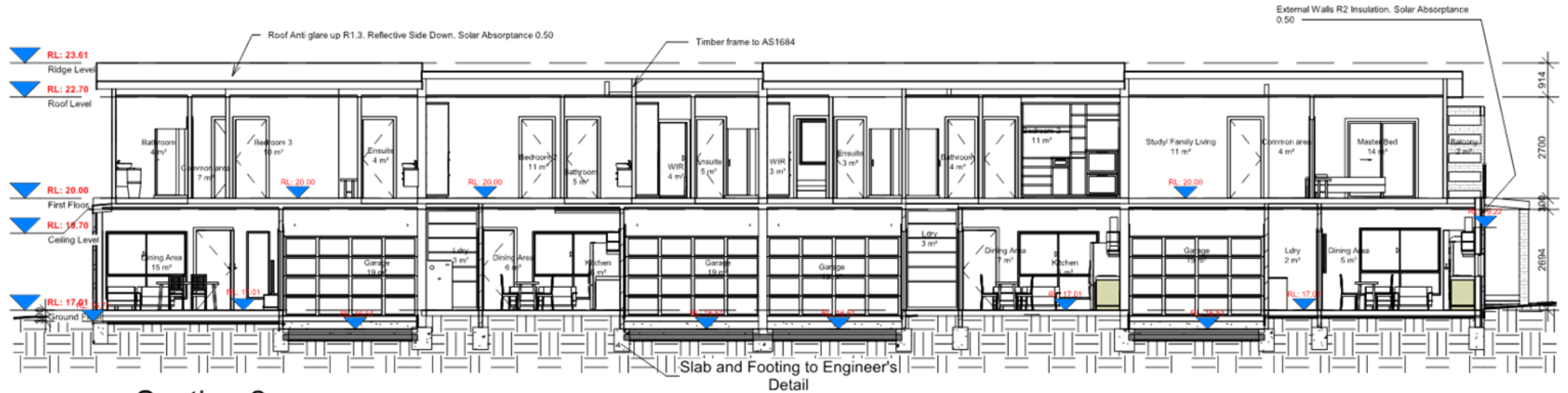
DRAWING TITLE: Elevations  
DRAWN BY: A.J.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP:25142

SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A108  
COUNCIL AREA: Liverpool SCALE: 1 : 100

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1 Section 1  
1 : 100



2 Section 2  
1 : 100

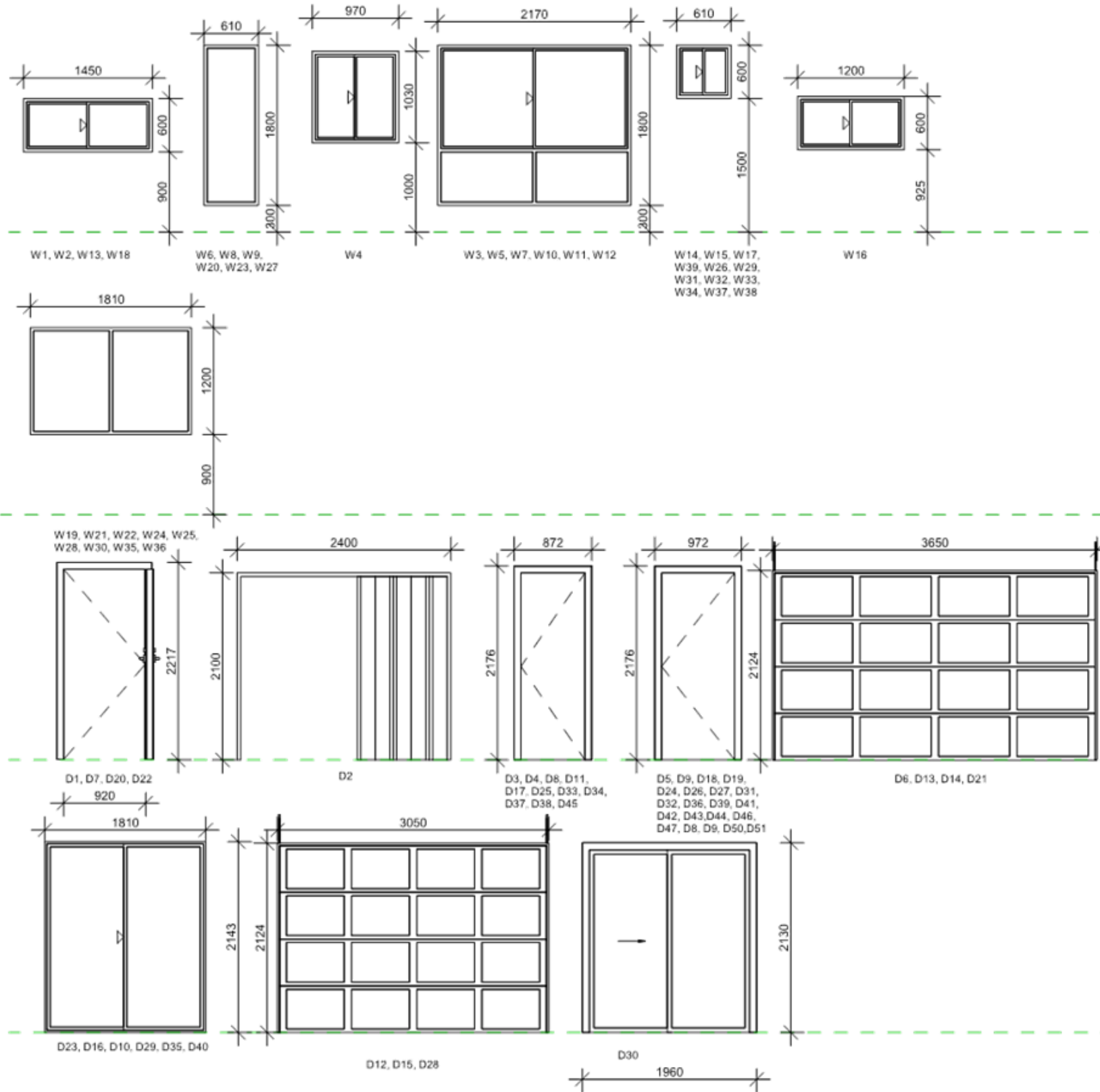
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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Sections  
DRAWN BY: A.J.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP: 25142

SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A109  
COUNCIL AREA: Liverpool SCALE: 1 : 100

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BUILDING DESIGNER  
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Ph: 02 8319 9447 | info@mahn.com.au | www.mahn.com.au  
PROJECT NO: A-21020



Window Schedule			
Mark	Width	Height	Sill Height

Ground Floor			
W1	1450	600	900
W2	1450	600	900
W3	2170	1800	400
W4	970	1030	1000
W5	2170	1800	300
W6	610	1800	300
W7	2170	1800	300
W8	610	1800	300
W9	610	1800	300
W10	2170	1800	300
W11	2170	1800	300
W12	2170	1800	300
W13	1450	600	900
W14	610	600	1500
W15	610	600	1500
W16	1200	600	900
W17	610	600	1500
W18	1450	600	900
W39	610	600	1500

Window Schedule			
Mark	Width	Height	Sill Height

First Floor			
W19	1810	1200	900
W20	610	1800	305
W21	1810	1200	900
W22	1810	1200	900
W23	610	1800	305
W24	1810	1200	900
W25	1810	1200	900
W26	610	600	1500
W27	610	1800	300
W28	1810	1200	900
W29	610	600	1500
W30	1810	1200	900
W31	610	600	1500
W32	610	600	1500
W33	610	600	1500
W34	610	600	1500
W35	1810	1200	900
W36	1810	1200	900
W37	610	600	1500
W38	610	600	1500

Door Schedule			
Mark	Width	Height	Description

Ground Floor			
D1	920	2134	
D2	2400	2100	Afresco door - Folding panels Color: Paperbark or similar External
D3	720	2100	
D4	720	2100	
D5	820	2100	External - Single Flush
D6	3600	2100	External - Embossed Panel door
D7	920	2134	
D8	720	2100	
D9	820	2100	External - Single Flush
D10	1810	2143	
D11	720	2100	
D12	3000	2100	Embossed panel garage door
D13	3600	2100	External - Embossed Panel door
D14	3600	2100	External - Embossed Panel door
D15	3000	2100	Embossed panel garage door
D16	1810	2143	
D17	720	2100	
D18	820	2100	External - Single Flush
D19	820	2100	External - Single Flush
D20	920	2134	
D21	3600	2100	External - Embossed Panel door
D22	920	2134	
D23	1810	2143	
D24	820	2100	External - Single Flush
D25	720	2040	Color: Paperbark or similar
D26	820	2100	External - Single Flush
D27	820	2100	External - Single Flush
D28	3000	2100	Embossed panel garage door

Door Schedule			
Mark	Width	Height	Description

First Floor			
D29	1810	2143	
D30	1800	2050	Double Sliding door
D31	820	2100	External - Single Flush
D32	820	2100	External - Single Flush
D33	720	2100	
D34	720	2100	
D35	1810	2143	
D36	820	2100	External - Single Flush
D37	720	2100	
D38	720	2100	
D39	820	2100	External - Single Flush
D40	1810	2143	
D41	820	2100	External - Single Flush
D42	820	2100	External - Single Flush
D43	820	2100	External - Single Flush
D44	820	2100	External - Single Flush
D45	720	2100	
D46	820	2100	External - Single Flush
D47	820	2100	External - Single Flush
D48	820	2100	External - Single Flush
D49	820	2100	External - Single Flush
D50	820	2100	External - Single Flush
D51	820	2100	External - Single Flush

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Joinery Schedule  
DRAWN BY: Anjali Joseph  
CHECKED BY: Sam Dennawi  
LOT: 71 | SEC: | DP:25142

SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A110  
COUNCIL AREA: Liverpool SCALE: 1:50

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2 Shadow Diagram June 21st 9am  
1 : 200

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.

**DRAWING TITLE:** Shadow Diagram June 21st 9am  
**DRAWN BY:** A.J.  
**CHECKED BY:** S.D.  
**LOT:** 71 | **SEC:** | **DP:** 25142



**SITE ADDRESS:** 217 Memorial Avenue  
**CLIENT:** ICE Projects  
**PROJECT TYPE:** Multiple Dwellings  
**DATE:** 07.03.2022 **REV:** A **SHEET NO.:** A111  
**COUNCIL AREA:** Liverpool **SCALE:** 1 : 200

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1 Shadow Diagram June 21st 12pm  
1 : 200

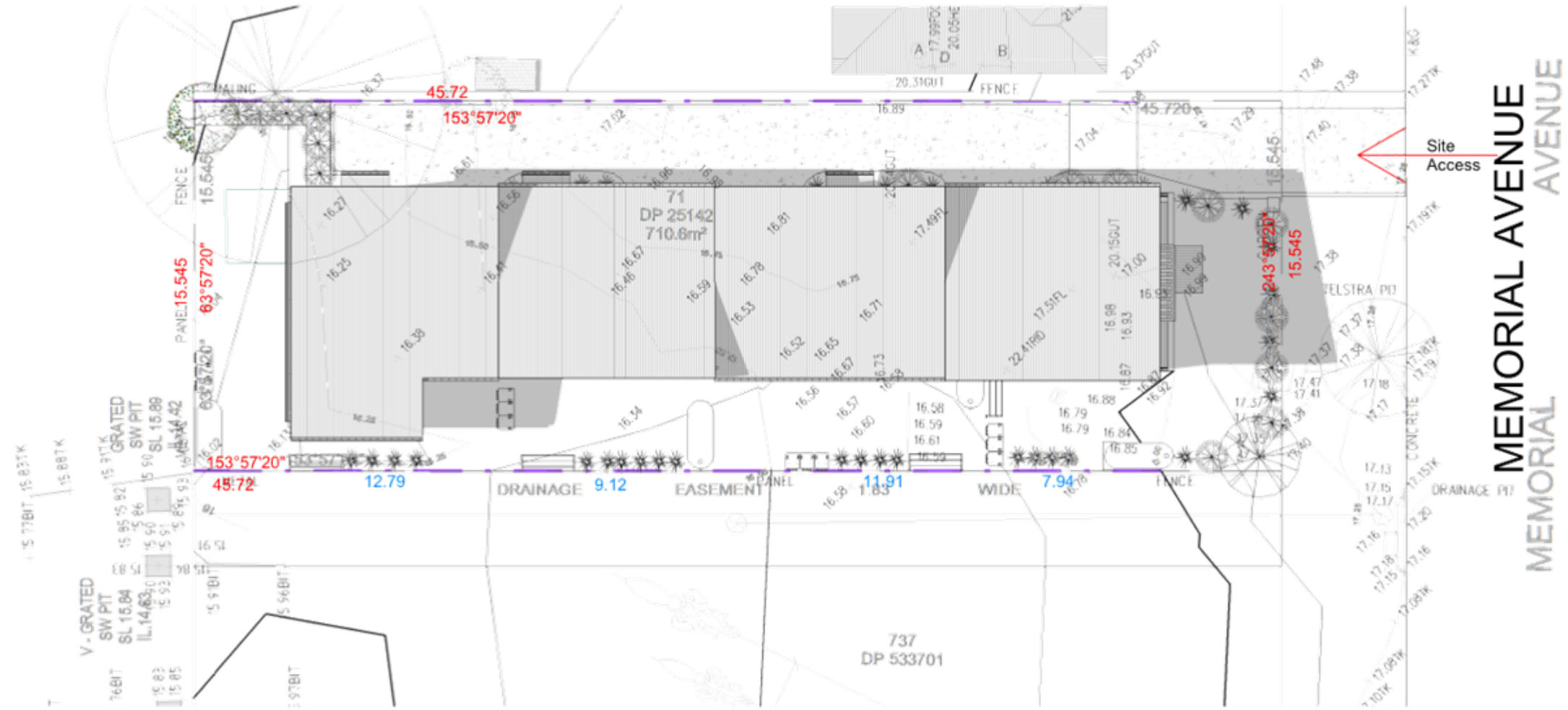
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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.

DRAWING TITLE: Shadow Diagram June 21st 12pm  
 DRAWN BY: A.J.  
 CHECKED BY: S.D.  
 LOT: 71 | SEC: | DP: 25142

SITE ADDRESS: 217 Memorial Avenue  
 CLIENT: ICE Projects  
 PROJECT TYPE: Multiple Dwellings  
 DATE: 07.03.2022 REV: A SHEET NO: A112  
 COUNCIL AREA: Liverpool SCALE: 1 : 200

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1 Shadow Diagram June 21st 3pm  
1 : 200

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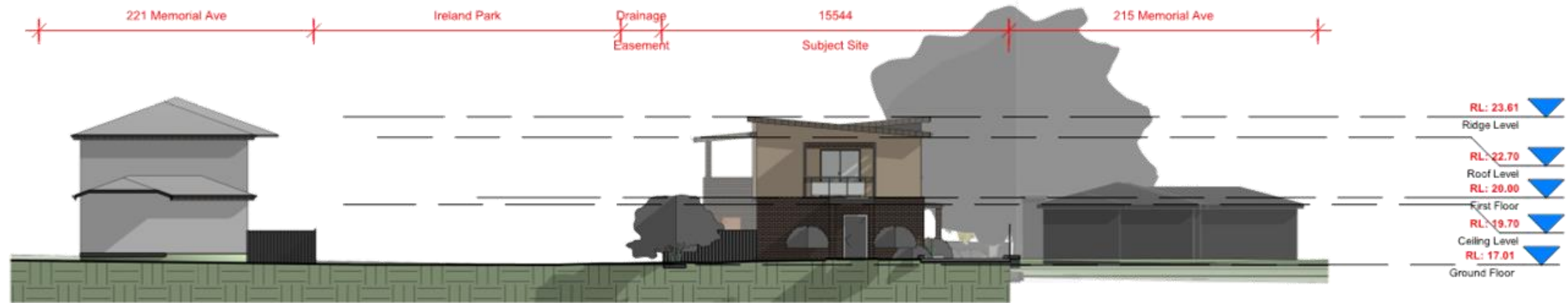
REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.

DRAWING TITLE: Shadow Diagram June 21st 3pm  
DRAWN BY: A.J.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP: 25142

SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: A SHEET NO: A113  
COUNCIL AREA: Liverpool SCALE: 1 : 200

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PROJECT NO.: A-21020



221 Memorial Ave

Ireland Park



215 Memorial Ave

PROJECT PATH: \DRAWINGS\2023\07\2023-07-07.dwg

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

**DRAWING TITLE:** Streetscape Elevation  
**DRAWN BY:** A.J.  
**CHECKED BY:** S.D.  
**LOT:** 71 | **SEC:** | **DP:** 25142

**SITE ADDRESS:** 217 Memorial Avenue  
**CLIENT:** ICE Projects  
**PROJECT TYPE:** Multiple Dwellings  
**DATE:** 07.03.2022 **REV:** B **SHEET NO.:** A114  
**COUNCIL AREA:** Liverpool **SCALE:** 1 : 200

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 PROJECT NO.: A-21020



**APPLICATION:** BRICK  
**COLOUR:** BLACKBUTT or Similar



**APPLICATION:** CLADDING  
**COLOUR:** PAPERBARK



**APPLICATION:** ROOFING  
**COLOUR:** JASPER MATT (COLORBOND)



**APPLICATION:** ALUMINIUM  
**COLOUR:** JASPER MATT



**APPLICATION:** METAL & GLASS  
**COLOUR:** SHALE GREY RAILING



PROJECT PATH: \\SERVER\projects\2022\603.rvt

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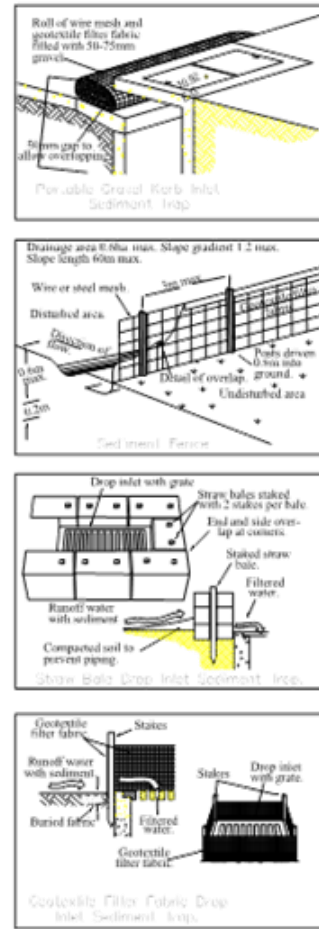
REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.

**DRAWING TITLE:** Schedule of Colours and Finishes  
**DRAWN BY:** A.J.  
**CHECKED BY:** S.D.  
**LOT:** 71 | **SEC:** | **DP:** 25142

**SITE ADDRESS:** 217 Memorial Avenue  
**CLIENT:** ICE Projects  
**PROJECT TYPE:** Multiple Dwellings  
**DATE:** 07.03.2022 **REV:** A **SHEET NO.:** A115  
**COUNCIL AREA:** Liverpool **SCALE:**

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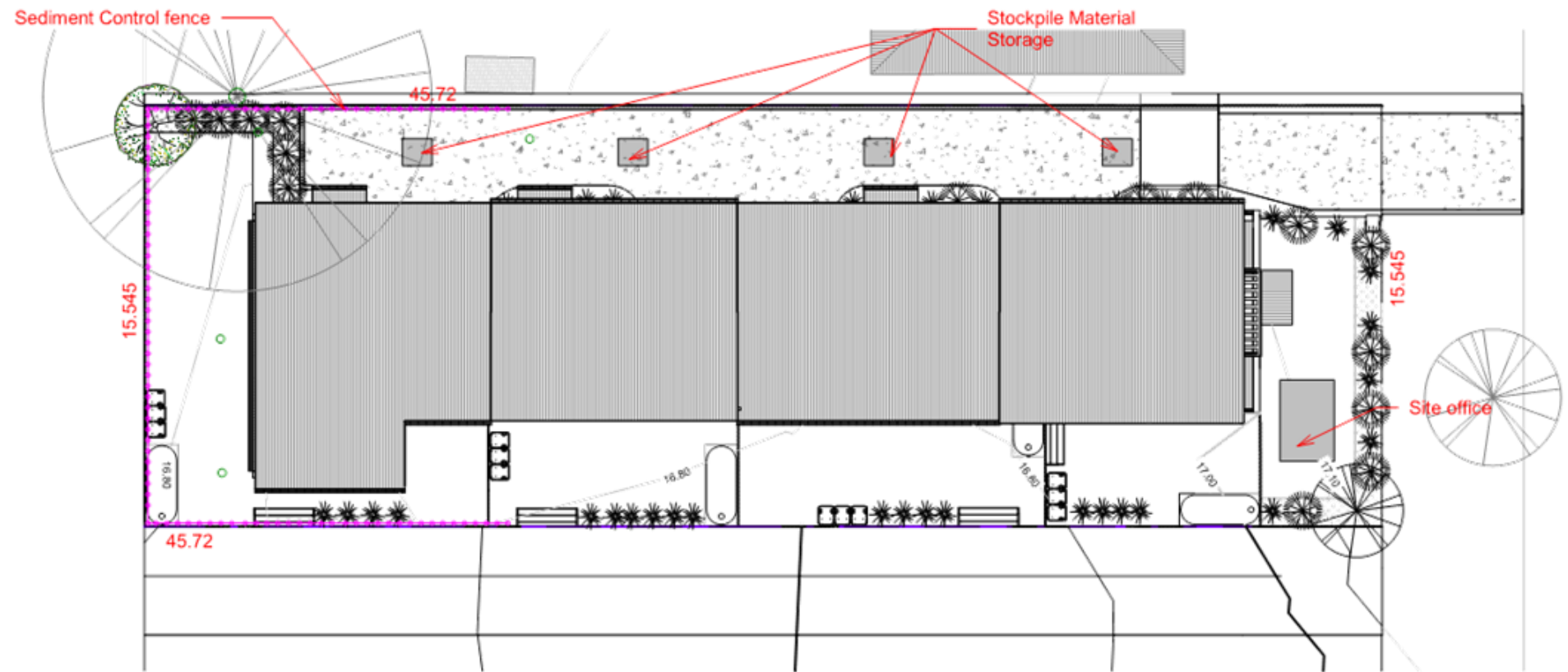
**LEGEND**

- RL REDUCED LEVEL
- CL COVER LEVEL
- IL INVERT LEVEL
- GSP GRATED SURFACE INLET FIT
- OSD ON-SITE DETENTION
- TWL TOP WATER LEVEL
- BWL BOTTOM WATER LEVEL
- TW TOP OF WALL
- ID INSPECTION OPENING
- RWT RAINWATER TANK
- SP SEDIMENT PIT
- ARI AVERAGE RECURRENCE INTERVAL
- FW FLOOR WASTE
- AHD AUSTRALIAN HEIGHT DATUM
- PSD PERMISSIBLE SITE DISCHARGE
- HEB HIGH EARLY DISCHARGE
- RHS RECTANGULAR HOLLOW SECTION
- SS STAINLESS STEEL
- FRC FIBER REINFORCED CONCRETE
- RCP REINFORCED CONCRETE PIPE
- RRJ RUBBER RING JOINT
- US UNDERSIDE OF SLAB
- OF OVERFLOW
- DR DROPPER
- RWO RAIN WATER OUTLET
- RWH RAIN WATER HEAD
- DN\* PROPOSED DOWNPIPE (100x80 90 DIA. U.N.O.)
- DN\*\* PROPOSED DOWNPIPE SPREADER (100x80 90 DIA. U.N.O.)
- PROPOSED PIPE
- PROPOSED PIPE
- PROPERTY BOUNDARY
- SEDIMENT FENCE



**EROSION NOTES:**

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND
2. MINIMISE DISTURBED AREAS
3. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS
4. POSSIBLE
5. ROADS AND FOOTPATH TO BE SWEEP DAILY
6. NO MATERIAL TO BE STORED ON FOOTPATH
7. SILT FENCE TO BE CONSTRUCTED AS PER DETAIL SHOWN OR BY USING AN APPROVED EQUIVALENT MEASURE. THE SILT FENCE IS TO BE CONSTRUCTED PRIOR TO ANY CONSTRUCTION ACTIVITIES. IT IS TO BE KEPT IN GOOD WORKING ORDER AT ALL TIMES. WHEN APPROXIMATELY 50% FULL OR AS DIRECTED BY COUNCIL'S REPRESENTATIVE, THE SILT FENCES ARE TO BE CLEARED OF SILT AND OR OTHER BUILD UP MATERIALS.



1 Sediment Control Plan  
1 : 200

PROJECT FILE NO: 20220303 0:00:00.ppt

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REV	DATE	DESCRIPTION	INITIAL
A	07.03.2022	Issued for DA	A.J.
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Sediment Control Plan  
 DRAWN BY: Anjali Joseph  
 CHECKED BY: Sam Dennawi  
 LOT: 71 | SEC: | DP: 25142

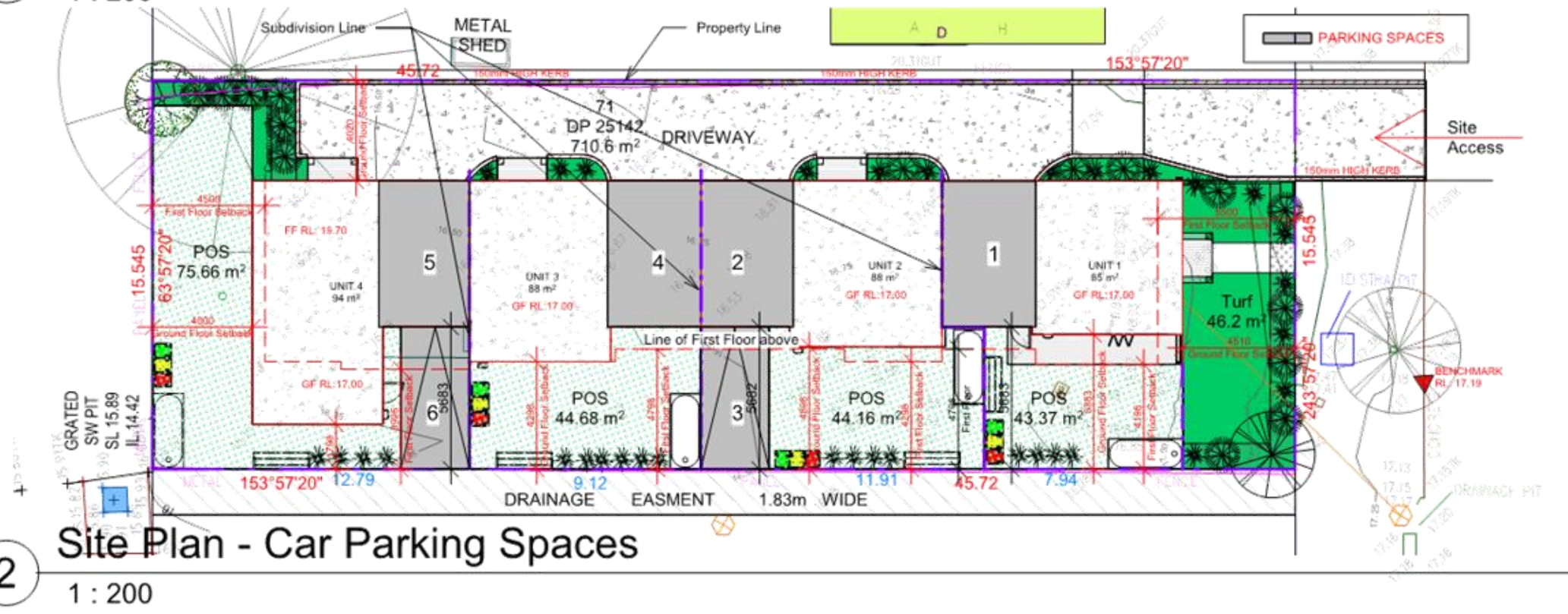
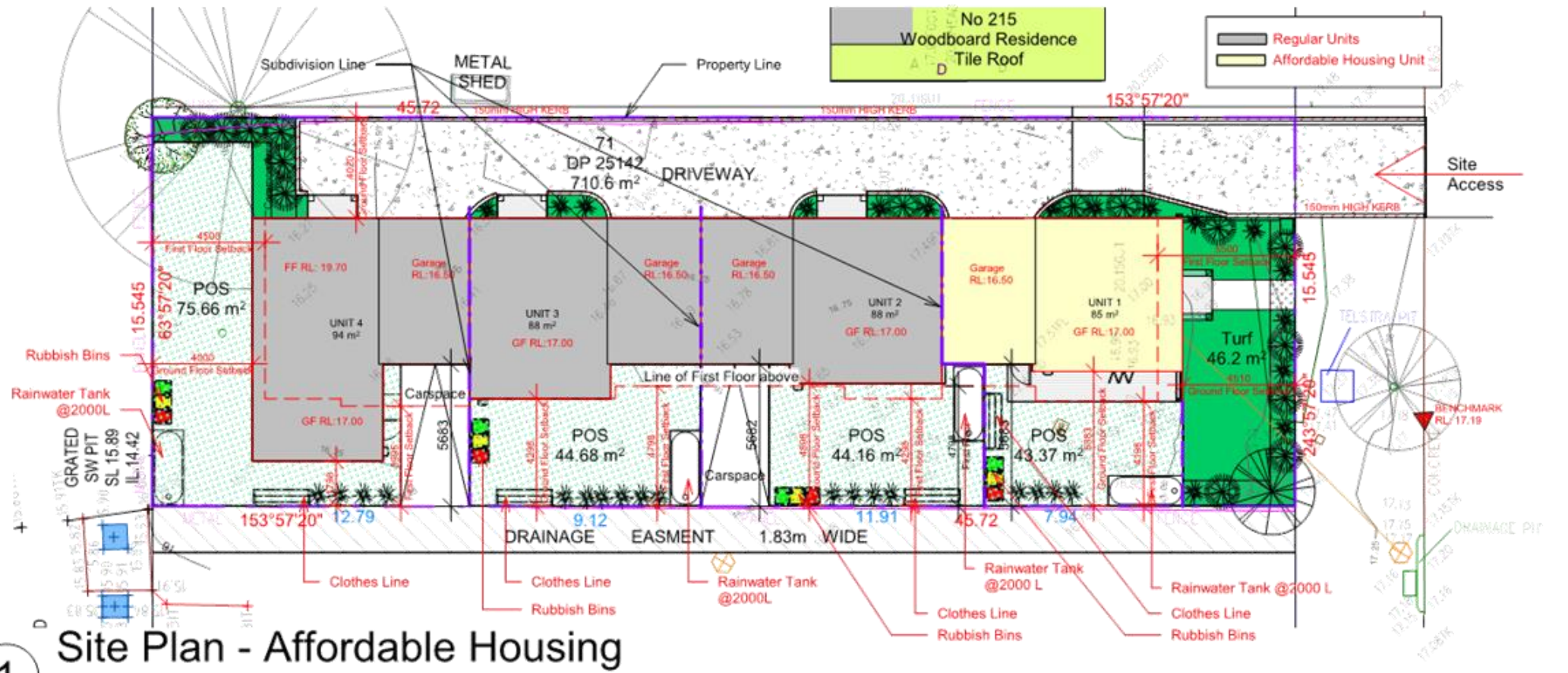


SITE ADDRESS: 217 Memorial Avenue  
 CLIENT: ICE Projects  
 PROJECT TYPE: Multiple Dwellings  
 DATE: 07.03.2022 REV: B SHEET NO: A116  
 COUNCIL AREA: Liverpool SCALE: 1 : 200

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PROJECT NO: A-21020





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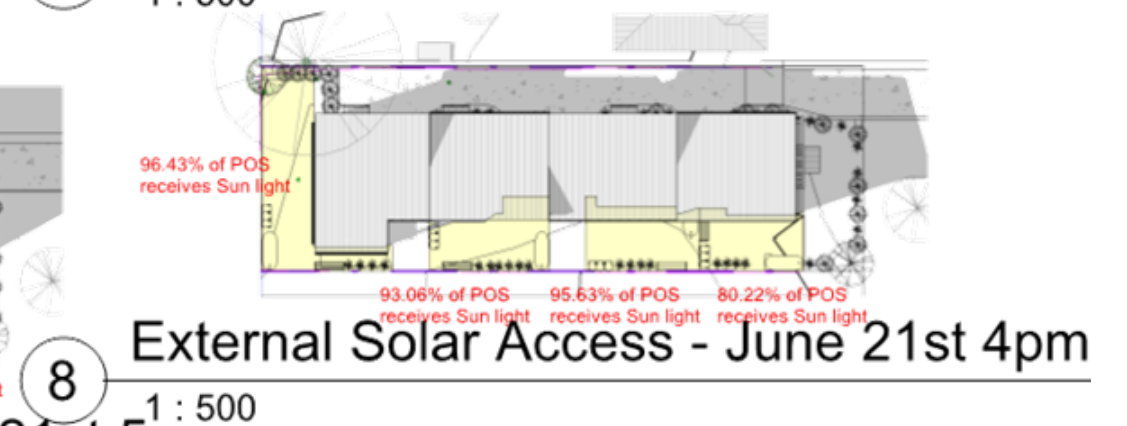
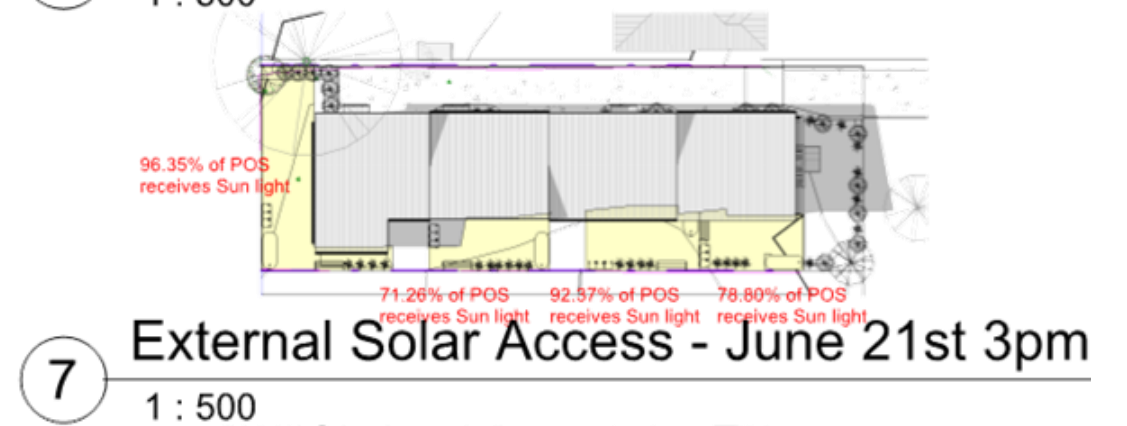
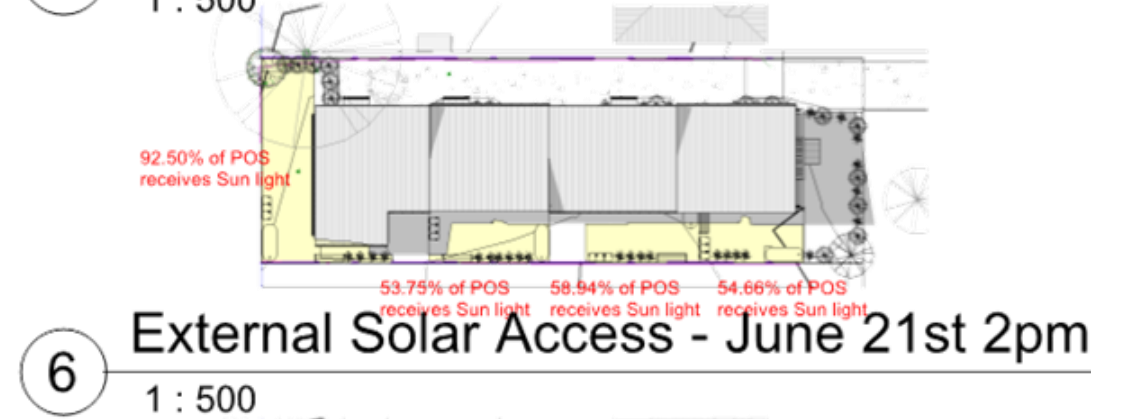
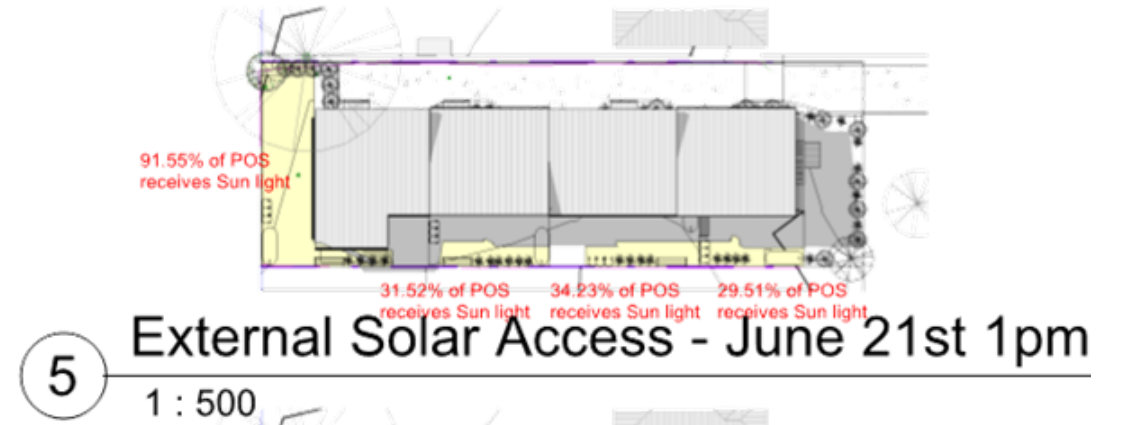
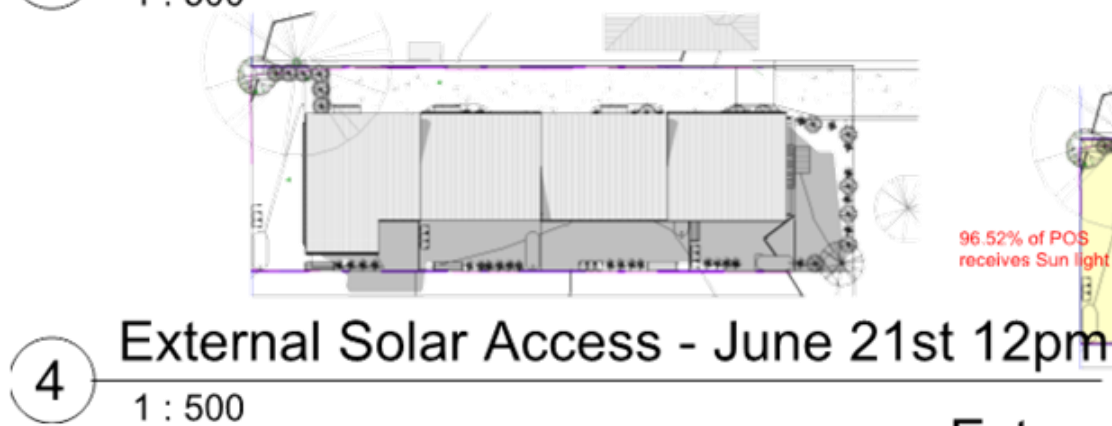
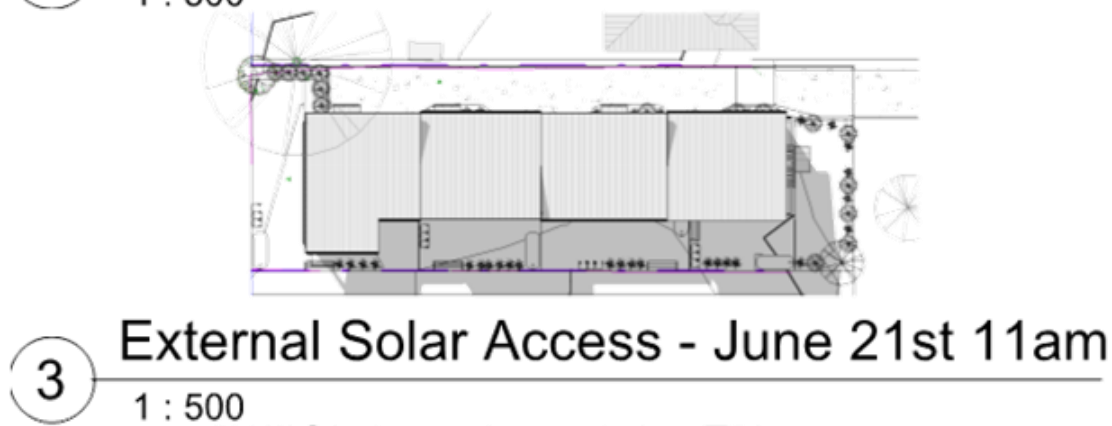
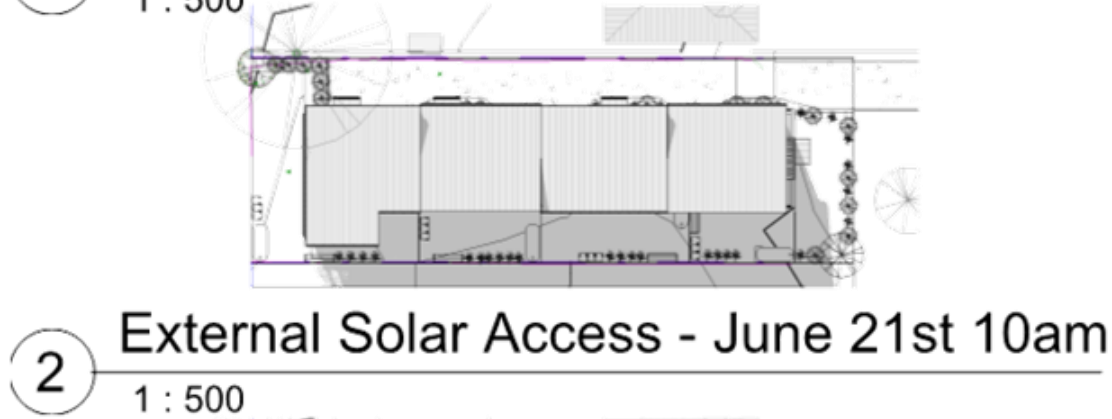
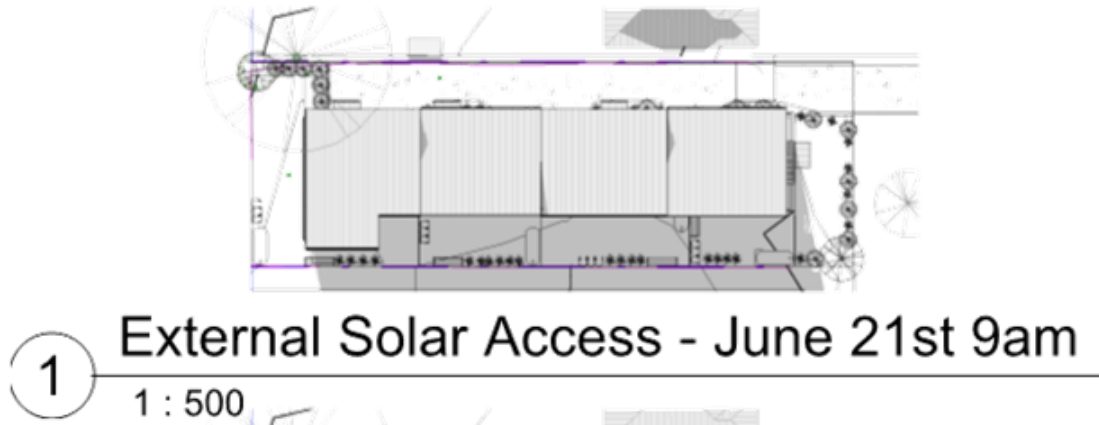
REV	DATE	DESCRIPTION	INITIAL
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Site Details  
 DRAWN BY: E.T.  
 CHECKED BY: S.D.  
 LOT: 71 | SEC: | DP: 25142



SITE ADDRESS: 217 Memorial Avenue  
 CLIENT: ICE Projects  
 PROJECT TYPE: Multiple Dwellings  
 DATE: 07.03.2022 REV: B SHEET NO: A118  
 COUNCIL AREA: Liverpool SCALE: 1 : 200

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REV	DATE	DESCRIPTION	INITIAL
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: External Solar Access - June 21st  
DRAWN BY: E.T.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP: 25142



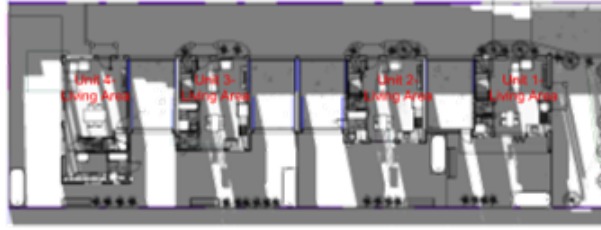
SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A119  
COUNCIL AREA: Liverpool

SCALE: 1 : 500

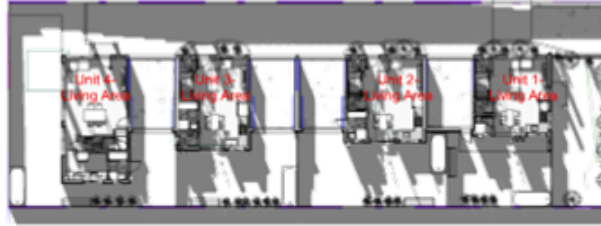
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PROJECT NO: A-21020

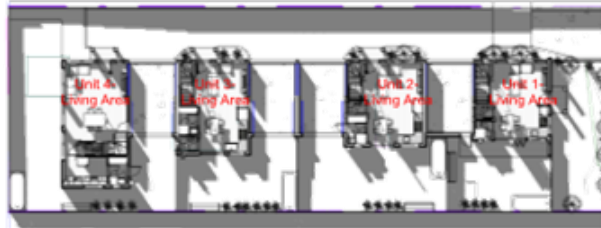




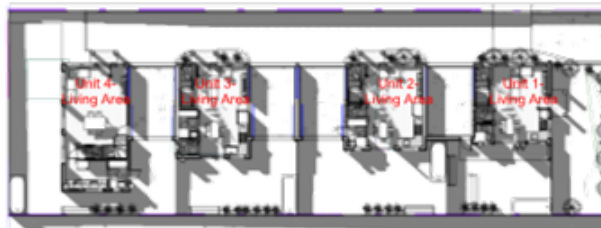
1 Internal Solar Access - June 21st 9am  
1 : 500



2 Internal Solar Access - June 21st 10am  
1 : 500



3 Internal Solar Access - June 21st 11am  
1 : 500



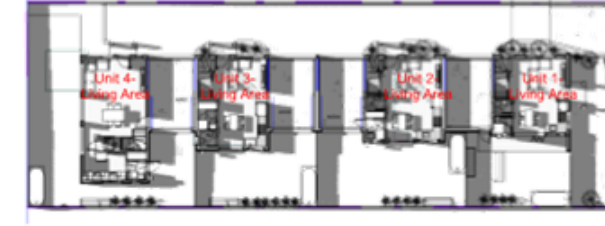
4 Internal Solar Access - June 21st 12pm  
1 : 500



9 Internal Solar Access - June 21st 5pm  
1 : 500



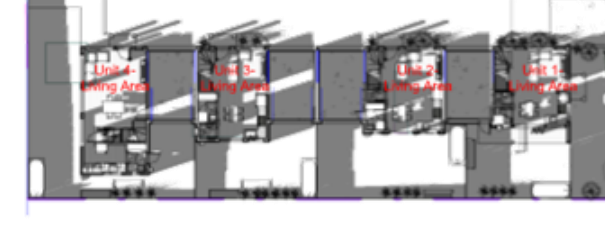
5 Internal Solar Access - June 21st 1pm  
1 : 500



6 Internal Solar Access - June 21st 2pm  
1 : 500



7 Internal Solar Access - June 21st 3pm  
1 : 500



8 Internal Solar Access - June 21st 4pm  
1 : 500

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REV	DATE	DESCRIPTION	INITIAL
B	08.08.2023	Issued for RFI	E.T.

DRAWING TITLE: Internal Solar Access - June 21  
DRAWN BY: E.T.  
CHECKED BY: S.D.  
LOT: 71 | SEC: | DP:25142



SITE ADDRESS: 217 Memorial Avenue  
CLIENT: ICE Projects  
PROJECT TYPE: Multiple Dwellings  
DATE: 07.03.2022 REV: B SHEET NO: A120  
COUNCIL AREA: Liverpool SCALE: 1 : 500

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PROJECT NO.: A-21020

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14 August 2023

**Clause 4.6 Request to Development Standard**

**Property Description:** 217 Memorial Avenue, Liverpool

**Development:** Infill Affordable Housing Development

**Development Standard:** Section 18(2)(j) Non-discretionary development standards—the Act, s4.15 *SEPP (Housing) 2021*

**Introduction**

This is a clause 4.6 written request to support the development proposal for demolition of the existing dwelling house and structures on the site and construction of an *Infill – Affordable Housing* development including 4 x townhouse dwellings at 217 Memorial Avenue, Liverpool.

The development application is made pursuant to Chapter 2, Part 2 – Division 1 of State Environmental Planning Policy (Housing) 2021 with the provision of Unit 1 – 85m<sup>2</sup> of floor area for the provision of affordable housing being 22.9% of the gross floor area of the development.

Clause 18(2)(j) of the SEPP provides a non discretionary standard pertaining to minimum floor areas that states the following:

- (1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*
- (2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—*
  - (j) *if paragraphs (h) and (i) do not apply, the following minimum floor areas—*
    - (i) *for each dwelling containing 1 bedroom—65m<sup>2</sup>, or*
    - (ii) *for each dwelling containing 2 bedrooms—90m<sup>2</sup>, or*
    - (iii) *for each dwelling containing at least 3 bedrooms—115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.*

Clause 4.15(3) of the Environmental Planning and assessment Act 1979 provides the following with regard to non-discretionary development standards.

- (3) *If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—*
- (a) *subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*
- (b) *a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

The contravention to the development standard is the result of the inconsistency between the minimum envisaged floor areas for smaller sites under the Liverpool DCP and that expressed by the Housing SEPP. Liverpool DCP nominates sizes of 65m<sup>2</sup>-110m<sup>2</sup> for medium sized dwellings.

The dwellings have been designed as medium sized dwellings, to provide housing diversity on the smaller allotment within the medium density residential zone, consistent with the intent of Section 4, Part 3.6 of the Liverpool DCP.

The dwellings have been designed with the following unit sizes presenting the following variations to the minimum dwelling sizes nominated under clause 18(2)(j) of the SEPP.

Dwelling	Unit Mix	Total GFA	SEPP non discretionary	% Variation
Unit 1 - ARH	2 bedroom unit	85m <sup>2</sup>	90m <sup>2</sup>	5.5%
Unit 2	2 bedroom unit	88m <sup>2</sup>	90m <sup>2</sup>	2.2%
Unit 3	3 bedroom unit	96m <sup>2</sup>	115m <sup>2</sup>	16.5%
Unit 4	3 bedroom unit	101m <sup>2</sup>	115m <sup>2</sup>	12.1%

The request to contravene the development standard has been prepared in accordance with the principles applied in relevant case law including:

1. *Winten Property Group Limited v North Sydney Council* (2001) 130 LGERA 79;
2. *Wehbe v Pittwater Council* (2007) 156 LGERA 446;
3. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
4. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118;
5. *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; and
6. *RebelMH Neutral Bay Pty Limited v North Sydney Council* (2019) NSWCA 130
7. *WZSydney Pty Ltd v Ku-ring-gai Municipal Council* [2023] NSWLEC 1065

This Clause 4.6 request is set out in accordance with the relevant principles established by the Court including:

1. Is the development consistent with the objectives of the zone?
2. Is the proposed development consistent with the objectives of the development standard which is not met?

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (cl 4.6(3)(a) and cl 4.6(4)(a)(i))
4. Are there sufficient environmental planning grounds to justify contravening the development standard and therefore the Applicant's written request to vary the development standard is well founded? (cl 4.6(3)(b) and 4.6(4)(a)(ii))
5. Is the proposed development in the public interest because it is consistent with the objectives of the standard and the zone? (cl 4.6(4)(a)(ii))

**Matters required to be demonstrated under clause 4.6(3) of the LEP**

**Compliance with the development standard is unreasonable or unnecessary in this particular case**

Pursuant to clause 4.6(3)(a), the contravention to the non discretionary standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because the proposed development is consistent with the objectives of the development standard, notwithstanding non-compliance with the standard.

The object of this standard is contained within Section 18(1) of the Housing SEPP which states:

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

The Housing SEPP does not list objectives for the non discretionary standard contained within Section 18(2)(j), and the variation has been assessed against the relevant principles of the Housing SEPP as follows:

• **Principles of the Housing SEPP**

The principles of the *Housing SEPP* are:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*

*(e) minimising adverse climate and environmental impacts of new housing development,*

*(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*

*(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*

*(h) mitigating the loss of existing affordable rental housing.*

The proposed development meets the principles of the SEPP based on the following:

- **Objectives (a) & (b):** The proposed development contributes to the range of dwelling typologies within the medium density residential zone in proximity to public transport and services. The proposed dwelling sizes provide housing diversity on the smaller allotment within the medium density residential zone, consistent with the intent of Section 4, Part 3.6 of the Liverpool DCP.
- **Objective (c):** The development provides residents with a good level of amenity, with open plan living areas, generous private open space with good solar access and an appropriate interface between internal and external spaces within each dwelling. notwithstanding the numerical variation to the SEPP provisions, the dwelling sizes meet the remaining non discretionary standards.
- **Objective (d):** The subject site is located within an accessible area in the medium density residential zone. The development proposal presents a good utilization of land in a locality which is currently undergoing a transition to higher density forms of development.
- **Objective (e):** The design of the development ensures environmentally sustainable measures are achieved with respect to solar access and natural cross-ventilation, minimizing reliance upon artificial cooling and heating within the dwellings.
- **Objective (f):** The development proposal has been designed to present a two (2) storey form to Memorial Avenue, consistent with the form and scale of nearby medium density development to the east and west of the site including 209-213 Memorial Avenue Liverpool and 221 Memorial Avenue, Liverpool. The design of the building responds to the surrounding context being a permissible land use under the LEP, with the form and scale of the development consistent with the built form planned for the locality.

Noting the context of the site, the development has been designed with an access handle adjoining the north eastern boundary to allow the expansion of the development towards 215 Memorial Avenue should this become an option in the future.

- **Objective (g):** Not applicable.
- **Objective (h):** Not applicable.

In line with the decisions in *Wehbe v Pittwater Council* [2007] NSWLEC 827 the proposal meets the first test as the objectives of the development standard – principles of the Housing SEPP are achieved notwithstanding the non-compliance.

It is unreasonable to require compliance with the development standard contained in Section 18(2)(j) of the Housing SEPP due to the following:

- The contravention to the development standard is the result of the inconsistency between the minimum envisaged floor areas for smaller sites under the Liverpool DCP and that expressed by the Housing SEPP. Liverpool DCP nominates sizes of 65m<sup>2</sup>-110m<sup>2</sup> for medium sized dwellings. The dwellings have been designed as medium sized dwellings, to provide housing diversity on the smaller allotment within the medium density residential zone, consistent with the intent of Section 4, Part 3.6 of the Liverpool DCP.
- The proposed dwelling sizes are compatible with the established density – dwelling sizes of recently approved medium density development. The contravention to the minimum sizes under the Housing SEPP will allow dwelling sizes that are affordable within this locality that is defined by smaller tenure sizes. Strict application of the minimum floor areas under the Housing SEPP will result in a tenure size that is larger than the established housing stock – multi dwelling housing that is in the vicinity of the site. Larger dwelling sizes will result in the rent/sale of dwellings being higher reducing affordability which is inconsistent with the objects of the Housing SEPP.

There are sufficient environmental planning grounds to justify contravening the development standard

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Preston CJ noted in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the aspect of the development that contravenes the development standard should be the focus (as opposed to the development as a whole) of any analysis.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the density development standard because:

- The variation proposed, allows a development density – dwelling size that is consistent with the approved sizes of multi dwelling housing developments within the Liverpool LGA, ensuring the form and size of tenure is compatible with the available housing stock. The following table provides an analysis of approved dwelling sizes in the vicinity of the site.

Approved Development Application	Address	2 Bedroom	3 Bedroom
DA 733/2018	6 Maryvale Avenue, Liverpool	80m <sup>2</sup>	104.6m <sup>2</sup> – 107.7m <sup>2</sup>
DA 649/2015	213 Memorial Avenue Liverpool	-	100m <sup>2</sup> – 105m <sup>2</sup>
DA 10/2016	221-223 Memorial Avenue, Liverpool	80.5m <sup>2</sup> – 80.6m <sup>2</sup>	94.3m <sup>2</sup> – 95.5m <sup>2</sup>

- The proposed multi dwelling housing development has been designed in accordance with the future character envisaged by Council's planning controls and the site context. Noting the site context in the vicinity of constructed multi-dwelling housing developments at 209-213 Memorial Avenue, and 221 Memorial Avenue, Liverpool the layout facilitates the future expansion to the east should this become an option in the future;
- The proposed development is consistent with character envisaged by Liverpool Council as it complies with the intent of the performance criteria of development controls regarding setbacks, landscape and private open space contained in Liverpool DCP 2008.

**Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)**

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated pursuant to Clause 4.6(3) by providing a written request that demonstrates:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance.
2. The environmental planning grounds relied on are sufficient to justify the development standard.

The decision of Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action") provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by clause 4.6(3).

The relevant items in Clause 4.6(3) of the LEP have been adequately addressed above in order to enable the consent authority and the Court to form the requisite opinion of satisfaction.

**The proposed development is in the public interest**

In relation to clause 4.6(4)(a)(ii), the proposed infill affordable multi dwelling housing development is in the public interest because it is consistent with the objectives of the density non discretionary standard (principles of the Housing SEPP, addressed above) and the objectives for development in the R3 Medium Density Residential zone. The development proposal is consistent with the objectives of the zone as follows:

• **Objectives of the R3 Medium Density Residential Zone**

The objectives of the R3 Medium Density Residential zone are as follows:

- *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 development proposal meets the applicable objective of the zone based on the following assessment:

- The proposal provides additional housing within the existing medium density residential environment in a built form that is consistent with the desired future character of the medium density residential zone;
- The proposal presents a multi dwelling housing development which is a suitable and permissible development type under the R3 – Medium Density Residential zone;
- The proposal provides dwelling sizes consistent with market demand in the locality contributing to the variety of residential accommodation within the medium density residential zone in proximity to existing services and public transport noting the site is located within 'accessible area' under SEPP (Housing) 2021;
- The proposal provides additional residential accommodation in proximity to facilities, services and employment land noting the subject site adjoins Ireland Park



and is within walking distance of educational establishments and a well-serviced bus stop.

In addition to the above, the proposal is also in the public interest because:

- The building is an articulated/contemporary built form that is a suitable density for this site and consistent with the context and scale of other development in the locality, including nearby multi-dwelling development to the east and west of the site fronting Memorial Avenue.
- The proposed dwelling sizes are compatible with the established density – dwelling sizes of recently approved medium density development. The contravention to the minimum sizes under the Housing SEPP will allow dwelling sizes that are affordable within this locality that is defined by smaller tenure sizes.

Taking into consideration the above, the proposed development is in the public interest as it is consistent with the objectives of the development standard and the R3 Medium Density Residential zone.

For these reasons, the proposal does not undermine the integrity of the density development standard and principles of the Housing SEPP, as well as the zoning objectives which have been adopted by Council as being in the public interest.

#### **The concurrence of the Secretary**

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning, Industry and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

- a) The proposal is not likely to raise any matter of significance for State or regional environmental planning. As addressed above the non-compliance with the dwelling size non discretionary standard is considered to be in the public interest because the proposed development is consistent with the principles of the Housing SEPP and the objectives of the R3 Medium Density Residential zone.
- b) The public benefit of maintaining the development standard is not considered significant because the proposed development has been designed with a density and scale that is appropriate for the subject site when considering the surrounding development context.

- c) The proposal is consistent with the matters required to be taken into consideration before concurrence can be granted under clause 4.6(5) of the LEP. The exceedance of the standard will not result in adverse amenity impacts and is in the public interest.

### **Conclusion**

The development proposal presents a variation to Clause 18(2)(j) of the Housing SEPP which provides a non discretionary standard pertaining to minimum floor areas.

The contravention to the development standard is the result of the inconsistency between the minimum envisaged floor areas for smaller sites under the Liverpool DCP and that expressed by the Housing SEPP. Liverpool DCP nominates sizes of 65m<sup>2</sup>-110m<sup>2</sup> for medium sized dwellings.

The variation to the non discretionary standard does not attempt to affect the planning outcome for the broader locality; rather the proposed variation is a function of an inconsistency with the application of the Housing SEPP and the established dwelling sizes envisaged by the Liverpool DCP and in the vicinity of the site.

It is unreasonable to require compliance with the non discretionary development standard under the Housing SEPP and the consent authority does have the discretion to allow flexibility in this specific circumstance to allow a good planning outcome. The proposed dwelling sizes are compatible with the established density – dwelling sizes of recently approved medium density development. The contravention to the minimum sizes under the Housing SEPP will allow dwelling sizes that are affordable within this locality that is defined by smaller tenure sizes. Strict application of the minimum floor areas under the Housing SEPP will result in a tenure size that is larger than the established housing stock – multi dwelling housing that is in the vicinity of the site. Larger dwelling sizes will result in the rent/sale of dwellings being higher reducing affordability which is inconsistent with the objects of the Housing SEPP.

In my opinion the proposed development for a infill affordable multi dwelling housing development and variation to the non discretionary development standard is well founded as the proposal meets the objectives of the development standard and achieves an acceptable planning outcome for the subject site that is in the public interest. In accordance with the environmental planning grounds addressed in this clause 4.6 request, the proposed development can be supported.

Chapman Planning Pty Ltd  
Member PIA

## Attachment -4 – Statement Environmental Planning Policy – Housing Assessment

Clause 18 (2) of the Housing SEPP contains non-discretionary development standards, as detailed below.

Development standard	Site control	Proposed	Comment
Minimum site area	450m <sup>2</sup>	710.6m <sup>2</sup> .  Strata subdivision to create 4 lots is proposed.	Complies
Landscaped area	30% (213.18m <sup>2</sup> )	The applicant has outlined Landscape areas which total approximately 254.07 (35%) of the site in landscaping.	Complies
Deep soil zone	15% (106.59m <sup>2</sup> )  Dimensions of 3m At least 65% of the deep soil zone located at the rear of the site	The applicant has not identified areas in which will be utilized for deep soil. The plans submitted identify landscape areas and turfed areas in the front of the site, however, the landscape area to the rear is the private open space area of that of Unit 4. No planting has been demonstrated or highlighted in which it will achieve the required deep soil of 106sqm required.	Does not comply
Solar access	Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	Units 1 -3 do not achieve the required Solar Access Requirements. Unit 1, 2 and 3 only start to receive sunlight from 1pm which does not achieve the required 3 hours of direct solar access.	Does not comply
Car Parking	if paragraph (f) does not apply— i. for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or ii. for each dwelling containing 2 bedrooms—at least 1 parking space, or iii. for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	5 car spaces are required, the development provides 6 spaces. However, the applicant relies on the provision of a car park space within the Private Open Space areas of Unit 4 and Unit 2, which is not supported.	Not supported
Housing	for development for the purposes of dual occupancies, manor houses or multi dwelling housing	Unit 1 (2 bed) – 83m <sup>2</sup>  Unit 2 (2 bed) – 85.8m <sup>2</sup>  Unit 3 (3 bed) – 89m <sup>2</sup>	Does not comply. Clause 4.6 Variation Requested

	<p>(terraces)—the minimum floor area specified in the Low-Rise Housing Diversity Design Guide.</p> <p>if paragraphs (h) and (i) do not apply, the following minimum floor areas—</p> <ul style="list-style-type: none"> <li>i. for each dwelling containing 1 bedroom—65m<sup>2</sup>, or</li> <li>ii. for each dwelling containing 2 bedrooms—90m<sup>2</sup>, or</li> <li>iii. for each dwelling containing at least 3 bedrooms—115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.</li> </ul>	<p>Unit 4 (3 bed) – 99m<sup>2</sup></p> <p>The Low Rise Housing Diversity Design Guide, 2.3 Terraces, notes that the key characteristics of development to which this section applies are:</p> <ul style="list-style-type: none"> <li>• <i>The development contains three or more dwellings;</i></li> <li>• <i>Each dwelling has a frontage to a public road; and</i></li> <li>• <i>The dwellings are located side by side, with no part of a dwelling located above another dwelling.</i></li> </ul> <p>The proposed development is not considered to be multi-dwelling housing (terraces) and therefore the minimum floor areas under 18 (2)(j) apply to the development.</p> <p>The applicant has lodged a written request to vary a development standard, to justify reliance on the provisions for Private Open Space per dwelling size (in square metres) of the LDCP, Section 3.6, instead of complying the with provisions of this Clause. The applicant has submitted a Clause 4.6 pertaining to this control. Which is discussed below.</p>	
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## Attachment 5 – LLEP 2008 Assessment

Development Provision	Requirement	Proposed	Comment
<b>Part 4 Principal Development Standards</b>			
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	The DA seeks consent for the demolition of existing dwelling.	Complies
4.1 Minimum subdivision lot size	<p>300m<sup>2</sup></p> <p>(4A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the Lot Size Map to be within Area 1, Area 2 or Area 3 for the purposes of—</p> <p>a) a dual occupancy that was approved before the making of this Plan and that satisfies any conditions of that approval, or</p> <p>b) multi dwelling housing, or</p> <p>c) attached dwellings, or</p> <p>d) semi-detached dwellings,</p> <p>must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant Area, or if the lot adjoins a rear or side lane that provides vehicular access to the lot, not less than the area shown in Column 3 of the Table opposite the relevant Area.</p>	710m <sup>2</sup> . Only strata subdivision is proposed.	Complies
4.3 Height of Buildings	8.5m	6.614m	Complies
4.4 Floor Space Ratio	<p>0.5:1 under the LLEP 2008, however a FSR of 0.73:1 is permissible under the Housing SEPP. Refer above.</p> <p>The site is located in Area 2.</p> <p>(2A) Despite subclause (2)—</p> <p>a) a 3-storey building containing dwellings, or</p> <p>b) a building used for the purposes of an attached dwelling, multi dwelling housing, semi-detached dwellings, a secondary dwelling or 2 or more dwellings where each dwelling is attached to another dwelling by a common wall,</p>	0.50:1	Complies

	<p>that is on land shown to be within Area 2 or Area 3 on the Floor Space Ratio Map, may have a maximum floor space ratio of—</p> <p>c) up to 0.05:1 greater than that shown on the Map, or</p> <p>if the building is on a lot that adjoins a rear or side lane that provides vehicular access to the lot, up to 0.1:1 greater than that shown on the Map.</p>		
5.21 -Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	A portion of the site is mapped Low flood risk, and given the site is 200m away from the Cabramatta Creek it would not adversely impact upon the flood behavior, nor would it adversely affect the safe and efficient evacuation of the site.	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available.	Adequate infrastructure is available for the site.	Complies
7.31 Earthworks	Earthworks should not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	No cut and fill plan has been supplied to determine the extent of the earthworks across the site.	Insufficient Information

## Attachment 6 -LDCP 2008 Assessment

<b>Part 1 General Controls for all Development</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	<p>The proposed development has sought consent for the removal vegetation; however, application has not provided an arborist report to demonstrate the need to the proposed removal of the site.</p> <p>The application is also not supported by an Arborist Report, which is required to assess the significance of the existing trees on site.</p> <p>Accordingly, as insufficient information has been provided regarding existing vegetation on site, the removal of trees cannot be supported by Council.</p>	Does not comply
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Existing trees are to be removed to accommodate the development. The Development Application is not supported by a sufficient assessment of existing vegetation on the site.	Does not comply
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The site does not contain nor is adjacent to bushland. The land contains no known habitat for threatened species, populations or communities.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is not bushfire prone and does not directly adjoin bushfire prone land.	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage.	The Stormwater Plans submitted with the application have been reviewed by Council's Land Development Engineers, who determine the stormwater design to be supportable, subject to conditions of consent.	Complies
Section 7 – Development	Consideration of impact to riparian corridors	The site is not located near to a riparian corridor.	N/A

Near a Watercourse			
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	A Sediment Control Plan has been submitted with the application to demonstrate how erosion and sediment will be controlled throughout the development. If the application were to be approved, a condition of consent could be imposed to ensure compliance with this control.	Would comply if the application was supported.
Section 9 – Flooding Risk	Flood affectation of property to be considered	The site is identified as low flood prone land the applicant has not responded to control or provided information to determine whether the proposal is deemed to satisfy the controls associated with Flooding Risk.	Insufficient Information
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	The site has a history of residential land use. Accordingly, there is low potential for the site to be contaminated in its current form. Conditions of consent would be applied to the application to ensure that contamination of land is monitored throughout the development process.	Would comply if the application was supported.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	The application is not required to be supported by a salinity assessment. Conditions of consent could be imposed on the development to further manage potential impacts of salinity.	Would comply if the application was supported.
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The site is not mapped as affected by Acid Sulfate Soils.	N/A
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable.	No noxious weeds are identified on site.	N/A
Section 14 – Demolition of Existing Development	Appropriate measures proposed.	The existing site structures are proposed to be demolished.  If approved, conditions would be imposed ensuring demolition be conducted appropriately.	Would comply if the application was supported.



Section 15 – Onsite Sewage Disposal	S68 Application required were connection to sewer not available.	Not required. Adequate public infrastructure is available to service the site.	<b>N/A</b>
Section 16- Aboriginal Archaeological Sites	AHIA required where items of aboriginal archaeology exist.	The site is not mapped as containing Aboriginal Archaeological significance. Conditions of consent could be imposed relating to unexpected finds.	<b>N/A</b>
Section 17 - Heritage and Archaeological Sites	Heritage Impact Statement required	The subject site is not identified as being of heritage significance.	<b>N/A</b>
Section 20 – Car parking and access	Car parking requirements are as follows:  - 1 space per 1 bedroom - 1.5 spaces per 2 bedrooms - 2 spaces per 3+ bedroom  1 visitor space per every 4 units  Bicycle space – 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater)	The application is intending on utilising the provision of parking under the Housing the SEPP.	<b>Complies</b>
Section 21 - Subdivision of land and buildings	Min width allowed in:  R4: 24m	The development is not seeking Torrens title subdivision to create new lots. Strata subdivision is proposed for each unit of the application. As such, the control is not applicable	<b>N/A</b>
	Strata subdivision: minimum requirement of three buildings, spaces, or land parcels	The DA proposes to strata subdivide the land following the completion of the development. 3 buildings and land parcels are proposed with the development.	<b>Complies</b>
Section 22 - Energy conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX certificate has been provided; however, the applicant has amended the design of the proposal and therefore a new BASIX was required which was not	<b>Does not comply</b>

		submitted with the amended information.	
Section 25 - Waste disposal & re-use facilities	Waste Management Plan required	A Waste Management Plan has been submitted, which outlines procedures for demolition and construction phases of the development	<b>Complies</b>
Section 26 - Outdoor advertising and signage	Applicable signage controls for development in Residential Zones	No signage proposed	<b>N/A</b>
Section 27 – Social Impact Assessment	Social Impact Comment (SIC) is required for residential development containing affordable housing.	Affordable housing is not proposed.	<b>N/A</b>
<b>Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
2. Subdivision, Frontage and Lot Size	<u>Lot Size</u> The minimum lot size for multi dwelling housing is 1,000m <sup>2</sup> . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650m <sup>2</sup> .	The site has an area of 710.6sqm which does not comply with the 1000sqm lot size requirement. However, the applicant is utilizing the Housing SEPP minimum lot size of 450 to apply to the site.  Section 4 of the DCP applies to the proposed development, as the site has a street frontage of less than 18m. The site has a street frontage of 15.5m which constrains the amenity and character output for multi-dwellings housing. Furthermore, the proposal does not comply with all controls under Section 4, in which the applicant seeks to apply the provision of the Housing SEPP for certain controls.  As the applicant has not sufficiently addressed how the development is suitable given its minimal lot frontage and the combination of non-compliances under the Housing SEPP and LDPC.	<b>Does not comply</b>

		The DCP encourages the amalgamation of land parcels into larger development sites to enable better forms of housing development and design.	
	<p><u>Lot Width</u></p> <p>The minimum lot width for multi dwelling housing is 22m.</p> <p>Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m</p>	The site is a corner allotment. The primary frontage of the site is 15.54m	<b>Does not Complies</b>
3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighboring and on-site dwellings.	<p>It is considered the development has not been adequately designed to minimise overshadowing and visual intrusion, parking non-compliances and setbacks.</p> <p>Furthermore, Unit 4 has a rear balcony on the First Floor which poses visual privacy concerns for Unit 3 private open space area which is not supported.</p>	<b>Does not comply</b>
	Direct link from living area to POS	The POS of all dwellings is directly accessible from the living areas of the dwellings.	<b>Complies</b>
	Stormwater drained satisfactorily	A Concept Stormwater Management Plan has been submitted with the application. The Stormwater Plan has been reviewed by Council's Land Development engineers, who determine the stormwater strategy to be supportable subject to conditions	<b>Complies</b>
	Multi dwellings not permitted on cul-de-sac heads or streets with a carriageway width of less than 6.5m	The site is not located in a cul-de-sac or on a street with a carriageway width of less than 6.5m	<b>N/A</b>
4. Townhouse and Villa Development on	1. At least two dwellings must have a maximum floor space of 80sqm.	The Application is submitted under the Housing SEPP, however, provision under Part 4 is still taken into consideration.	<b>Does not comply</b>

an 18m frontage block	<p>- These dwelling must have a maximum of two bedrooms.</p> <p>- These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access.</p> <p>2. Dwellings at the rear of the property must not be more than 1 storey high. An attic is permitted.</p> <p>- The rear of the property for Section 4 means all land 15m from the rear property boundary.</p> <p>3. At least one dwelling should face and address the street.</p> <p>4. All dwellings built must conform to the Controls listed within this Part.</p>	<p>The site features the following street frontage width of 15.5m.</p> <p>All dwellings exhibit more than 80sqm with all dwellings having a garage instead of a carport.</p>	
5. Setbacks	<p>Front setback</p> <p>Ground Floor = 4.5m</p> <p>First Floor = 5.5m</p>	<p>The ground floor front setback to Unit 1 is 4.5m.</p> <p>The plans do not encapsulate the full site to accurately measure the First Floor setback.</p>	<b>Insufficient Information</b>
	<p>Secondary setback</p> <p>GF: 2.5m</p> <p>FF: 2.5m</p>	<p>The proposal doesn't have secondary street access.</p>	<b>N/A</b>
	<p>Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.</p>	<p>Balconies do encroach on the minimum front boundaries by more than 1m.</p>	<b>Complies</b>

	Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling.	Garages are setback 1m from the main face of the dwelling.	<b>Complies</b>
	Ground floor without windows to habitable rooms  Side – 0.9m Rear – 4m	Side setback to Unit 4 is 1.8m which complies with the no habitual room setbacks.	<b>Complies</b>
	<b>Ground floor with windows to habitable rooms</b>  Side – 4m Rear – 4m	Attached dwellings are proposed with the development. There are no windows to habitable rooms proposed on the side boundaries between the proposed dwellings.  <u>Side setback</u>  The side setback to the rear of the dwellings is:  - Unit 1 – 5.3m - Unit 2 – 4.8m - Unit 3 – 4.2m	<b>Does not comply</b>
	<b>First floor without windows to habitable rooms</b>  Side – 1.2m Rear – 4.5m	Attached dwellings all have windows to habitable rooms.	<b>N/A</b>
	<b>First floor with windows to habitable rooms and neighboring private open space</b>  Side – 4m Rear – 6m	Attached dwellings are proposed with the development. There are windows to habitable rooms proposed on the side boundaries between the proposed dwellings, however the development does feature windows to habitable rooms and neighboring private open space.  Side Setback  Unit 1- 4.1m Unit 2- 4.2m Unit 3- 3.9m	<b>Insufficient Information</b>

		Unit 4 – 3.9m  The plans provided do not encapsulate the full site to accurately measure the rear setback to the gf and first floor.	
	8m from dwellings across driveway (internal)	No internal driveways are proposed.	N/A
<b>6. Landscaping Area and Private Open Space</b>	Min 20% site to be landscaped	The proposal is utilising the provisions under the Housing SEPP and complies with the 30% requirement of landscape area.	N/A
	A minimum unencumbered area of 4x5m shall be provided in rear setback to accommodate deep rooted trees.	A minimum unencumbered area of 4m x 5m is required. However, only unit 4 has a rear setback which may be suitable in terms of providing deep rooted trees.  No other dwellings are able to provide sufficient space to accommodate deep soil planting.	<b>Does not comply</b>
	<u>Private Open Space</u>  Small dwelling (<65m <sup>2</sup> ) – 30m <sup>2</sup>  Medium dwelling (65-100m <sup>2</sup> ) – 40m <sup>2</sup>  Large dwelling (>100m <sup>2</sup> ) – 50m <sup>2</sup>  POS width must not be less than 1.5m.  POS must not be covered by a roof	Proposed POS for each unit meets the minimum requirements.	Complies
	<u>Solar Access</u>  50% of private open space area to receive 3 hours sunlight between 9:00am and 5:00pm on 21June	Units 1, 2, and 3 do not achieve the required solar access.	<b>Does not comply</b>
7. Cut and Fill, Building Design,	Max cut 500mm	The application does not provide sufficient information regarding cut and fill levels required for the	Insufficient information.

Streetscape and Layout		development. The Elevation Plans indicate that minimal cut is proposed.																
	All retaining walls masonry construction	No retaining walls proposed on the site.	Insufficient information.															
	Contaminated fill not permitted	Conditions of consent could be imposed on the development to ensure that no contaminated fill is used on site.	Insufficient information.															
	<u>Building Design</u> Units with street front orientate entrance to street and living area where possible.	Unit entrances for the proposed development are oriented towards the street.	Complies															
	Entry points are to be emphasised	The architectural design of the dwellings has enabled entry points to be emphasised.	Complies															
	First floor no greater than 2/3 ground floor in area.	Total floor areas of dwellings are shown in the table below. <table border="1" data-bbox="719 1025 1062 1218"> <thead> <tr> <th>Unit</th> <th>Ground (m<sup>2</sup>)</th> <th>First (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>31</td> <td>54</td> </tr> <tr> <td>2</td> <td>35</td> <td>53</td> </tr> <tr> <td>3</td> <td>36</td> <td>60</td> </tr> <tr> <td>4</td> <td>44</td> <td>57</td> </tr> </tbody> </table> The first floors of all units have a floor area greater than 2/3 (66.6%) of the ground floor area and therefore do not comply with this requirement. The proposal exhibits an exceedance of 153%.	Unit	Ground (m <sup>2</sup> )	First (m <sup>2</sup> )	1	31	54	2	35	53	3	36	60	4	44	57	<b>Does not comply</b>
	Unit	Ground (m <sup>2</sup> )	First (m <sup>2</sup> )															
	1	31	54															
2	35	53																
3	36	60																
4	44	57																
Building façades should be articulated and roof forms should be varied	Building facades of proposed dwellings are articulated with porches and balconies.  The roof plan demonstrates that the roof forms are varied across the development.	Complies																
Walls to be mix of masonry, rendered and or bagged, lightweight clad, brick	The Schedule of Materials and Colours shows that the walls of the proposed dwellings are a mix of masonry, rendered and brick.	Complies																

	Articulation through materials, balconies, verandahs, pergolas	The development has been articulated through the use of balconies, porches, and materials.	Complies
	A sidewall must be articulated if the wall has a continuous length of over 10 m	Walls have been articulated so that no side walls feature a continuous length over 10m.	Complies
	No balconies on side or rear of buildings	A balcony is proposed on the first floor of Unit 4, whilst the rear of the site faces public open space, the size of the balconies gives rise to concerns of overlooking into Unit 3 private opens space, and therefore not supported.	<b>Does not comply</b>
	Blank walls to street or public open space discouraged.	The development does not propose blank walls to the two street frontages.	Complies
	<u>Internal Design</u> Habitable rooms are to be orientated to street	Habitable rooms are oriented towards the street.	Complies
	Access to POS from living rooms	Private Open Space is directly accessible from living areas.	Complies
	Min storage area 8m <sup>3</sup>	The applicant has not identified areas for storage within the architectural plans.	Insufficient information
8. Car Parking and Access	Refer to Part 1 for requirements for minimum widths for Internal Driveways.	Internal driveways are proposed with the development. The internal driveway only exhibits a width of 4m with no turning circles provided. It is deemed car can't not exit in a forward fashion given the limited width proposed.	<b>Does not comply</b>
	Driveway area must be minimised and concentrated double garages discouraged.	N/A	N/A
	<u>Basement parking</u>  Basement car parking is permitted but will be included as a storey if the ceiling is located	No basement parking is proposed.	N/A



	more than 1m above the natural ground level.		
	<u>Access driveways</u>  Driveways to the street shall be kept to a minimum.	Only one access driveway is proposed.	Complies
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected, and the application complies elsewhere with the DCP.	On shared driveway is proposed for development.	N/A
9. Landscaping and Fencing	Plan to include canopy trees with mature height 8m in the front and rear setback areas	The applicant has been requested to address the non-compliance with the control but has failed to provide any justification.	<b>Does not comply</b>
	Principally comprise of native species	The proposed landscaping is principally comprised of native species.	Complies
	Not obstruct driveway visibility	The proposed landscaping does not obstruct driveway visibility	Complies
	A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway.	No internal driveways are proposed with the development.	N/A
	Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.	Landscaping is proposed along the side and rear boundaries	Complies
	Max 30% of the front setback is to be paved/sealed, unless for access to	The front setbacks are landscaped except for the driveways and carports	Complies

	garage carport or entryways.		
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Conditions of consent can be imposed on the application to ensure that any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services	Complies – subject to conditions
	<u>Fencing</u> The maximum height of a front fence is 1.2m.  Fence may be up to 1.8m on classified road with landscaping	The application has not provided information on the proposed fencing.	Insufficient Information
	Front fence 30% transparent	The application has not provided information on the proposed fencing.	Insufficient Information
	The front fence may be built to a maximum of 1.8m only if: <ul style="list-style-type: none"><li>• The primary frontage is situated on a Classified Road.</li><li>• The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.</li></ul>	The application has not provided information on the proposed fencing.	Insufficient Information
	<u>Secondary frontages</u>  Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped	The application has not provided information on the proposed fencing.	Insufficient Information
	<u>Boundary Fences</u>	The application has not provided information on the proposed fencing.	Insufficient Information

	Boundary fences shall be lapped and capped timber or metal sheeting		
10. Amenity and Environmental Impact	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.	Adjoining properties receive the required amount of sunlight.	Complies
	Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.	The balcony proposed on First Floor of Unit 4 overlooks the PO of Unit 3 which is not supported. Furthermore, the window proposed on the first floor of Unit 2 has the potential to overlook into the POS of Unit 1, this is also reiterated for Unit 3 overlooking into the POS of Unit 4. The siting of the development has not taken into consideration of the privacy of the adjoining units.	<b>Does not comply</b>
11. Site services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Letterboxes have not been provided with the application. The requirement for letterboxes to be provided, in accordance with the Australia Post standards, could be imposed as a condition of the consent.	Insufficient Information
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	The applicant has demonstrated waste storage in the POS of each dwelling. No information has been provided whether a bin pad is to be located at the front of the site for collection.	Insufficient Information
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall	No footpath on the road shoulder is provided or proposed by the applicant.	Insufficient Information

	be provided at no cost to Council.		
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	This can be ensured by way of condition of consent, should consent be granted.	Complies – subject to conditions
	In some cases, it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage	No substation is proposed.	Not applicable