

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 7th December 2020

To be held at the
“Virtually via Microsoft Teams”
to commence at **2:00 PM**

Due to the pandemic the meeting will be held online using Microsoft Teams.

The link to join the meeting online is: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTFmNGFmMTctM2l0OS00NDE2LWExOTktOGQ5Y2MzM2MyOGY5%40thread.v2/0?context=%7b%22Tid%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22Oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 4th December 2020.

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-698/2019</p> <p>Construction of Serviced Apartments and a Registered Club (Tavern) with 2 Level Basement Parking, at grade car parking and associated road works, drainage and landscaping.</p> <p>Lot 97 & 100, DP 1217431 2000 Camden Valley Way, Edmondson Park</p>	2-141

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-693/2019</p> <p>Construction of a nine-storey residential flat building comprising of 36 units (12 x 1-bedroom units, 20 x 2-bedroom units and 4 x 3-bedroom units) and a three-level basement car park.</p> <p>Corner Lot 2 DP 214924 23 George Street, Liverpool</p>	142-242

ITEM No.	SUBJECT	PAGE No.
3	<p>Development Application DA-538/2019</p> <p>The construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking.</p> <p>Lot B and Lot C, DP 373211 619-621 Hume Highway, Casula</p>	243-305

ITEM No.	SUBJECT	PAGE No.
4	<p>Development Application DA-778/2020</p> <p>Construction of a double storey house and attached single garage.</p> <p>LOT 18, Sec I DP 2314 44 York Street, Casula</p>	306-339

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Item no:	1
Application Number:	DA-698/2019
Proposed Development:	Construction of Serviced Apartments and a Registered Club (Tavern) with 2 Level Basement Parking, at grade car parking and associated road works, drainage and landscaping.
Property Address	2000 Camden Valley Way, Edmondson Park
Legal Description:	Lot 97 & 100, DP 1217431
Applicant:	Marchase Partners Pty Ltd.
Land Owner:	Blue Fountain Pty Ltd.
Cost of Works:	\$21,268,134.80
Recommendation:	Approval, subject to 'Deferred Commencement' Consent
Assessing Officer:	Nabil Alaeddine

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-698/2019) seeking consent for the construction of a 2-storey Serviced Apartments with basement parking and the construction of a single storey Tavern (Registered Club) above 2 levels basement parking at Lot 97 Camden Valley Way and Lot 100 Croatia Avenue, Edmondson Park. The proposal also includes at-grade parking, road works and associated landscaping.

The site is zoned B6 – Enterprise Corridor pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008), a minor portion of which in the south-west corner of the site is zoned R1-General Residential. The proposed development is a permitted land use with consent. The proposed development has been amended by the applicant since lodgement in response to issues of concern raised by Council during the assessment process. The amended proposal demonstrates general compliance with Council's planning controls and an acceptable form of development for the site and locality.

The application was advertised/notified for a period of 14 days from 20 November 2019 to 4 December 2019 in accordance with the Liverpool Community Participation Plan 2019. 54 submissions were received during the public consultation period objecting to the proposal.

The amended application was also advertised/notified for a period 14 days, from 23 September 2020 to 6 October 2020, whereby a four (4) submissions were received.

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

- Development is incompatible with the surrounding low-density residential dwellings.
- Noise impacts from the development to nearby residents.
- The development is too close to residents.

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- Traffic and Parking issues.
- Pollution from vehicles and the premises will increase.
- Safety and Security concerns raised with the type of people attracted to the tavern/serviced apartments leading to anti-social behaviour.
- Negative impact on property values.
- The proposal should be located around the Town Centre.

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 contentious development as greater than ten (10) submissions were received to the proposal.

The key issues associated with the proposal relate to the matters raised in the submissions received from residents. The matters of objection are considered to have been adequately resolved through amendments to the proposal made by the applicant and subject to standard and specific conditions of consent.

Assessment of the application has concluded that the proposal, as amended, is satisfactory subject to the submission of amended Architectural and Landscape drawings to correspond with the Civil Works in respect to certain matters including the provision of a temporary turning head at the western end of service laneway and satisfactory resolutions of discrepancies in levels for footpath and drainage. In addition, amended Civil Works drawings including road layout that addresses extension of Birdwood Lane to the existing east-west section of Zeppelin Road and access arrangement for entry and exit movements to/from Edmondson Park including intersection treatment of Croatia Avenue/Zepplin Road.

The applicant has requested that these matters be addressed as 'deferred commencement' conditions in any approval, for which Council's Land Development and Traffic Engineers have agreed that they are able to be dealt with as 'deferred commencement' conditions.

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

2. SITE DESCRIPTION AND LOCALITY

2.1. The locality

The area is characterised by a mixture of low density, medium density and some high-density residential development, primarily consisting of single and double storey detached dwellings of brick veneer, and brick and weatherboard clad constructions. Pockets of multi-storey high density residential flat buildings have been constructed within the new Edmondson Park Town Centre and along Camden Valley Way.

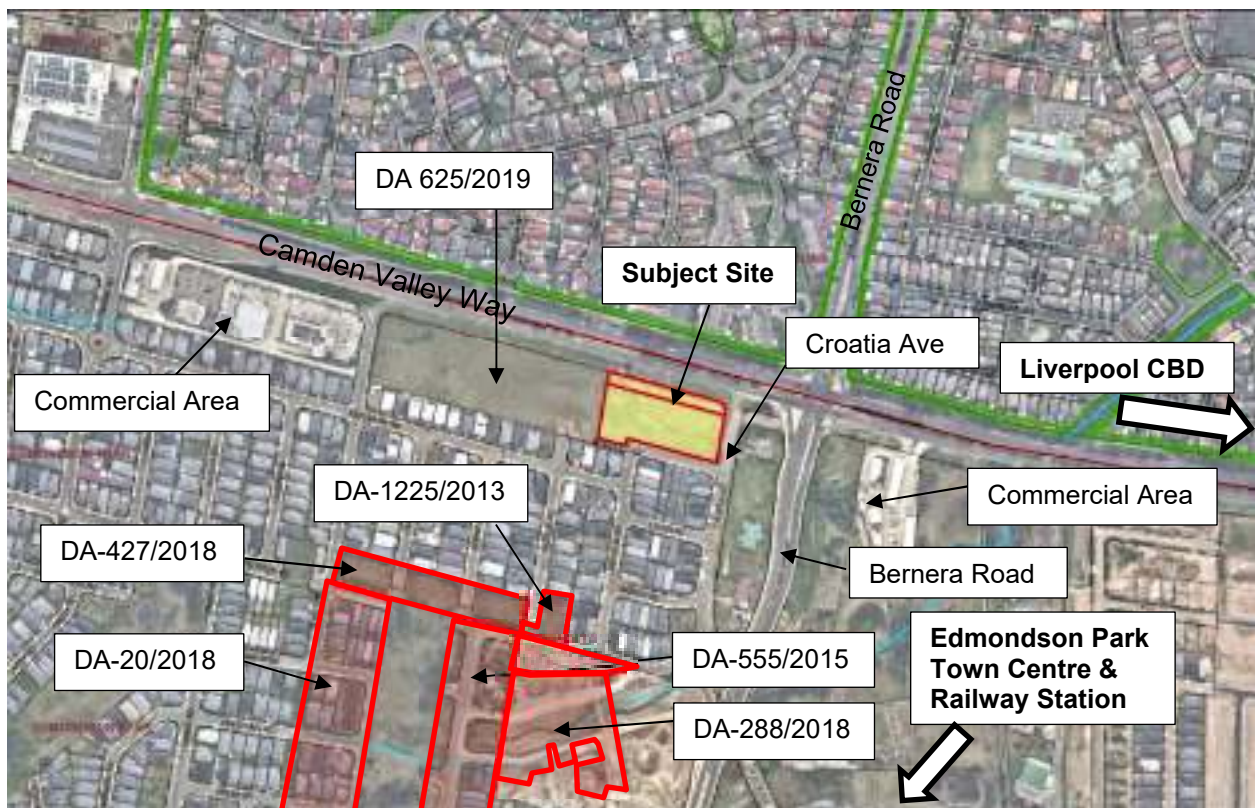
Although the locality is presently characterised by low density single and double storey dwellings, the immediate locality is zoned B6 Enterprise Corridor and the subject site is in a portion of land along Camden Valley Way zoned for commercial and retail uses and is within the Edmondson Park urban release area which is regulated by the Liverpool Local Environment Plan 2008 and Part 2.11 of the Liverpool Development Control Plan 2008.

The adjoining properties to the development site are detailed in the following table and Figure 1.

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Orientation	Description of Site
North (side)	Camden Valley Way
South (side)	Zeppelin Road and R1 General Residential zoned land.
East (Front)	Croatia Avenue and Bernera Road.
West	2000 Camden Valley Way, Edmondson Park is a vacant land. There is an application presently before Council (DA-625/2019) for a two lot Torrens title subdivision, road construction and the construction of two storey commercial premises, health services facilities and recreation facilities with basement parking.



(Figure 1: Site Location and Recent Surrounding Developments (Source: Geocortex Data, Liverpool City Council 2020)

2.2. The site

The subject site is located at Lot 97 Camden Valley Way and Lot 100 Croatia Avenue, Edmondson Park. Legally, the lots are identified as Lots 97 & 100 in DP 1217431. The combined lots are an irregular shaped allotment with the following area and dimensions:

Area – Lot 97 = 1,715m² and Lot 100 = 7,168m² (combined 8,883m²).

Frontage to Camden Valley Way (North Boundary) – 124.37 metres, Corner Splay Arc to Croatia Avenue – 4.905 metres, 4.905 metres, 4.905 metres & 3.92 metres.

Rear – Zeppelin Road (South Boundary) – 102.16 metres, 28.32 metres & Corner Splay Arc to Zeppelin Road - 4.025 metres.

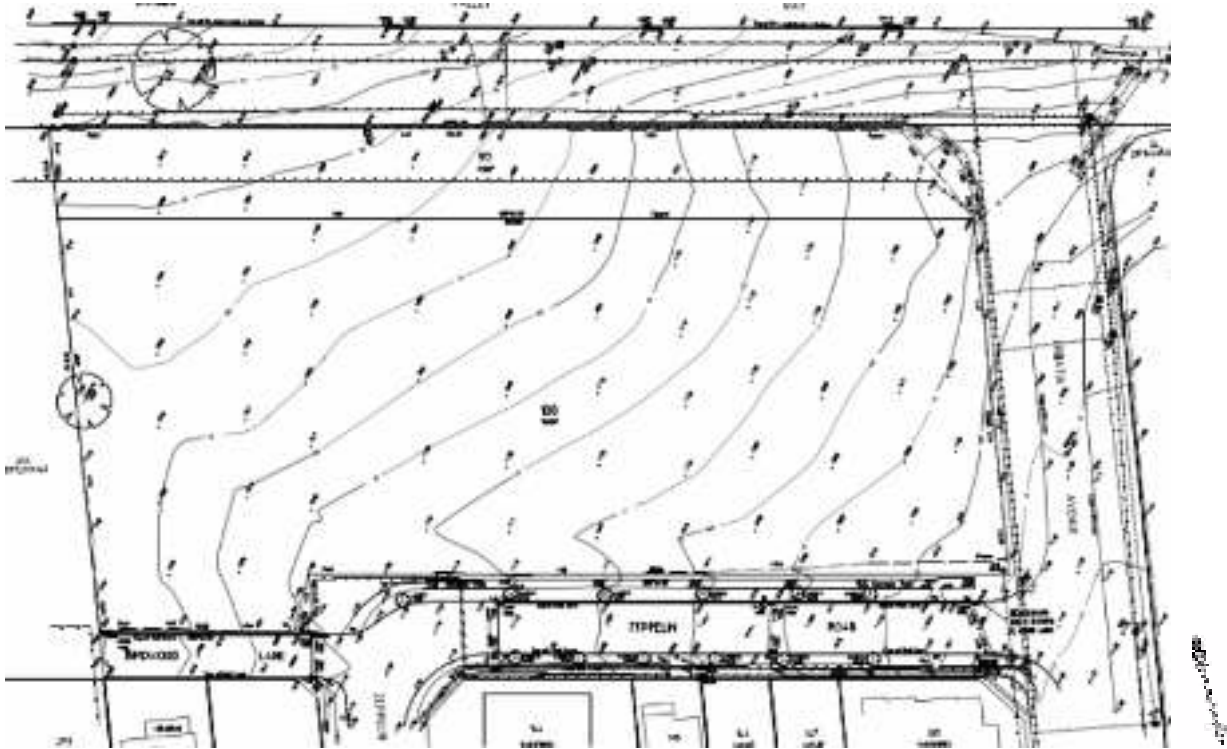
Frontage to Birdwood Lane (South Boundary) - 5.24 metres.

East Boundary (Frontage to Croatia Avenue) – 52.065 metres.

West Boundary – 60.31 metres & 13.065 metres.

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(Figure 2: Survey Plan (Source: Burton & Field Surveying, Ref. S2890/78862, Issue A, date 19/10/2018))

Currently, the subject site is vacant and is not been utilised for any purpose.



(Figure 3: Aerial view of the subject site – vacant allotment (Source: Geocortex Data, Liverpool City Council 2020).)

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3. BACKGROUND/HISTORY

3.1. Site History

- The site is a vacant allotment.
- A pre-lodgement meeting held with Council on 15 May 2019 for the construction of a four-storey serviced apartment building with basement parking and the construction of a single storey food and drink premises.

3.2. Development Application Background

21 October 2019 – Development Application received by Council.

28 February 2020 – Additional Information requested.

20 November 2019 – Application was advertised and notified between 20 November 2019 and 4 December 2019.

22 January 2020 – Meeting with TfNSW relating to non-support of proposed slip lane.

21 September 2020 – Amended information on re-notification between 21 September 2020 and 6 October 2020.

3 November 2020 – Further additional information requested.

7 December 2020 – Liverpool Local Planning Panel meeting.

4. DETAILS OF THE PROPOSAL

The proposal is for 'The Construction of Serviced Apartments with Basement Parking and Construction of a Registered Club (Tavern) with 2 Level Basement Parking. The proposal also includes at grade parking and associated road works' (see Figure 4 below for details).

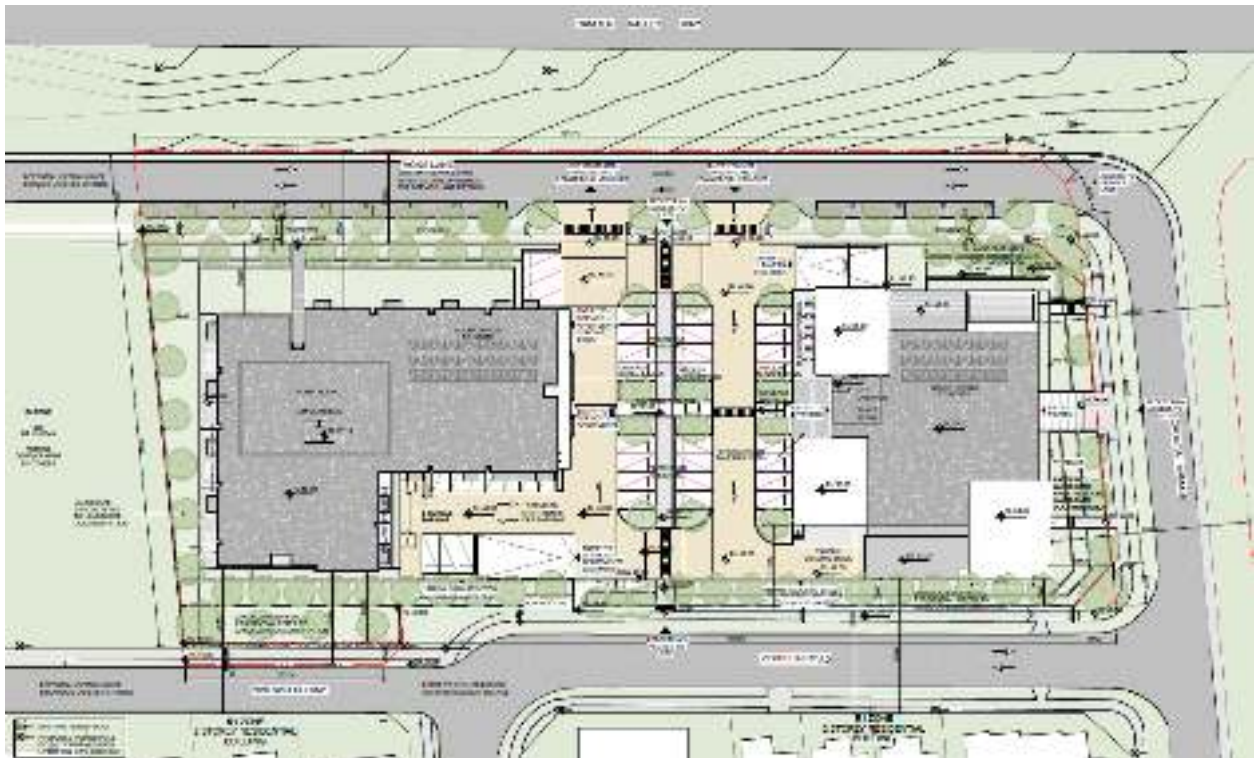


Figure 4: Proposed Site Plan. (Source: Marchese Partners, Ref: DA1.07, Rev E, dated 14/10/2020)

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The proposed development consists of the following:

➤ **Serviced Apartments (Figure 5)**

Basement Carpark and At Grade Parking

- Construction of a basement with 34 parking spaces, of which 2 are staff parking and 3 disabled parking spaces, 2 lifts, 2 stairwells, 2 services rooms, a hydrant booster pump room, rainwater tank room and access ramp (6.1m wide).
- 10 at grade parking spaces allocated to the apartments and six (6) bicycle parking spaces

Ground Floor Layout

15 Apartments each with private open space (3 x Studios, 12 x One (1) bedroom apartments), two (2) communal lounge areas, reception area and offices, two (2) lifts, waste room, guest laundry and services area, and outdoor loading bay.

First Floor Layout

27 Apartments (7 x Studios, 20 x One (1) bedroom apartments), lobby, services room, storeroom and maid's room.

Site Access

Primary entry is located on the eastern end of the building and is directly adjacent to the at grade parking.

Landscaping

Associated landscaping consisting of native vegetation along all boundaries.

Ground Floor Plan



First Floor Plan



Figure 5: Serviced Apartment Ground Floor and First Floor Plans (Source: Marchese Partners, Ref: DA2.03, Rev R dated 14/10/2020)

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➤ **Registered Club (Tavern) (Figure 6)**

- Construction of a single storey Registered Club with the following details:

Basement Carpark

Basement Level 1 - A vehicular access ramp (6.1m wide) and a total of 77 car-spaces (1 accessible car-space with shared space). There are three (3) services rooms, one (1) elevator and three (3) stairwells to the upper and lower levels, a hydrant booster pump room and service room.

Basement Level 2 - A vehicular access ramp (6.1m wide) and a total of 86 car-spaces (19 staff spaces (12 of which are stacked) and 1 accessible space with shared space). There are three (3) services rooms, one (1) elevator and three (3) stairwells to the upper levels.

Ground Floor Plan Layout

There are two separate pedestrian entrances (one from Croatia Avenue on the eastern side and one from the at grade entry on the western side of the building and one lift lobby.

The tavern consists of a kitchen and cool room, covered external dining, kids play area, restaurant, bar and associated keg room, TAB, sports bar, and gaming room, waste storage area and loading dock on the southern end of the site, and two separate bathrooms.

The site includes an at grade carpark of 27 spaces, covered walkway leading to the serviced apartments, 15 bicycle parking spaces and raised planter boxes throughout the carpark at a rate of one every four spaces.

Site Access

Vehicular access is in the form of a 5.5m wide one-way driveway from Mons Lane, which permits forward direction entry to the carpark. A 7.5m wide driveway exits the carpark onto Mons Lane

Pedestrian access to the building consists of one entry from Croatia Ave and the main access from within the at grade carpark. Wheelchair access to the carpark is permitted from Zeppelin Road is via an access ramp.

The roof includes the provision of PV cells.

Landscaping

Landscaping consists of native tree species planted along all boundaries, as well as surrounding raised gardens beds throughout the at grade parking area.

The majority of deep soil landscaping is provided along the eastern, northern and southern boundary of the tavern development site.

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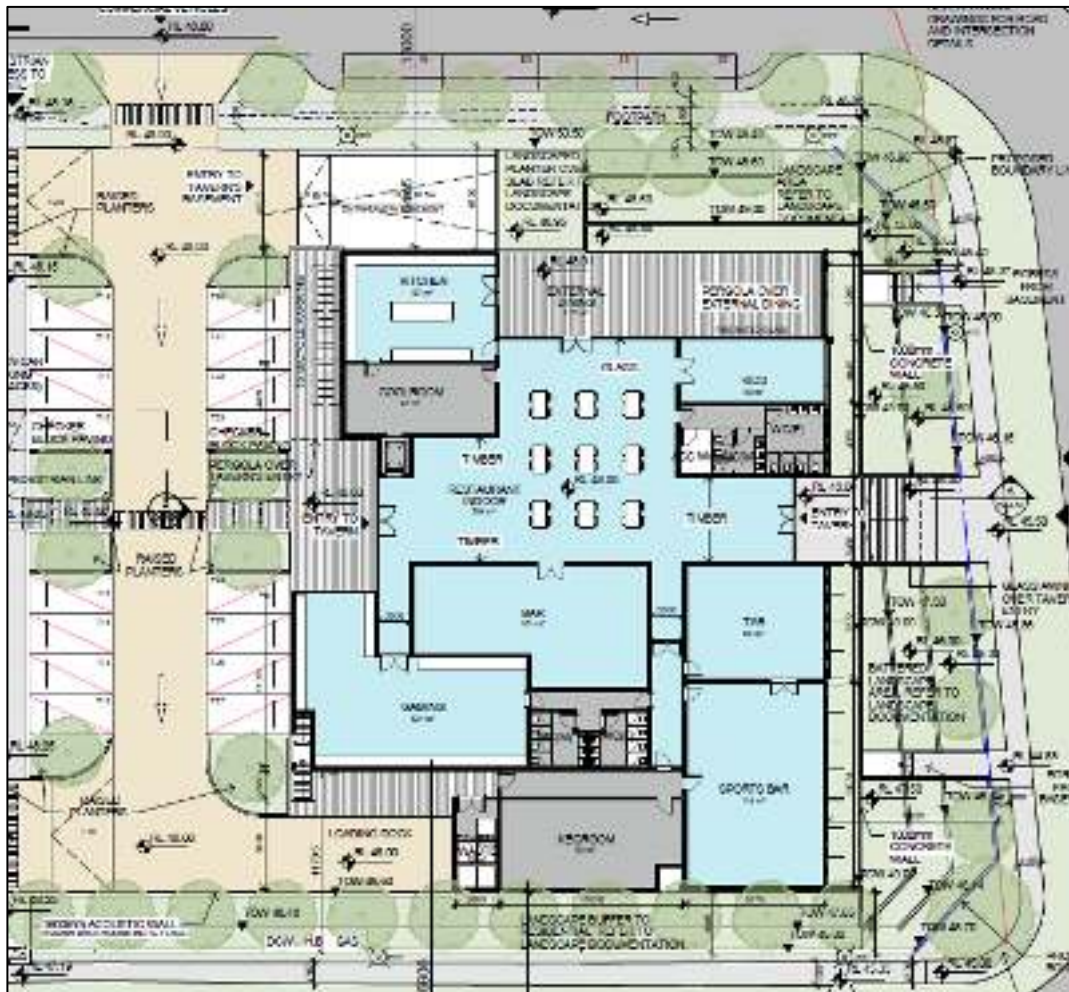


Figure 6: Tavern Floor Plan (Source: Marchese Partners, Ref: DA2.03, Rev R dated 14/10/2020)

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 (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 2.11: Land Subdivision and Development in Edmondson Park

Contributions Plans

- Liverpool Contributions Plan 2008 (Edmondson Park) applies to the development pursuant to Section 7.11 of the EPA & Act.

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6. ASSESSMENT

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

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

(a) State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 were considered in the assessment of the development application.

The site is located on Camden Valley Way and it fronts onto Camden Valley North, which is a State Classified Road. As a result, Clauses 100 and 101 of SEPP (Infrastructure) 2007 are relevant to the proposal and require consideration.

Clause 100 Development on proposed classified road

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

- (a) give written notice of the application to the chief executive officer of RMS within 7 days after the application is made, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

Comments

As the site is located on a Classified Road, the proposal was referred to Transport for NSW (TfNSW) (*formerly RMS*) for concurrence. There are presently two Development Applications before Council along Camden Valley Way: the subject application and the west adjoining site at 2000 Camden Valley Way (DA-625/2019) for a commercial development that include medical and recreation services.

To facilitate vehicular access to these developments from Camden Valley Way, these applications sought to extend the existing slip lane for the Aldi Supermarket and the existing commercial developments along Camden Valley Way between Perrone Road and Gellibrand Road, in an easterly direction across the frontage of these development sites. In effect, the proposed slip lane would extend the existing slip lane to the east from Peronne Road to Croatia Avenue.

TfNSW did not support the proposed extension of the slip lane along Camden Valley Way on the basis that it does not support additional entry points from Camden Valley Way, unless the existing entry to the Aldi Supermarket's slip lane is removed and replaced with a new entry point.

It was accepted by both applicants that extension of the existing slip lane in an easterly direction is unlikely to occur due to the opposition from TfNSW. As a result, the design was amended whereby the proposed access slip lane from Camden Valley Way was deleted.

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Clause 101 Development with frontage to classified road

(1) *The objectives of this clause are—*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

Comments

Although TfNSW did not support the proposed traffic slip lane from Camden Valley Way into Peronne Road and Mons Lane, it provided recommended conditions for the proposals. The non-support of the slip lane has created access issues with the site due to its location between Bernera Road, Croatia Avenue and Gellibrand Road. As a result, the design was amended to remove the proposed access slip lane from Camden Valley Way so as to ensure that the proposal does not impact the operation of Camden Valley Way. Vehicles accessing the area from Camden Valley Way are restricted to Peronne Road and from Gellibrand Road.

Council's Traffic Engineering Section has requested that the existing Birdwood Lane along the southern end of the site be increased in width to provide a larger capacity road and increase the separation from the residential area. This is to be handled by 'deferred commencement' conditions of consent as requested by the applicant.

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

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

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

The objectives of SEPP 55 are:

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

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Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	<p>The Detailed Site Investigation was conducted by Aargus Pty Ltd as follows:</p> <ul style="list-style-type: none"> • Preliminary Site Investigation Lots 97 & 100 Camden Valley Way, Edmondson Park NSW (Ref: ES7686/2, Revision 1) prepared by Aargus Pty Ltd dated 6th November 2020; and • Detailed Site Investigation Lots 97 & 100 Camden Valley Way, Edmondson Park NSW (Document No. ES7686/3, Revision No. 1) prepared by Aargus Pty Ltd dated 6th November 2020 <p>When reviewing the aforementioned reports, Council's Environmental Health Section considered whether the land is contaminated. Based upon the consultants' findings, Council's Environmental Health Section understands that the land is suitable in its current condition for the proposed use without the need for remediation.</p>
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	<p>The detailed contamination assessment indicates that the land is suitable for the proposed works and as it is unlikely that the land is contaminated. Furthermore, no complaints or evidence in Council records indicate the presence of any contaminates or dumping of potential contaminates.</p> <p>Based upon the consultants' findings, Council's Environmental Health Section is satisfied that the land is suitable in its current condition for the proposed use without the need for remediation.</p>
(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 further remediation.

SEPP No. 55- Remediation of Land - Clauses 7(2), 7(3) and 7(4) of SEPP No. 55- Remediation of Land	Comments
Clause 7(2) of SEPP No. 55- Remediation of	DA-698/2019 involves a change of use on

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<p>Land:</p> <p>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>land previously used for agricultural/horticultural activities, stockpiling of materials of unknown origin and potentially landfilling, waste storage and treatment. Table 1 of the contaminated land planning guidelines identifies agricultural/horticultural activities, landfills, waste storage and treatment as potentially contaminating activities which require further consideration in accordance with Clause 7 of <i>SEPP No 55- Remediation of Land</i>.</p> <p>Council's Environmental Health Section considered the following reports specifying the findings of a preliminary investigation of the land:</p> <ul style="list-style-type: none"> • Preliminary Site Investigation Lots 97 & 100 Camden Valley Way, Edmondson Park NSW (Ref: ES7686/2, Revision 1) prepared by Aargus Pty Ltd dated 6th November 2020; <p>The revised Preliminary Site Investigation was approved for release by Miguel Zavaleta-Romero who is certified under the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) which complies with Council's lodgement requirements.</p> <p>Based upon the consultant's findings, it is believed that the aforementioned documentation addressed the requirements of a preliminary investigation of the land as specified within <i>SEPP No 55- Remediation of Land</i> and the contaminated land planning guidelines.</p>
<p>Clause 7(3) of SEPP No. 55- Remediation of Land:</p> <p>The Applicant for Development Consent must carry out the investigation required by subclause (2) and must provide a report on it to the Consent Authority. The Consent Authority may require the Applicant to carry out, and provide a report on, a detailed investigation (as referred to in the</p>	<p>The Applicant submitted a report to Council with DA-698/2019 titled 'Detailed Site Investigation Lots 97 & 100 Camden Valley Way, Edmondson Park NSW' (Document No. ES7686/3, Revision No. 1) prepared by Aargus Pty Ltd dated 6th November 2020.</p> <p>It is believed that the Applicant submitted sufficient documentation to address the</p>

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contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	requirements of Clause 7(3) of <i>SEPP No 55- Remediation of Land</i> .
<p>Clause 7(4) of SEPP No. 55- Remediation of Land:</p> <p>b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.</p>	<p>The land was previously used for agricultural/horticultural activities, stockpiling of materials of unknown origin and potentially landfilling, waste storage and treatment. Table 1 of the contaminated land planning guidelines identifies agricultural/horticultural activities, landfills, waste storage and treatment as potentially contaminating activities which require further consideration in accordance with Clause 7 of <i>SEPP No 55- Remediation of Land</i> and consideration was given to Clause 7(2) of <i>SEPP No 55— Remediation of Land</i> accordingly.</p>

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

(c) State Environmental Planning Policy (BASIX) 2004

N/A

The proposed Serviced Apartments portion of the development is defined as self-contained accommodations to tourist or visitors on a commercial basis, therefore a BASIX Certificate is not required for the proposal.

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

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

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 3 of this report.

It is considered that the proposal satisfies the provisions of the GMREP No. 2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned B6– Business Enterprise and a sliver of R1 General Residential

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pursuant to the Liverpool Local Environment Plan 2008 (LLEP 2008). No works are within R1 zoned part of the land. An extract of the zoning map is provided in Figure 7 below.

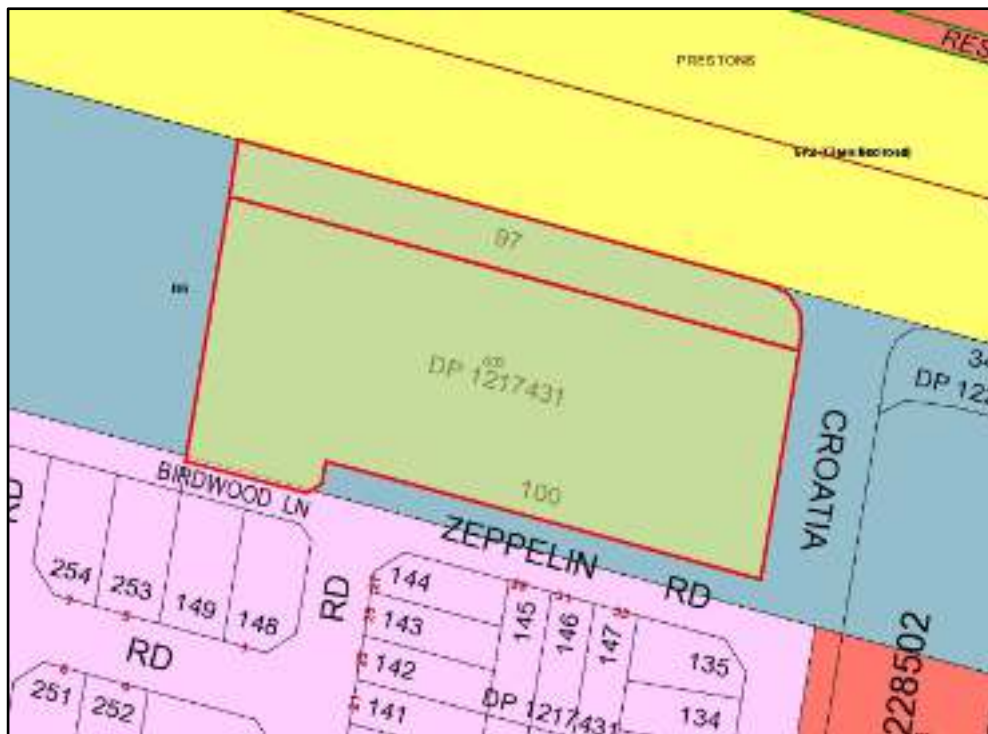


Figure 7: Zoning Map Extract (Source: Geocortex Data 2019)

(ii) Permissibility

The proposed development is appropriately defined as a 'Registered Club' and 'Food and Drink Premises' for the Tavern, and 'Serviced Apartments' which are both identified as permitted land uses with consent within the B6 Enterprise Corridor zone under Liverpool Local Environment Plan 2008 (LLEP 2008). The LLEP 2008 defines these land uses as follows:

- **registered club** means a club that holds a club licence under the *Liquor Act 2007*.
- **food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—
 - (a) a restaurant or cafe,
 - (b) take away food and drink premises,
 - (c) a pub,
 - (d) a small bar.
- **serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

(iii) Objectives of the zone

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The objectives of the B6 Enterprise Corridor zone are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting the retailing activity.*
- *To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.*
- *To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.*
- *To provide for residential uses, but only as part of a mixed use development.*

It is considered that the proposal is consistent with the above zone objectives. The amended proposal has been designed to mitigate adverse impacts on surrounding land uses by proposing compliant and appropriate setbacks from Camden Valley Way to the north, residential dwellings to the south and the inclusion of acoustic attenuation measures along the southern boundary. Furthermore, the imposition of medium to large scale vegetation to provide reduced visual intrusion of the buildings have been provided and will be conditioned as such. The proposal will provide for a high level of internal occupant amenity and encourage job creation in the area.

Moreover, the proposal is considered to be consistent with the objectives of the zone in that the development site includes a narrow strip of R1 General Residential land in the south-west corner which is to be utilised for the extension to Birdwood Lane. The proposed Serviced Apartments and Tavern will not impact on the R1 zoned land.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Comment
4.1 Subdivision Lot Size	Minimum 2000m ²	Subdivision not proposed	N/A
4.3 Height of Buildings	Maximum 8.5m	Tavern = 8.35m (max.) Serviced Apartments = 8.45m (max.)	Complies
4.4 Floor Space Ratio (FSR)	Maximum 0.65:1	Overall site Area – 8,883sqm Gross Floor Area 3,344.622sqm. Therefore, FSR is 0.38:1	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Provided by conditions of consent	Complies by Condition
7.8 Flood Planning	Proposal is to comply the flood planning controls	The site is not mapped as flood prone land	N/A

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<p>7.15 Minimum building street frontage in Zone B6</p>	<p>Development consent must not be granted to the erection of a new building or to an addition to an existing building on land in Zone B6 Enterprise Corridor unless any frontage of the site to a classified road is at least— 90 metres, or if the site also fronts a road other than the classified road, 30 metres.</p>	<p>The site has frontages to Camden Valley Way (Northern Boundary), Zeppelin Road (Southern Boundary), and Croatia Avenue (Eastern Boundary). As a result, the proposal is required to have a 30-metre frontage on the Classified Road (Camden Valley Way).</p> <p>The site proposed a frontage to Camden Valley Way of 133.505 metres, Croatia Avenue of 52.065 metres and Zeppelin Road frontage of 102.16 metres.</p> <p>Therefore, the proposal complies to the minimum requirements.</p>	<p>Complies</p>
<p>7.19 Services apartments</p>	<p>Development consent must not be granted for the subdivision under a strata scheme of a building or part of a building that is being, or has been, used for serviced apartments unless the consent authority is satisfied that the following are achieved for the development as if it were development to which clause 4 of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies—the design quality principles set out in Schedule 1 to that Policy, the design principles of the Apartment Design Guide (within the meaning of that Policy).</p>	<p>Strata subdivision is not proposed</p>	<p>Complies</p>
<p>7.22 Development in B6 Zones</p>	<p>Development consent must not be granted to development that would result in total gross floor area of all retail</p>	<p>No retail proposed and gross floor area does not exceed 8,000m².</p>	<p>Complies</p>

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	premises (other than timber and building supplies, landscape and garden supplies or vehicle sales or hire premises) in a single building being more than 8,000 square metres.		
7.23 Specialised retail premises and retail premises in Zone B6	Development consent must not be granted to development for the purposes of specialised retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the specialised retail premises is more than 2,500 square metres.	No retail premises proposed.	Complies
7.31 Earthworks	Council to consider matters listed (a)-(g)	The proposal has been reviewed by Council's Development Engineer. The proposal is supported subject to deferred commencement conditions as requested by the applicant.	Complies by condition of consent. (Refer to discussion below)

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 2.11 Land Subdivision and Development in Edmondson Park*.

The development is found to generally comply 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.

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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 Environment

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

Built Environment

The built form is considered appropriate to the site in terms of alignment and proportion. The Serviced Apartments is a maximum of two storeys and under the height limit for the site. It is considered that sufficient landscaping and building separation are provided for the development that would provide amenity for the Service Apartments patrons and soften the visual impact of the Service Apartments to surrounding properties.

The tavern is a single storey building and is within the allowable building height limit for the site. The internal arrangements of the tavern have been reconfigured in response to issues raised by Council that included a reduction of the size of the and configuration of the Tab room and entry areas. The gaming room, Tab and bar is located toward the southern boundary and enclosed with soundproof walls. The tavern is separated approximately 21.7 metres from the nearest residential dwellings to the south which includes the width of Zeppelin Road and landscaped area consisting of small to medium sized vegetation in gardens beds to reduce the visual impact of the noise proof walls.

Furthermore, conditions of consent will be imposed for additional matured medium height trees to be planted along the road reserve to provide additional screening along Zeppelin Road.

Overall, it is considered that an appropriate built form is proposed for the site that has been designed with adequate regard to surrounding residences, combined with the spatial separation between the buildings and residential properties and the Serviced Apartments and the Tavern have been designed to face internally and away from residential properties.

Social Impacts

The proposed serviced apartments will provide for a variety of housing type in the area and has merit in this regard. It is not anticipated that it will create any determinantal social impacts to the locality.

In respect to the proposed Tavern, concerns were raised in relation to its potential social impacts to the locality. The proposal was reviewed by Council's Community Planning team who

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raised several matters in conjunction with the submissions received. The key issues raised related to lack of community consultation; access to the site and pressure on the local road; details of security operation in the Plan of Management; references to a Bottle Shop, security operation of the serviced apartments; the location of the Tab area and the introduction of gaming machines.

Comments are provided to these as follows:

Lack of community consultation

The application was advertised and notified to surrounding residents on two separate occasions, including the placement of notification signs at the site. The application was initially advertised and notified for a period of 14 days from 20 November 2019 to 4 December 2019 in accordance with Council's Community Participation Plan 2019. The amended application was advertised and notified to surrounding residents between 23 September 2020 and 6 October 2020 as per Council's Community Participation Plan 2019.

The applicant has advised that no other form of community consultation was undertaken prior or during the development assessment stage. The applicant advised that there are not legislative requirements for community consultation to be held prior to a development application and to their understanding they were aware that Council would undertake community consultation as per council's notification/advertisement requirements and that would comply with legislative requirements. Notwithstanding, the application was publicly notified on two separate occasions and the applicant has responded to the matters raised which have been discussed in full in the Community Consultation part of the report. It is Council's opinion that the matters raised which include traffic and parking concerns, impacts on property prices, proximity to residential area, noise and pollution concerns, alcohol and gaming impacts as well as safety and security concerns have been addressed adequately by the applicant and the proposal has been supported by internal and external stakeholders.

Access to the site and pressure on the local road

Access to the site is proposed via Zeppelin Road and Croatia Avenue. The proposal would include the construction of Mons Lane along the northern boundary of the site and road widening of Birdwood Lane along the southern frontage of the site. The proposed road works would facilitate connectivity to the site and improve access to the existing road network including Birdwood Lane, Zeppelin Road and Croatia Avenue and ultimately, the realisation of the ILP road layout for this part of Edmondson Park.

Whilst the proposal will contribute to additional traffic movements on the local roads, the site is zoned B6 Enterprise Corridor and the following land uses are permitted on the site:

Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Information and education

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facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Tank-based aquaculture; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres.

The zoning facilitates various uses that will require access to the site by utilising the surrounding street network. The existing streets have been designed to accommodate the projected traffic from the surrounding residential and commercial areas. The applicant provided a traffic impact assessment which was reviewed by Council's Traffic Engineer and no objections to the traffic generation and parking assessment was raised.

Details of security operation in the Plan of Management

The applicant has provided an amended Plan of Management (PoM) and details of the security operation of the site. Furthermore, the implementation of Standard Operating Procedures is a requirement under the Security Industry Act 1997 (NSW) and the Security Industry Regulation 2016 (NSW) and a responsibility of the contracted security organisation.

The proposal was referred to NSW Police for review, which was supported subject to special conditions of consent which have been imposed as conditions of consent. Additionally, special conditions of consent have been imposed to ensure that the security procedures include the ushering of patrons and reducing potential loitering in the carpark and surrounding street network in order to reduce potential noise disturbance in the evening hours to surrounding residences.

References to a Bottle Shop.

The development does not propose a bottle shop.

Security operation of the serviced apartments.

The proposal was forwarded to NSW Police who supported the proposal with conditions of consent provided. This includes security patrols and checks in addition to CCTV to be installed for the apartments and the tavern.

The location of the Tab area.

The Tab area was amended in revised plans reconfiguring the floor plans by reducing the size of the Tab area and repositioning the Tab room further south within the building away from the kid's area and restaurant. The entry to the Tab room was also moved away from the restaurant and kids area and is now positioned from the hallway to the bar room in the south east corner of the tavern.

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The introduction of gaming machines

Concerns were raised in respect to any increase of gaming machines in the LGA. The applicant advised that the proposed gaming area relates to an existing licence for the poker machines in the LGA and the proposal is not proposing additional growth in the sector. The final licencing requirements is a matter for the NSW Liquor and Gaming however, the applicant has indicated that licence is currently existing in the LGA and is being moved to the subject site from another location. In this regard, the suggestions that additional poker machines will be introduced to the LGA is not substantiated. Notwithstanding the above, Council does not regulate the number of poker machines and the final number of machines will be determined by the NSW Liquor and Gaming.

What can be said about the proposal is that the proposed gaming area is positioned away from the main street frontages and is enclosed within a room of masonry walls with appropriate openings consisting of highlight windows. The enclosed nature of the gaming room screens the poker machines from public view, and it is considered that the internal arrangements of the tavern would minimise any promotion of poker machines within the venue.

Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and provision of accommodation and entertainment services. Furthermore, the development will provide for greater opportunity for residents to be close to employment opportunities. It is considered that the proposal is unlikely to generate any unreasonable economic impacts on the surrounding area.

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

The proposal generally complies with the relevant planning controls and the applicant has demonstrated that the site is suitable for the proposed development.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Control	Supported subject to conditions of consent
Development Engineers	Supported subject to deferred commencement and special conditions of consent being addressed.
Traffic Engineers	Supported subject to deferred commencement and special conditions of consent being addressed.
Waste Management	Supported subject to conditions of consent
Community Planning	Refer to Social Impacts discussion in the body of the report under 6.6.

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Economic development	Supported subject to conditions of consent.
Environmental Health	Supported subject to conditions of consent.

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
Transport for NSW (formerly RMS)	Specific conditions of consent provided for the proposal. Camden Valley Way slip lane portion of the proposal is not supported.
NSW Police	Supported with special conditions of consent provided.
Jemena Gas Networks	No objections to the proposal.
APA Group (Gas Pipeline)	No objections to the proposal raised with special conditions of consent provided.

(c) Community Consultation

The proposal was advertised/notified for a period of 14 days from 20 November 2019 to 4 December 2019 in accordance with Liverpool Community Participation Plan 2019. 54 submissions were received in response to the public consultation process. The amended application, submitted in response to concerns raised by Council, was advertised and notified to surrounding residents from 23 September 2020 to 6 October 2020, where a further four (4) submissions were received.

The key issues raised in the submissions relate to:

- Development is not compatible with the surrounding low-density residential dwellings.
- Noise impacts from the development to nearby residents.
- The development is too close to residents.
- Traffic and Parking issues.
- Pollution from vehicles and the premises will increase.
- Safety and Security concerns raised with the type of people attracted to the tavern/serviced apartments leading to anti-social behaviour.
- Negative impact on property values.
- Should be located around the Town Centre.

The following comments are provided in respect to the concerns raised by residents:

Issue 1: Development is not compatible with the surrounding low-density residential dwellings

Service Apartments and Registered Clubs (Tavern) are permitted land uses within the B6 zone, for which the site is zoned. It is acknowledged that the site is surrounded by residentially zoned land to the east and south. The proposed development has been designed to incorporate a streetscape appearance that is considered relatively consistent with the current streetscape, which consists of single and two storey dwellings. The Service Apartments is two-storey in

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scale and is within the allowable height limit. The Tavern is a single storey structure and is also within the allowable height limit, though it is proposed to be raised toward the southern end of the site which includes raised garden beds, offset by masonry walls, due to the slope of the land. This may be considered as an element that is inconsistent with the existing street pattern but improves the acoustic operation of the tavern and visually creates a reduced impact of the masonry walls which are required as they also act as an acoustic barrier.

Whilst the footprint of the serviced apartments and the tavern are larger than surrounding detached dwelling houses, their built form and scale have been modulated and subtly segmented into small volumes that are considered responsive to the character of the area. In addition, the position of these buildings, the setbacks provided from the boundaries, along with the fact that the site is physically separated from residential properties by roads ensure that the proposal is physically compatible with surrounding residential dwellings.

The development also proposes a floor space ratio (FSR) that is well within the allowable FSR for the site, which in turn results in a development that is considered to be of an appropriate bulk and scale for the locality. As demonstrated in this report, the proposal is generally consistent with Council's provisions and the site zoning, and therefore consistent with the desired character of the area.

Issue 2: Noise impacts from the development to nearby residents

While noise associated with the site is likely to increase given the intensification of the residential accommodation, it is considered to be typical with those generated by a medium to high density development in a medium density zone. In addition, the tavern is likely to increase noise given that the site is vacant, and the proposal will attract patrons to the site.

The proposal was submitted with an Acoustic Report by Rodney Stevens Acoustics which supports the proposal and recommends a number of measures to be introduced to reduce noise intrusion to the residential receives, which include:

- All external doors to have self-closing mechanisms;
- Louvres to gaming area to be acoustically lined with absorption;
- Small speakers for background music only;
- External operable windows to be closed at 10:00pm;
- All items of mechanical plant to comply with criteria established in Table 4-2 or be located in either a dedicated plant room or behind acoustic screening;
- Signs to be erected around venue exits advising patrons to leave the venue in a quiet, orderly fashion;
- Deliveries to occur during the daytime period where practical;
- Traffic to be restricted to entry only from the south of the site after 10:00pm; and
- A 1.6 metre solid fence to be installed on the southern boundary of the proposed development site (Figure 8 below).

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Figure 8: South Elevation Zeppelin Road. (Source: Marchese partners International Pty Ltd)

The inclusion of a 1.6m high acoustic fence and raised garden beds will absorb noise. Furthermore, the proposed tavern is primarily constructed of solid masonry walls with reduced openings to absorb noise. This may also assist in mitigating acoustic transfer between the subject site and the immediate locality.

The development has also been designed with a landscaping that provides peripheral landscaping treatments in order to soften the development from the adjoining properties and access for vehicles from the south has been removed and replaced with a pedestrian access only for access. Furthermore, conditions of consent have been imposed that request revised landscape plan that includes further street trees of specific species to assist in reducing acoustic transfer further.

Issue 3: The development is too close to residents

The development is separated by minimum of 19.12 metres to nearest residential properties to the south from the bar room. The gaming room is separated approximately 26.91 metres from nearest residential properties to the south. The site is separated by Zeppelin Road in addition to raised garden beds, masonry acoustic walls and landscaping from the keg room and sports bar. Furthermore, specific street trees have been conditioned to create visual barrier and reduce the impact of the concrete walls of the proposal to the residential dwellings to the south.

The separation from residential properties is considered comparable to the commercial properties to the west of the site and is therefore satisfactory.

Issue 4: Traffic and Parking issues

The Tavern requires a minimum of 145 parking space as per the Licensed Floor Area (LFA) as required in the Liverpool DCP 2008 (LDCP 2008). The proposal provides for 193 spaces for the tavern which includes 2 accessible spaces.

The Serviced Apartments require 1 space per bedroom/suite plus 1 space per 2 employees, plus a service access and facilities for an occasional heavy rigid vehicle. The proposal provides 44 parking spaces, of which 2 are for staff and 3 accessible spaces, and a loading area for services which complies with the recruitments in the LDCP 2008.

A Traffic and Parking report was submitted with the proposal and reviewed by Council's Traffic and Transport Engineer who has indicated the number of parking spaces for the Tavern and Service Apartments complies with the minimum requirements. The subject site is zoned B6

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Enterprise Corridor which envisages retail, recreational and commercial use that will generate traffic in the local area. The traffic generated from the proposal is comparable to these uses and the street pattern has been designed to cope with the traffic envisaged. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objection subject to specific conditions of consent. As such, generated traffic associated with the proposal are considered acceptable based on Council's Traffic engineers review and for the serviced apartments and tavern development of this nature in the enterprise corridor zone.

Issue 5: Pollution from vehicles and the premises will increase

The road network may see a negligible increase in the number of vehicles. However, the movement of vehicles is expected to change as a result of the proposal. In this regard, additional pollutants are not expected to increase from current levels.

A traffic assessment report prepared by Ason Group was provided with the proposal, which details traffic generations levels and movement of cars. Furthermore, Council's Traffic Engineer is satisfied with the traffic report.

Pollutants from the premises are associated with the use such as cooking of food and waste. Council's Environmental Health team has reviewed the proposal and waste processes and is satisfied with the proposal. Conditions of consent have been provided that further specify food handling processes and waste management procedures.

Issue 6: Safety and Security concerns raised with the type of people attracted to the taverns/serviced apartments leading to antisocial behaviour

The application was forwarded to NSW Police for review of the proposal and matters raised. NSW Police supported the proposal with specific conditions of consent to be imposed on the operations relating to the requirements of a licensed premises, including CCTV, record keeping of complaints, RSA, Security Guard patrols and process. In this regard, the council cannot refuse the application based on the potential for anti-social behaviour and the use is not entirely defined by unsavoury people and anti-social behaviour, therefore the application should not be refused on basis of what potential may happen in this matter.

Issue 7: Negative impact on property prices

The development of serviced apartments and registered clubs is permitted form of development for the site, having regard to the B6 zoning of the site. The site was zoned as a B6 Enterprise Corridor within the same strategic process as the residential zoned land, therefore this indicates the intention was to include commercial and retail premises on the subject site. In respect to depreciation of property value, there is no evidence to suggest that the proposed development will result in the depreciation of the value of any neighbouring properties.

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Issue 8: Should be located around the Town Centre

The subject site is zoned B6 Enterprise Corridor and the proposal for a Service Apartments and registered Club (Tavern) is a permissible use under the zoning. Edmondson Park was designed with a number of precincts in mind to provide various uses in and around the residential dwellings. This was primary for providing potential retail and commercial business away from the town centre to negate the need for people to have to drive to a centre for goods and services. This reduces the dependents on cars and the number of cars using the local streets and encourages pedestrian activity. These objectives are envisaged in the master plan for Edmondson Park which strategically zoned land for commercial and retail uses in the Town Centre and in areas that are a distance away from the Town Centre. Therefore, the proposal complies with the strategic outcomes envisaged for the site and is considered satisfactory.

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

The proposed development is consistent with the zoning of the land and would provide for uses that are not currently available in the area for community use. The development is generally in accordance with the planning controls and the objectives for Edmondson Park, and provides additional accommodation opportunities and facilities for community in close proximity to employment opportunities and public transport.

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

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2008 (Edmondson Park) for the Tavern and Serviced Apartments as follows:

\$156,773.00

8. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for serviced apartments and a registered club (tavern) which also include licensed food and drink premises at lot 97 Camden Valley Way and lot 100 Croatia Avenue, Edmondson Park.

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- The proposal is permissible with consent within the B6 Enterprise Corridor zone under the LLEP 2008, for which the site is zoned, and is consistent with the objectives of the B6 zone.
- The proposal provides an appropriate response to the site's context and satisfies the Infrastructure SEPP for frontage to a classified road as no access is proposed onto the classified road and complies with the controls and the objectives and principles of the LDCP 2008 for Edmondson Park. The scale and built form are consistent with the desired future character of the area envisaged under the LLEP 2008 and LDCP 2008.
- No variations to the LLEP 2008 or LDCP 2008 are sought which does not raise any additional negative impacts on the amenity of residents in this instance.
- That the matters raised during the two community consultation periods have been assessed against the proposal and Council is satisfied that measures proposed in the acoustic report and imposed conditions of consent can mitigate the planning matters raised in the submissions.
- The development will be well located in relation to transport, employment, shopping, business and community service facilities. The proposed development is considered an efficient use of the site and will result in well-designed, high amenity buildings.
- The proposed development will have impacts (both positive and negative) on the surrounding area, but those impacts are largely anticipated by the zoning of the site and surrounding areas. The development is in accordance with the zone objectives and the desired future character of the area.

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

9. RECOMMENDATION

That Development Application DA No. 698/2019 be approved as 'deferred commencement' consent subject to the submission of amended architectural and landscape drawings to correspond with the Civil Works drawings in respect to certain matters including the provision of a temporary turning head at the western end of service laneway and satisfactory resolutions of discrepancies in levels for footpath and drainage, and further amendments be made to the Civic Work drawings to address extension of Birdwood Lane to the existing east-west section of Zeppelin Road and access arrangement for entry and exit movements to/from Edmondson Park including intersection treatment of Croatia Avenue/Zeppelin Road, and standard conditions of consent.

10. ATTACHMENTS

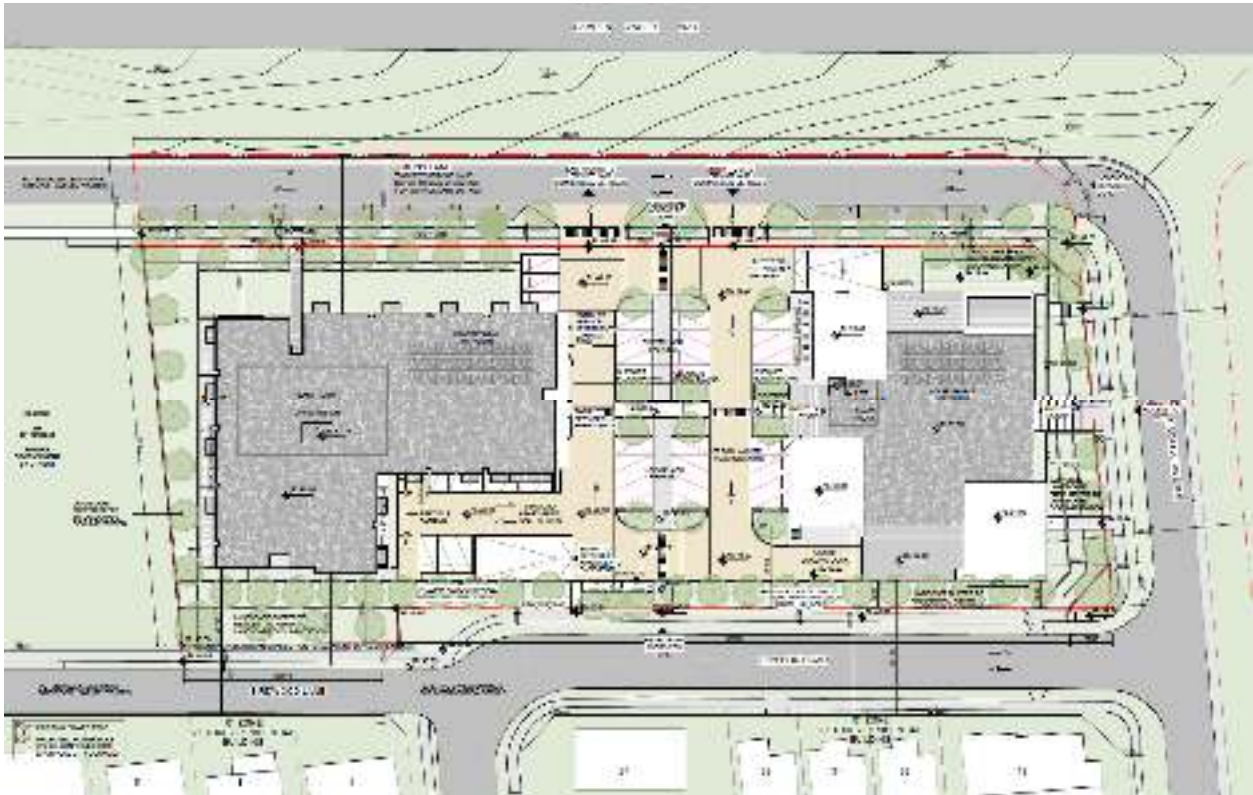
- 1. PLANS OF THE PROPOSAL**
- 2. CONDITIONS OF CONSENT**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**

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ATTACHMENT 1: PLANS OF THE PROPOSAL

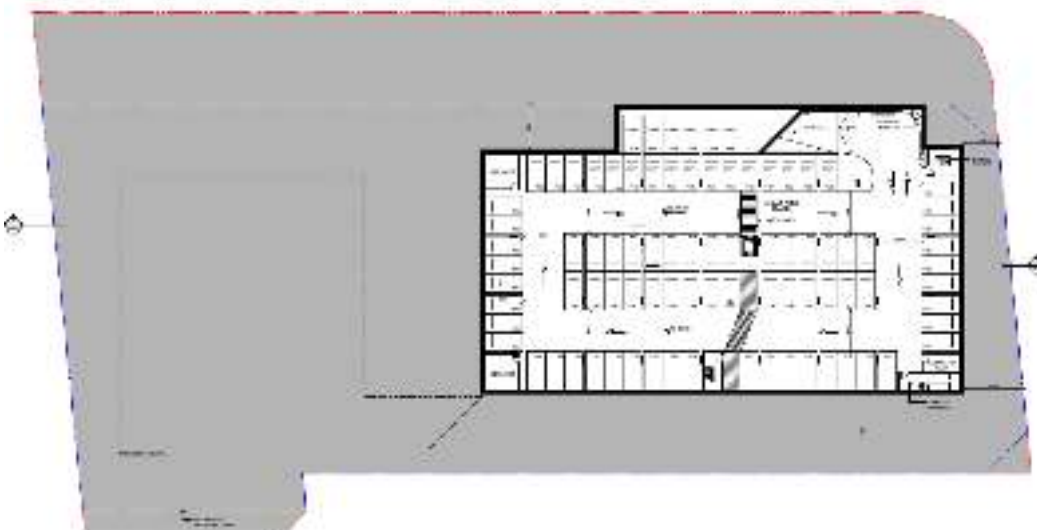
Site Plan



Proposed Site Plan

Basement Plans

Tavern

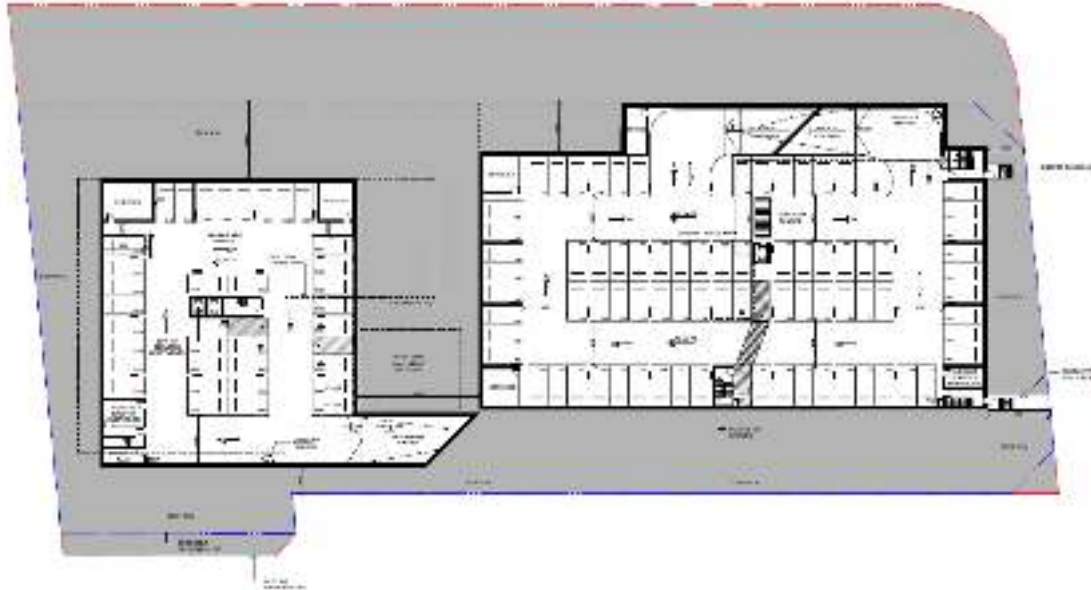


Proposed Basement 2

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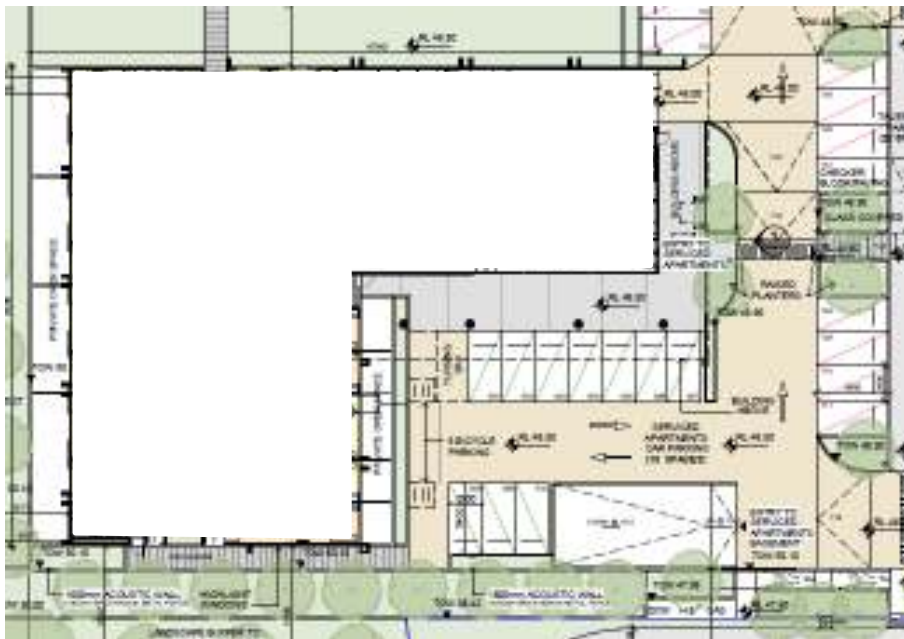
Service Apartments and Tavern



Proposed Basement 1

Floor Plans

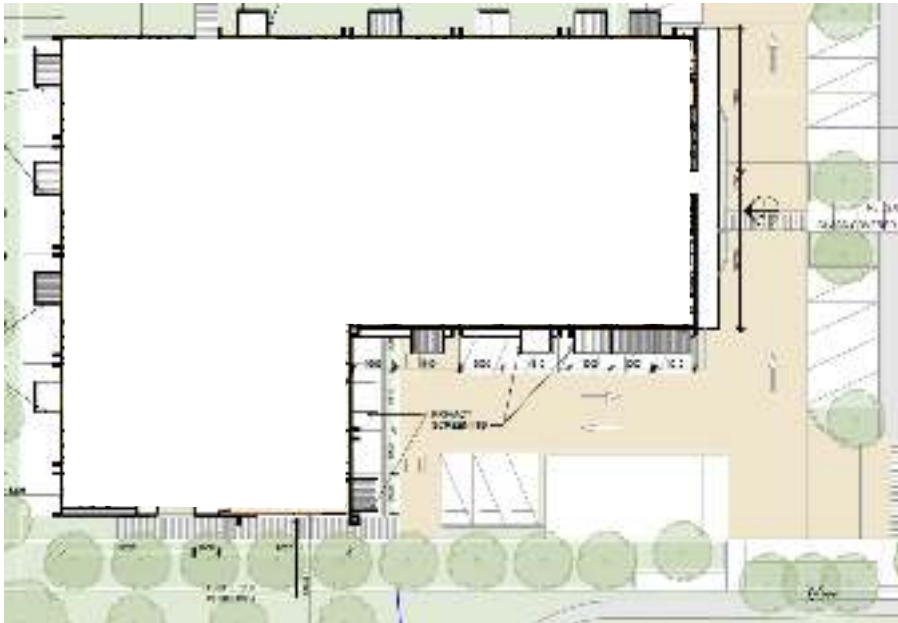
Serviced Apartment



Ground Floor Plan

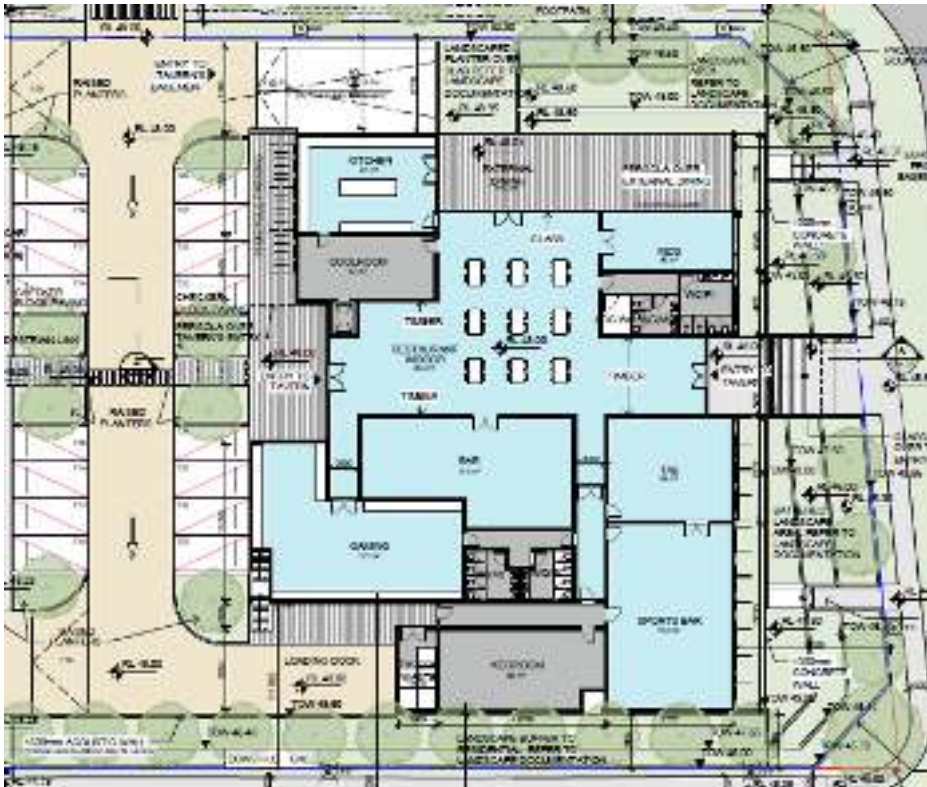
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First Floor Plan

Registered Club (Tavern)



Floor Plan

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Elevations



East Elevation



West Elevation



North Elevation (From Camden Valley Way)



South Elevation (From Zeppelin Road)

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Internal Elevation East



Internal Elevation West



Serviced Apartments East Elevation



Serviced Apartments West Elevation

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Serviced Apartments North Elevation



Serviced Apartments South Elevation



Tavern East Elevation



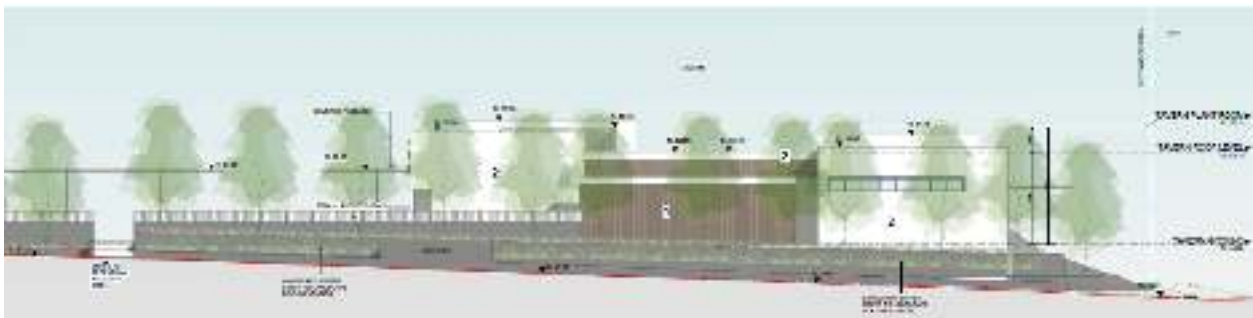
Tavern West Elevation

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Tavern North Elevation

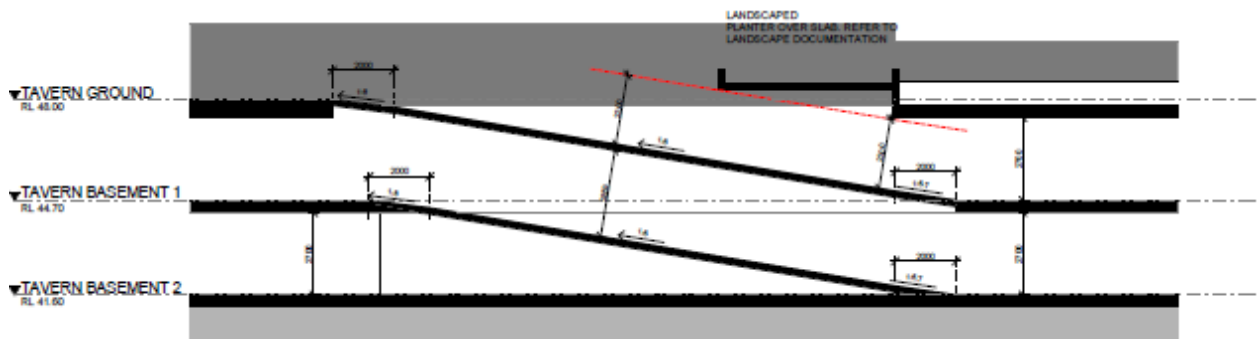


Tavern South Elevation

Sections



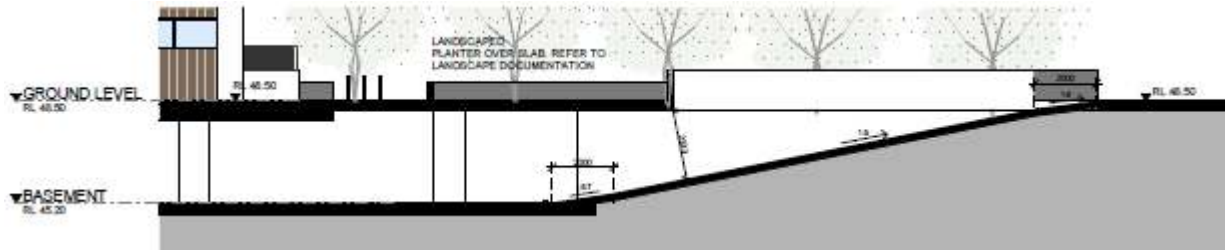
Section A-A



Tavern Ramp

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Serviced Apartment Ramp

Colour Schedule



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ATTACHMENT 2: RECOMMENDED CONDITIONS OF CONSENT

PART 1

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, until the submission to Council of:

Engineering Conditions

1. Amended drawings shall be provided to Council for approval and are to address the following:
 - (a) The Architectural and Landscape drawings are to be amended to correspond with the Civil Works drawings prepared by BG & E reference S19413 with the following as a minimum to be addressed:
 - (i) Temporary turning head at the western end of service laneway.
 - (ii) Footpath levels at the Eastern end of the service laneway. For example, the footpath level at the location of the egress from the basement to Croatia Ave is shown as RL45.37.
 - (iii) Footpath levels at the western end of the service laneway.
 - (iv) The TOW levels shown along the western boundary appear to be higher than existing levels, which would cause an obstruction/diversion of overland flow from upstream property.
 - (b) The Civil Works including the road layout drawings prepared by BG & E reference S19413 are to be amended and as a minimum include the following:
 - (i) Extension of Birdwood Lane to the existing east-west section of Zeppelin Road. The extension is to have the same carriageway width and kerb alignments as the existing road, and to form a standard "T" intersection with the existing north-south section of Zeppelin Road.
 - (ii) Speed humps at 100m apart, across sections of the proposed Mons Lane and Birdwood Lane extension to the east-west section of Zeppelin Road.
 - (iii) Access arrangement for entry and exit movements to/from Edmondson Park including intersection treatment of Croatia Avenue/Zepelin Road.
 - (iv) Extension of Nivelles Road to Mons Lane (as shown in the submitted development layout) in DA-625/2019.
 - (v) A turning area is required at the Northern end of Croatia Avenue.
 - (vi) Access via suitable vehicular crossing and layback is to be provided for Lot 34 DP 1228502.
 - (vii) Transition batter to eastern side of Croatia Avenue to be max 1:8.

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Note: The item raised within Part 1, above, is to be addressed within twelve (12) months of the determination date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" conditions is acceptable.

PART 2

Once the applicant receives written Council notification that the matters in Part 1 have been satisfied, the consent will become operative subject to compliance with conditions outlined in Part 2.

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

A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural Plans

Plan Name	Plan Number	Date	Revision	Prepared by
Cover Sheet	Drawing No. DA01:01	14/10/2020	R	Marchese Partners Pty Ltd.
Site Plan	Drawing No. DA1.07	14/10/2020	E	Marchese Partners Pty Ltd.
Basement 2	Drawing No. DA2.01	28/08/2020	N	Marchese Partners Pty Ltd.
Basement 1	Drawing No. DA2.02	28/08/2020	P	Marchese Partners Pty Ltd.
Ground Floor Plans	Drawing No. DA2.03	14/10/2020	R	Marchese Partners Pty Ltd.
First Floor Plan	Drawing No. DA2.04	14/10/2020	R	Marchese Partners Pty Ltd.
Roof Plan	Drawing No. DA2.05	14/10/2020	R	Marchese Partners Pty Ltd.
East & West Elevations	Drawing No. DA3.01	28/08/2020	N	Marchese Partners Pty Ltd.
North (Camden Valley Way) & South (Zeppelin Road) Elevations	Drawing No. DA3.02	28/08/2020	N	Marchese Partners Pty Ltd.

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Tavern South & East Elevations	Drawing No. DA3.07	28/08/2020	B	Marchese Partners Pty Ltd.
Tavern Internal East & West Elevations	Drawing No. DA3.03	28/08/2020	F	Marchese Partners Pty Ltd.
Tavern East & West Elevations	Drawing No. DA3.06	28/08/2020	B	Marchese Partners Pty Ltd.
Serviced Apartments East & West Elevations	Drawing No. DA3.04	28/08/2020	B	Marchese Partners Pty Ltd.
Serviced Apartments North & South Elevations	Drawing No. DA3.05	28/08/2020	B	Marchese Partners Pty Ltd.
Sections A-A	Drawing No. DA4.01	28/08/2020	N	Marchese Partners Pty Ltd.
Ramp Sections	Drawing No. DA4.02	28/08/2020	G	Marchese Partners Pty Ltd.
Typical Service Apartment Floor Plan	Drawing No. DA6.01	28/08/2020	C	Marchese Partners Pty Ltd.
Materials Schedule Board	Drawing No. DA7.01	28/08/2020	N	Marchese Partners Pty Ltd.
Perspective View	Drawing No. DA7.02	28/08/2020	F	Marchese Partners Pty Ltd.

(b) Stormwater Plans

Plan Name	Plan Number	Date	Revision	Prepared by
Specifications & Details	19-265/D1	10/08/2020	C	PORTES Civil & Structural Engineers
Site Layout Plan	19-265/D2	10/08/2020	C	PORTES Civil & Structural Engineers
Proposed Stormwater Management Plan	19-265/D3	10/08/2020	D	PORTES Civil & Structural Engineers
Proposed Stormwater Management Plan	19-265/D4	10/08/2020	D	PORTES Civil & Structural Engineers
Proposed Stormwater Management Plan	19-265/D5	25/08/2020	E	PORTES Civil & Structural Engineers
Proposed Stormwater Management Plan	19-265/D6	10/08/2020	D	PORTES Civil & Structural

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				Engineers
Stormwater Management Details	19-265/D7	10/08/2020	D	PORTES Civil & Structural Engineers
Stormwater Management Details	19-265/D8	25/08/2020	E	PORTES Civil & Structural Engineers

(c) Civil Engineering Plans

Plan Name	Plan Number	Date	Revision	Prepared by
Locality Plan and Drawing Index	S19413 / DA-0000	18/08/2020	B	BG&E
General Arrangement Plan	S19413 / DA-0010	18/08/2020	B	BG&E
Signage & Linemarking Plan	S19413 / DA-0011	21/08/2020	A	BG&E
Roadworks Longitudinal Section MC01	S19413 / DA-0200	18/08/2020	B	BG&E
Roadworks Typical Sections	S19413 / DA-0220	18/08/2020	B	BG&E

(d) Documents

Report Name	Date	Reference	Prepared by
Acoustic Report	2/09/2019	190353R1	Rodney Stevens Acoustics
Arborist Report	06/08/2019	4879	Redgum Horticultural
BCA Assessment Report	30/08/2019	2019/1545	Steve Watson & Partners
Phase 1 Preliminary Site Investigation - Contamination Report	6/11/2020	ES7686/3, Rev. 1	Aargus Pty Ltd
Phase 2 Detailed Site Investigation	6/11/2020	ES7686/3, Rev. 1	Aargus Pty Ltd
Geotechnical Report	13/08/2019	GS7686-1A	Chameleon Geosciences Pty. Ltd.
Traffic Impacts Assessment Report	4/09/2019	0883r01v1, Rev.2	Ason Group
Social Impact Assessment	26/08/2019	P19095	Hill PDA Consulting
Plan of Management	November 2020	-----	----
Operational Waste Management Plan	28/08/2019	SO255, Rev D	Elephants Foot Recycling Solutions
Construction Waste Management Plan	---	18150	Marchese Partners

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Works at cost to Council

3. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council
4. A roundabout is to be constructed on the corner of Peronne Road and private access road to the adjoining development to the west. The roundabout is to facilitate and minimise traffic conflicts at the intersection, due to the expected additional traffic movements through the intersection.

Endeavour Energy Requirements

5. All conditions issued by **Endeavour Energy** shall be complied with, as required in accordance with their correspondence dated 15 November 2019. A copy of the correspondence is attached to this determination notice.

Transport for NSW Requirements (TfNSW)

6. All conditions issued by **TfNSW** shall be complied with, as required in accordance with their correspondence dated 6 December 2019. A copy of the correspondence is attached to this determination notice.

NSW Police Requirements

7. All conditions issued by **NSW Police** shall be complied with, as required in accordance with their correspondence dated 5 February 2020. A copy of the correspondence is attached to this determination notice.

APA Group Requirements

8. All conditions issued by **APA Group** shall be complied with, as required in accordance with their correspondence dated 29 November 2019. A copy of the correspondence is attached to this determination notice.

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.

Landscape Plan

9. A detailed Landscape Plan prepared by a suitably qualified person is to be submitted to the PCA prior to the issue of any CC. The detailed Landscape Plan is to incorporate the following:
 - (a) Matured medium sized trees along the southern boundary of the site to provide additional screening of the walls of the tavern and service apartments.
 - (b) *Cupaniopsis Anarcardioides* (*Tukeroo tree*) is to be included as street trees planted along the southern boundary (Zeppelin Road) on the footway to create additional screening.

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Recommendations of Acoustic Report

10. The recommendations provided in the approved acoustic report titled 'Noise Impact Assessment Proposed Serviced Apartments and Licensed Venue Lot 97 and 100 Camden Valley Way Edmondson Park NSW 2174 (REPORT R190353R1 Revision 2) prepared by Rodney Stevens Acoustics Pty Ltd dated 8th September 2020 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

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

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Fee Payments - Land Development

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

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Fees – Road Opening

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

Comply with EP&A Act

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

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

Prescribed Condition

14. In accordance with Section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

Provision of Services - Endeavour Energy

15. 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 Private Certifying Authority.

Provision of Services – Telecommunications

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

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

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

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

Provision of Services - Transgrid

17. Written approval must be gained from Transgrid stating they have reviewed the proposed engineering design plans and that they consent to the issue of a Construction Certificate by the Principal Certifying Authority.

Site Development Work

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

Access

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

Notification

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

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

Products banned under the Building Products (Safety) Act 2017

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

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Fire Safety Measures

22. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.
The schedule must distinguish between the measures that are currently implemented (existing) in the building premises; and
- (a) the measures that are to be proposed to be implemented in the building premises, and
 - (b) the minimum standard of performance for each measure.

Cladding

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

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.

S138 Roads Act – roadworks requiring approval of civil drawings

25. 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 **a minimum 2.5m wide concrete shared path paving connecting to the existing concrete path to the east of (near the intended bay), Camden Valley Way.**

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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

Retaining Walls on Boundary

26. 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.

S68 Local Government Act – Stormwater drainage works

27. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for **Stormwater drainage works to the New Service Lane**.

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

Construction Certificate for Works

28. Prior to the issue of a Construction Certificate for works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by **BG&E, reference number S19413, revision** as per the following plans:

Drawing No.	Title	Revision/Issue	Date
DA-0000	Locality Plan and Drawing Index	B	18.08.20
DA-0010	General Arrangement Plan	B	18.08.20
DA-0011	Signage & Linemarking Plan	A	21.08.20
DA-0200	Roadworks Longitudinal Section MC01	B	18.08.20
DA-0220	Roadworks Typical Sections	B	18.08.20

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All works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning of the temporary turning area and reinstatement works are to be shown. Reinstatement works to include extending kerb, gutter and footpath (concrete and verge), any drainage pit reconstruction and any required relocation/adjustment of any services.

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Road design criteria table

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, drawings approved as part of the deferred commencement conditions, and the following criteria:

Road No.	Road Corridor	Carriageway	Verge	Concrete Footpath	ESA (minimum)
New Service Lane	To match approved width	To match approved width	To match approved width	1.5m (one side)	3x10 ⁵
Birdswood Lane			3.5m	1.5m with 0.6m offset from new property boundary	

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Note:

1. Stormwater drainage works are to be provided to the New Service Lane and shall extended from the western property boundary to the public system. Stormwater details and calculations shall be submitted to ensure all pipe sizes will have adequate capacity to convey future upstream post development flows.
2. The retaining wall along the service lane is to be provided with an anti-graffiti coating.
3. All works shall be undertaken at no cost to Council.

S138 Road Design Criteria

30. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road re/construction, concrete footpath paving, concrete kerb and guttering, street trees and associated works.

The Section 138 application is to include detailed design drawings of roads, shared path and paved footpath along sections of Birdwood Lane, Mons Lane and traffic facilities including signs and line marking scheme with turning path analysis demonstrating that the roads can accommodate the longest vehicles that would service the development site.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines, best engineering practice, drawings approved as part of the deferred commencement conditions, and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge (3% crossfall)	Concrete Footpath	ESA (minimum)
Croatia Avenue (site frontage)	20.115m	3.5m (half road)	6.55m	1.5m (one side)	3x10 ⁵
Croatia Avenue	20.115m	3.5m (half road)	6.55m		3x10 ⁵

Note:

- (a) 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.
- (b) Stormwater drainage works to be provided.

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(c) All works shall be undertaken at no cost to Council.

Road Safety Audit

31. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

Permit to Carry out Works

32. A separate application for a permit to carry out works must be issued by Council for:
- (a) Works in Council's drainage/recreation reserve or drainage easement, pursuant to Section 68 of the *Local Government Act, 1993*. The work(s) in the drainage reserve/recreation reserve requiring a Council Section 68 permit are/is (insert details),
 - (b) Works in Council's road reserve, pursuant to Section 138 of the *Roads Act, 1993*. The work(s) in the existing road reserve requiring a Council Section 138 permit are/is (insert details), and
 - (c) Required hoarding, protective footway, temporary protective footway crossings. These are to be installed along (street name) compliant with Section 138 Roads Act approval. The hoarding, protective footway crossing and general safeguards for building sites are to be designed and erected in accordance with Liverpool City Guidelines and in accordance with WorkCover "Code of Practice for Overhead Protective Structures" 1995 as amended.

On-Site Detention

33. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by PORTES reference number 19-265 as per following plans:

Drawing No.	Title	Revision /Issue	Date
D1	Specifications & Details	C	10-08-2020
D2	Site Plan	C	10-08-2020
D3	Proposed Stormwater Management Plan	D	10-08-2020
D4	Proposed Stormwater Management Plan	D	10-08-2020
D5	Proposed Stormwater	E	25-08-2020

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	Management Plan		
D6	Proposed Stormwater Management Plan	D	10-08-2020
D7	Stormwater Management Details	D	10-08-2020
D8	Stormwater Management Details	E	25-08-2020

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

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

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

Basement pumps to operate anytime as required.

Proposed outlet pipes from the site across the public footpath area to be 375 RCP.

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

Stormwater Discharge – Basement Car parks

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

No Loading on Easements

35. 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.

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Water Quality

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

The Construction Certificate must be supported by:

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

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

Access, Car Parking and Manoeuvring – General

37. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan

Dilapidation report

38. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in **Zeppelin & Kingsbury Road, Croatia Avenue & Camden Valley Way** 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 **15m** either side of the development.

Dilapidation Report Private Property (Excavations)

39. 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.

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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.

Site Development Work

40. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
41. The applicant shall submit a geotechnical report from a suitably qualified geotechnical engineer detailing the subsurface profile together with recommendations for earthworks placement, design CBR, pavement design, any required subgrade improvement, anticipated site classification and recommendations for batter slopes and any retaining structures

Food Premises - Construction

42. To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval:
 - (a) Plans, to scale, demonstrating the proposed floor layout as well as associated works is in compliance with;
 - (i) AS4674-2004 – Design, construction and fit-out of food premises,
 - (ii) Food Standards Code (Australia),
 - (iii) Building Code of Australia,
 - (b) Proposed/altered mechanical ventilation system/s (Building Code of Australia & Australian Standard 1668 Part 1 & 2).

Mechanical Plant and Equipment

43. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report titled (Report Title), report reference (Project Number/Job Number, Revision) prepared by (Author) dated (date).

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society

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or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Construction Environmental Management Plan (CEMP)

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

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

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

Waste Storage Area – Construction (as amended)

45. 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, 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;

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- (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.

Traffic Conditions

- 46. Detailed design plans for the access driveway and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review. .
- 47. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 48. Street lighting is to be provided to Council's specifications prior to the issue of any Construction certificate.
- 49. The proposed development is to be designed such that road traffic noise from Camden Valley Way Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

Traffic Management Plan

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

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

Crime Prevention Through Environmental Design

- 51. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

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

Security Access to car park

52. Secure access is to be provided to the basement car park for the **Serviced Apartments** to prevent any unauthorised entry. Details are to be provided with the Construction certificate.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

53. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
54. 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*.

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

Commencement of Building work

55. 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

Notification

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

Residential Building Work

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

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- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

58. 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.

Excavation

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

Cladding

60. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Fire Safety Measures

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

Construction Requirements

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

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Site Facilities

63. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993.
64. Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Sydney Water

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

Sydney Water – Grease Trap

66. The Applicant shall liaise with Sydney Water to determine whether a grease-trap and trade waste agreement are required for the licensed premises. If required, a grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

DIAL BEFORE YOU DIG”

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

Waste Classification and Disposal of Contaminated Soil and Material

68. 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

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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

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

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

Traffic Conditions

70. Detailed design drawings of road works including signs and line marking scheme and footpath and shared paths, demonstrating the design have been prepared in accordance Council's DCP and AS2890 is to be submitted to Traffic and Transport Section for approval.
71. The design is also to shown the access driveway and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.
72. Street lighting Design - The developer shall engage an accredited street light designer, to prepare and submit a Public Lighting Design Brief to Council for approval for the provision of street lighting. The design must comply with the Endeavor Energy Street Lighting requirements and Council's Street Lighting policy.
73. Construction Traffic Management Plan – A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control to minimise construction traffic impact, prepared by an accredited personnel is to be submitted to Traffic and Transport Section for review prior to the issue of a Construction Certificate.
74. Should plans lodged with the construction certificate detail any excavation for slabs, footings or any other work proposed on site deeper than 1 metre below existing natural ground level, an Acid Sulphate Soils Management Plan, prepared by a suitably qualified Environmental Scientist, is to be provided to the Principal Certifying Authority (PCA). The PCA is to ensure that all works are to be undertaken in accordance with the Acid Sulphate Soils Management Plan. – Not traffic related condition.
75. Design drawings and documentation demonstrating that the proposed development has been designed and includes the use of durable materials, to mitigate traffic noise from Camden Valley Way, in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007, are to be submitted to Council for review/endorsement.

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76. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council.
77. The developer shall seek road occupancy, road opening permits and works zone approval if required, from Council prior to undertaking any works within public road reserve. Application forms are available on Council's website or can requested from the Council's Customer Services.

Road opening permits applications are to include:

- (a) Traffic Control Plan outlining details for pedestrian management, prepared in accordance with AS1742.3 "Traffic Control Devices for Work's on Road" and the Roads and Traffic Authority publication "Traffic Control at Worksites" and certified by an appropriately accredited Road and Traffic Authority Traffic Controller.

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

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

Sign Notice Board

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

Environmental Management

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

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

D. DURING CONSTRUCTION

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

Building Inspections

81. 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.
82. 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).

Building Work

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

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

Identification Survey Report

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

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advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

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

Construction Requirements - Excavation

86. 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.

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.

Security Fence

88. 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.

Refuse Disposal

89. 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.

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Craning and Hoardings

90. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

Notification of Damage

91. 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.

General Site Works – Sediment

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

Removal of dangerous and/or hazardous waste

93. 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.

Waste Management Plan

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

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

Contamination

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

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Imported Fill Material

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

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

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

Record Keeping of Imported Fill

97. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - (b) 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.

Air Quality – Dust Screens

98. 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.

Air Quality – Vehicle Movement

99. 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.

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Erosion Control – Stabilisation

100. 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 and sediment control

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

Erosion Control – Maintenance

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

Erosion Control

103. 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.

Major Filling/Earthworks

104. 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.

Water Quality

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

Pollution Control - Site Operations

106. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.

Pollution Control – Truck Movements

107. 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.

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Drainage Connection

108. 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.

Soil testing

109. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

Street Lighting

110. Council and Endeavor Energy approved Street lighting is to be provided to for all new (including the laneway) and existing streets within the site frontage of the proposed development.

General Site Works Surface Contours

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

General Site Works – Sediment

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

Aboriginal Cultural Heritage – Unexpected Finds

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

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

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

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Unidentified Contamination

114. 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.

Car Parking Areas

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

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

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

Traffic management

116. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
117. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>
118. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information.

Road Works

119. Approved Section 138 road works including traffic facilities are to be carried out at no cost to Council.

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Ventilation

120. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
121. To ensure that adequate provision is made for ventilation of the building, the design, construction, installation and commissioning of the mechanical ventilation systems(s) shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

Construction Noise and Vibration

122. 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.

Complaints Handling – During Construction

123. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
 - (g) allocate an individual "complaint number" to each complaint received.

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The Complaints Register must be made available for inspection when requested by Liverpool City Council.

Construction Environmental Management Plan

124. The approved Construction Environmental Management Plan shall be complied with at all times during construction.

Food Premises – Construction

125. The construction, fitout and finishes of the premises shall comply with the Australian Standards 4674-2004, Food Act 2003 and Regulations thereunder. Construction is to include, but not be limited to the following:

- (a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level;
- (b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg. stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling;
- (c) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor;
- (d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture;
- (e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm;
- (f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (i) at least 75mm high;
 - (ii) finished level to a smooth even surface;
 - (iii) recessed under fittings to provide a toe space of not more than 50mm;
 - (iv) rounded at exposed edges; and
 - (v) coved at the intersection of the floor and wall to a minimum radius of 25mm.
- (g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof;
- (h) All service pipes and electrical conduits shall be either:
 - (i) concealed in floors, walls, ceiling or concrete plinths, or

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- (j) fixed with brackets so as to provide at least:
 - 25mm clearance between the wall and the pipe/conduit; &
 - 00mm between the floor and the pipe/conduit
 - pipes so installed are not to run underneath fittings.
- (i) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
- (j) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
- (k) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned;
- (l) All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level;
- (m) The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
- (n) A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;
- (o) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
- (p) A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least: - 45°C in one bowl for washing purposes; and - 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.
- (q) Discharge of commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water.
- (r) A cleaners sink shall be provided. The sink is NOT to be within an area where open food is handled.
- (s) The grease trap is NOT to be located within an area where food is being handled

Graffiti

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

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Vegetation and Landscaping

127. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
128. 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.
129. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
130. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
131. 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):

Occupation Certificates

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

Section 7.11 Payment (Liverpool Contributions Plan 2008 Edmondson Park) for Tavern

133. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2008 Edmondson Park as amended.

The total contribution is \$ **120,356.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form.
The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

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Section 7.11 Payment (Liverpool Contributions Plan 2008 Edmondson Park) for Serviced Apartments

134. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2008 Edmondson Park as amended.

The total contribution is \$ **144,737.00** and will be adjusted at the time of payment in accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Fire Safety Certificate

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

Inspections

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

Certificates

137. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
138. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:
- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Recommendations of Acoustic Report

139. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall

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be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled 'Noise Impact Assessment Proposed Serviced Apartments and Licensed Venue Lot 97 and 100 Camden Valley Way Edmondson Park NSW 2174 (REPORT R190353R1 Revision 2) prepared by Rodney Stevens Acoustics Pty Ltd dated 8th September 2020. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Notification of Food Premises

140. The food business is required to notify Council of the food business details. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee.

Food Premises - Commencement of trade

141. Trading shall not commence until an Occupation Certificate has been issued by the PCA.

Mechanical Ventilation Certification

142. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

Cladding

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

Works as executed – General

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

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accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

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

Liverpool City Council clearance – Roads Act/ Local Government Act

145. 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.

Stormwater Compliance

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

- (a) On-site detention system/s,
- (b) Stormwater pre-treatment system/s,
- (c) Overland flowpath works,
- (d) Basement Carpark pump-out system:

Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,

Have met the design intent with regard to any construction variations to the approved design, and

Any remedial works required to be undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

147. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

- (a) On-site detention system/s,
- (b) Stormwater pre-treatment system/s,
- (c) Overland flowpath works,
- (d) 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 Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

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Rectification of Damage

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

Any rectification works within Zeppelin & Kingsbury Road, Croatia Avenue & Camden Valley Way will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Splay

149. Prior to the issue of an Occupation Certificate a **6m x 6m splay** corner at the intersection of **New Service lane & Zeppelin Road with Croatia Avenue** is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.

Road Work and Signs/Linemarking Scheme

150. Prior to the issue of an Occupation Certificate, all road works including signs and linemarking scheme approved by Liverpool City Council on the recommendation of the Local Traffic Committee and to be completed.

Note: Allow eight (8) weeks for approval of the signs and linemarking scheme.

151. Street Lighting – Council and the Endeavor Energy approved street light along all the the street frontages ater th the installed at no cost to the Council of the Endeavor Energy

Linemarking & Signage

152. Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Note: Allow eight (8) weeks for approval by the Local Traffic Committee.

Entry/ Exit Signage

153. Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the **Eastern most vehicular access** is to be used for ingress purposes only and appropriately signposted "Entry Only". The **Western most vehicular access** is to be used for egress purposes only and appropriately signposted "No Entry".

Directional Signage

154. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

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Entertainment Venue

155. In accordance with section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000* (the Regulation), it is a prescribed condition that the requirements of Schedule 3A of the Regulation are complied with at all times.

Display of Street Numbers

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

Landscaping

157. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a Consulting Arborist and mjts detail the street trees to be planted along Zeppelin Road, Croatia Avenue and Mons Lane frontages.

Dilapidation Report

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

Bonds

159. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council's acceptance of final works.

Section 73 Sydney Water

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

Street Naming

161. Prior to the issue of an Occupation Certificate an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site.

The proposed names must be in accordance with Council's Street Naming Policy.

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Notes:

- (a) Allow eight (8) weeks for notification, advertising and approval.

Positive Covenant - Right of Carriageway

162. Prior to the issue of an Occupation Certificate a right of carriageway is to be created over the temporary turning area to the benefit of the public and burdening the subject site.

The Positive Covenant may not be released, extinguished or modified except with the written consent of Liverpool City Council.

The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

Temporary Turning Head

163. Prior to the issue of an Occupation Certificate a management plan shall be prepared, submitted to and approved by Liverpool City Council for the eventual decommissioning of the temporary turning head road works. A schedule of works with quantities and estimates of construction and restoration, including any services shall be provided.

- (a) An Outstanding Works bond is to be lodged with Liverpool City Council and will be retained until the temporary works have been decommissioned and new works completed to Council's satisfaction, and a separate Maintenance Bond (new works) has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Tree Planting Bond

164. Prior to the issue of an Occupation Certificate an Outstanding Works Bond for construction of Street Tree planting shall be lodged with Liverpool City Council.

- (a) The Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Operational Conditions

165. The temporary turning head shall remain in place until such time as the road on the adjoining development site has been constructed and dedicated to the public as road. Written approval is required from Council.

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

i. CONDITIONS RELATING TO USE

Car Parking / Loading

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

Hours of Operation

169. The hours of operation of the Registered Club (Tavern) are limited to:

Monday to Saturday: 10.00am – 12.00 midnight
Sunday: 10.00am – 10.00pm

Delivery hours and vehicles

170. Delivery and service vehicles generated by the development are limited to 7am to 6pm Monday to Sunday.

Courtesy Bus

171. A courtesy bus service is to be provided for the use of patrons on demand. The courtesy bus is to service the suburb of Edmondson Park and nearby suburbs. An additional drop-off service to Liverpool Train Station after the local bus service has ceased subject to demand.

The purpose of this provision is to assist patrons to make their way home once the local bus ceases running and does not require the courtesy bus to pick patrons up from Liverpool Railway Station.

Licensed Premises

172. A sign must be displayed in a prominent position in the part of the existing building to be used as an entertainment premises that specifies:
- (a) the maximum number of persons as specified in the development consent, that are permitted in any part of the building used as an entertainment premises,
 - (b) approved hours of operation,
 - (c) the name, address and telephone number of the council of the area in which the building is located, and
 - (d) the name and business telephone number of an owner or manager of the part of the building used as an entertainment premises.

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Goods in Building

173. All materials and goods associated with the use shall be contained within the building at all times.

Car Parking

174. A total of 193 off streetcar parking spaces and 2 disabled spaces must be provided in accordance with the approved plans. The disabled spaces must be designed and signposted/marked for the specific use of persons with a disability.
175. Staff shall monitor both the front and rear entry doors to the premises for the purposes of observing patrons entering and exiting the premises during hours of operation.
176. All parking areas shown on the approved plans must be used solely for this purpose.
177. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
178. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities –Off Street Car Parking.

Deliveries

179. Vehicles servicing the site shall comply with the following requirements:
- (a) All vehicular entries and exits shall be made in a forward direction.
 - (b) All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

180. Noise Mitigation Measures

- (a) Live bands/ entertainment are not to be provided in the hotel unless the resulting acoustical implications are assessed by an acoustical engineer and any noise control recommendations are implemented.
- (b) After 10pm, the bistro stacker door is closed to limit noise egress from active internal areas of the hotel.
- (c) All deliveries to be completed during daytime periods (between 7am and 6pm)
- (d) Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- (e) All external operable windows shall remain closed after 10.00pm.

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- (f) Glass must not be emptied and/or transferred from one receptacle to another anywhere externally between 10.00pm and 7.00am.
- (g) All glass must be emptied and/or transferred within the premises and removed in containers.
- (h) Staff shall not drop heavy items into bins – they must be placed so as to minimise impact noise.

Waste Receipts

181. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers upon request.

Licensed Premises

182. The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5 dB between 7:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

* For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

NOTE: Where this condition is inconsistent with the requirements imposed by Liquor & Gaming NSW, the more stringent condition shall prevail.

Noise Complaints register

183. The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;

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- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (f) allocate an individual “complaint number” to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The industry shall be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.

Complaints Handling Register

184. A Complaints Handling Register shall be prepared and maintained for the operation of the development. The Complaints Register must be kept by the occupier, person carrying on the activity or other suitable staff members and include the following:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
- (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
- (g) allocate an individual “complaint number” to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council’.

Any public address system and/or amplified sound equipment shall be installed and operated so as not to cause ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997.

Lighting

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

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Use of building intruder alarm/s

186. 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.

Unreasonable Noise and Vibration

187. The licensed premises and serviced apartments, including but not limited to the operation of mechanical plant, equipment and patron management 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, particularly from machinery, plant, 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 a suitably qualified acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Liverpool City Council's satisfaction.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Waste

188. All waste products associated with the use are to be placed in containers and stored within the building.

Waste Collection

189. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.

Waste Management

190. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

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Waste

191. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Waste Storage Area

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

Noise – Spruiking

193. No persons, such as those commonly known as ‘spruikers’ shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

Noise - Silent Alarm System

194. Any alarm installed on the site is to be “silent back to base” type.

Noise – General

195. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- (a) The use of the premises including the cumulative operation of any mechanical plant and equipment shall not give rise to the emission of ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997.
 - (b) The operation of any mechanical plant and equipment installed on the premises shall not cause:
 - (i) The emission of noise as measured over a 15 minute period ($L_{Aeq(15\text{ minute})}$) that exceeds the $L_{A90(15\text{ minute})}$ background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority’s ‘Noise Policy for Industry’ (2017);
 - (ii) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - (iii) ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997; and

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- (iv) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Noise Management Plan

196. The operation of the development shall comply with the approved Noise Management Plan titled The Edmondson Plan of Management November 2020 at all times.

Acoustic Report

197. An acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to Council for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but not be limited to the following information:
- (a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled 'Noise Impact Assessment Proposed Serviced Apartments and Licensed Venue Lot 97 and 100 Camden Valley Way Edmondson Park NSW 2174 (REPORT R190353R1 Revision 2) prepared by Rodney Stevens Acoustics Pty Ltd dated 8th September 2020;
 - (b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
 - (c) All complaints received from local residents in relation to the operation of the premises/development; and
 - (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, recommendations provided under point d) above shall be implemented fully.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

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Environment

198. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

Smoke-free Environment Act and Smoke-free Environment Regulation

199. The Applicant and Occupier of the premises are alerted to the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016. Nothing in this consent is to be taken to imply that the development meets the requirements of the aforementioned legislation. In the event that the Applicant and/or Occupier wishes to facilitate smoking within the premises, they must ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016.

Operational Traffic Management Plan

200. An operational traffic management plan including an outline of haulage routes and times for all deliveries, and management approach to minimise traffic impacts on the adjoining residential amenity and streets, prepared by an accredited traffic consultant, is to be submitted to Council's Traffic And Transport Section for review.

The endorsed plan is to be implemented at Council's satisfaction.

Food Premises - Use of Charcoal

201. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.

Patron Numbers

202. There shall be no more than 250 patrons at the premises at any one time. A maximum number of 20 people shall be permitted within the outdoor dining area at any one time. The number of patrons in the outdoor terrace area is limited to no more than 10 people at any one time.

Licensed Premises - Management of Patrons

203. Management, staff and security are to advise all patrons when leaving the premises of their responsibility to leave the premises in a quiet manner.

Doors Opening into the Outdoor Area at Licensed Premises

204. Doors opening into the outdoor area at the licensed premises shall be fitted with a self-closing mechanism to minimise noise emissions.

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Management of Outdoor Area/s at Licensed Premises

205. Regular patrols of the outdoor area and car park shall be undertaken by staff or security guards of the licensed premises to ensure that patrons are not generating noise or disturbance that are likely to adversely affect nearby residents and/or the surrounding locality.

Signage for Patrons

206. Appropriate signage shall be located outside the building to encourage patrons to minimize noise when leaving the premises.

Service of Alcohol

207. No alcohol shall be served from the premises or stored or located within or upon the premises at any time without the prior written consent of Council and the obtaining of a liquor licence and the appropriate responsible service of alcohol certificates and qualifications.

Inspection Fee

208. Council's Authorised Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and approved fees and charges.

Landscaping

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

The provision of canopy trees is to be with semi-mature trees in pots (minimum 75 litres). The consulting arborist is to ensure that these trees are not pot-bound and are a suitable maturity to allow standardised pruning to ensure CPTED principles are met.

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.

210. **NSW Police - Crime Scene Preservation:**

The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to:

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- (a) take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;
- (b) make immediate, direct and personal contact with the Liverpool City Police Area Commander or his/her delegate and advise the Commander or delegate of the incident; and
- (c) comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition:

"staff member", in relation to subject premises, means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

211. NSW Police - Plan of Management

- (a) The licensee must engage a person who holds a current class 2A security licence to prepare a plan of management for the licensed premises.
- (b) The plan should be systems based and adopt a continuing approach to address:
 - (ii) Compliance with licence conditions and liquor laws.
 - (iii) The responsible service of alcohol.
 - (iv) Minimising disturbance to the neighbourhood particularly addressing effective management of patrons:
 - (i) Who are intoxicated, violent, quarrelsome and disorderly,
 - (ii) Queuing to gain entry to the premises, and
 - (iii) Within and departing the premises.
- (iii) Effective management and deployment of venue staff particularly addressing:
 - (i) Maintaining an incident register,
 - (ii) Security and patron safety,
 - (iii) Crime scene management procedures, and
 - (iv) Induction and training.
- (iv) Appropriate responses to concerns as they arise from the Local Area Commander or residents affected by the operation of the licensed premises.
- (c) The plan should be updated from time to time as required but only:
 - (i) With the agreement of the Local Area Commander, or
 - (ii) On the advice of a person who holds a current 2A security licence.
- (d) A copy of the plan must be served on the Local Area Commander and the Director Compliance of the Office of Liquor, Gaming and Racing:
 - (i) Within six weeks of the imposition of this condition, and
 - (ii) Within 14 days of any variation to the plan.

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- (e) A copy of the current plan must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Police Force or Inspectors from the Office of Liquor, Gaming and Racing.
- (f) The licensee must comply with the terms and requirements as set out in the plan.

212. NSW Police - OMCG Prohibition

- (a) The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
 - (i) the name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control) Act 2009.
 - (ii) the colours, club patch, insignia or logo of any such organisation, or
 - (iii) the "1 %" or "1 %er" symbol, or
 - (iv) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).
- (b) Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.

213. NSW Police - CCTV

- (a) The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
 - (i) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - (ii) recordings must be in digital format and at a minimum of 10 frames per second,
 - (iii) any recorded image must specify the time and date of the recorded image,
 - (iv) the system's cameras must cover the following areas:
 - all entry and exit points on the premises,
 - the footpath immediately adjacent to the premises,
 - all publicly accessible areas (other than toilets) on the premises.
- (b) The licensee must also:
 - (i) keep all recordings made by the CCTV system for at least 30 days, and

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- (ii) ensure that the system is accessible by at least one member of staff at all times it is in operation, and
- (iii) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
- (iv) All external cameras must be registered with NSW Police via http://www.police.nsw.gov.au/services/register_my_business_cctv_details

214. NSW Police - LA10 Noise Criteria

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

*Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

215. NSW Police - Security Guard Patrols

Whenever the licensed premises operates beyond 12 midnight a minimum of 1 uniformed security guard is to continually patrol the vicinity of the licensed premises to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols are to continue until the last patron has left the licensed premises and the vicinity of the licensed premises.

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H. ADVISORY

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

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

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j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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ATTACHMENT A: ENDEAVOUR ENERGY REQUIREMENTS



The General Manager
Liverpool City Council

15 November 2019

ATTENTION: Greg Mottram

Dear Sir or Madam

I refer to the below email of 8 November 2019 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-2565 for Liverpool City Council's development application DA-698/2019 at LOT 97 CAMDEN VALLEY WAY, EDMONDSON PARK NSW 2174 (Lots 97 & 100 DP 1217431) for 'Construction of serviced apartments and a tavern'. Submissions need to be made to Council by 29 November 2019.

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

- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage overhead power lines and underground cables and underground earth cables and underground pilot cables (carrying protection signals or communication between substations) to the Camden Valley Road road verge / roadway .
- 11 kV high voltage underground cables to the Croatia Avenue road verge / roadway.
- Low voltage underground cables to the Zeppelin Road road verge / roadway.
- Endeavour Energy's Prestons Zone Substation is located opposite at 2077 Camden Valley Way Prestons (Lot 3 DP 1009168).

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

As an adjoining or nearby owners and occupiers, Endeavour Energy's Prestons Zone Substation being a non-habitable building / site is comparatively less impacted. Whilst Endeavour Energy is not necessarily opposed to the Development Application, it will leave the determination in regard to the environmental impact and the appropriate development controls to Council, which should have regard to all the relevant matters including providing reasonable consideration to the concerns of all nearby owners and occupiers.



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PO Box 811, Seven Hills, NSW 1730
T: 133 718

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ABN 11 247 365 823

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In regard to Endeavour Energy's role as an electricity supply authority, subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application:

- Network Capacity / Connection

Endeavour Energy has noted the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regard to whether the available electricity services are adequate for the development.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a distribution substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Areas of the network utilising padmount substations can accommodate loads from 315 kilovolt amperes (kVA) up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Therefore applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Given the size and use of the proposed development, the existing local is unlikely to be able to service the proposed development. An extension and/or augmentation of the existing local network is likely to be required. However the extent of any work required will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of urban areas continues to occur.

In due course the applicant for the proposed development will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

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

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

Alternatively the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

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

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Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Urban Network Design

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

5.11 Reticulation policy

5.11.1 Distribution reticulation

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

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

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

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

5.11.1.1 Urban areas

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

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

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

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

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

- Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

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- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise (both overhead power lines and transformers can produce an audible sound or buzz as a side effect of carrying electricity) which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with councils permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Even with less sensitive non-residential development, Endeavour Energy believes that likewise applicants (and) Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. those parts of the site regularly occupied by people such as office components of a building, away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

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

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

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

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

- Vegetation Management

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

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

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In regard to the padmount substation site possibly required to facilitate the proposed development, please find attached for the applicant's reference a copy Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise (both overhead power lines and transformers can produce an audible sound or buzz as a side effect of carrying electricity) which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with councils permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Even with less sensitive non-residential development, Endeavour Energy believes that likewise applicants (and) Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. those parts of the site regularly occupied by people such as office components of a building, away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

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

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

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

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

- Dial Before You Dig

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

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- Public Safety

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

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

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

- Emergency Contact

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

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

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

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

T: 9853 7896

E: cornelis.duba@endeavourenergy.com.au 51

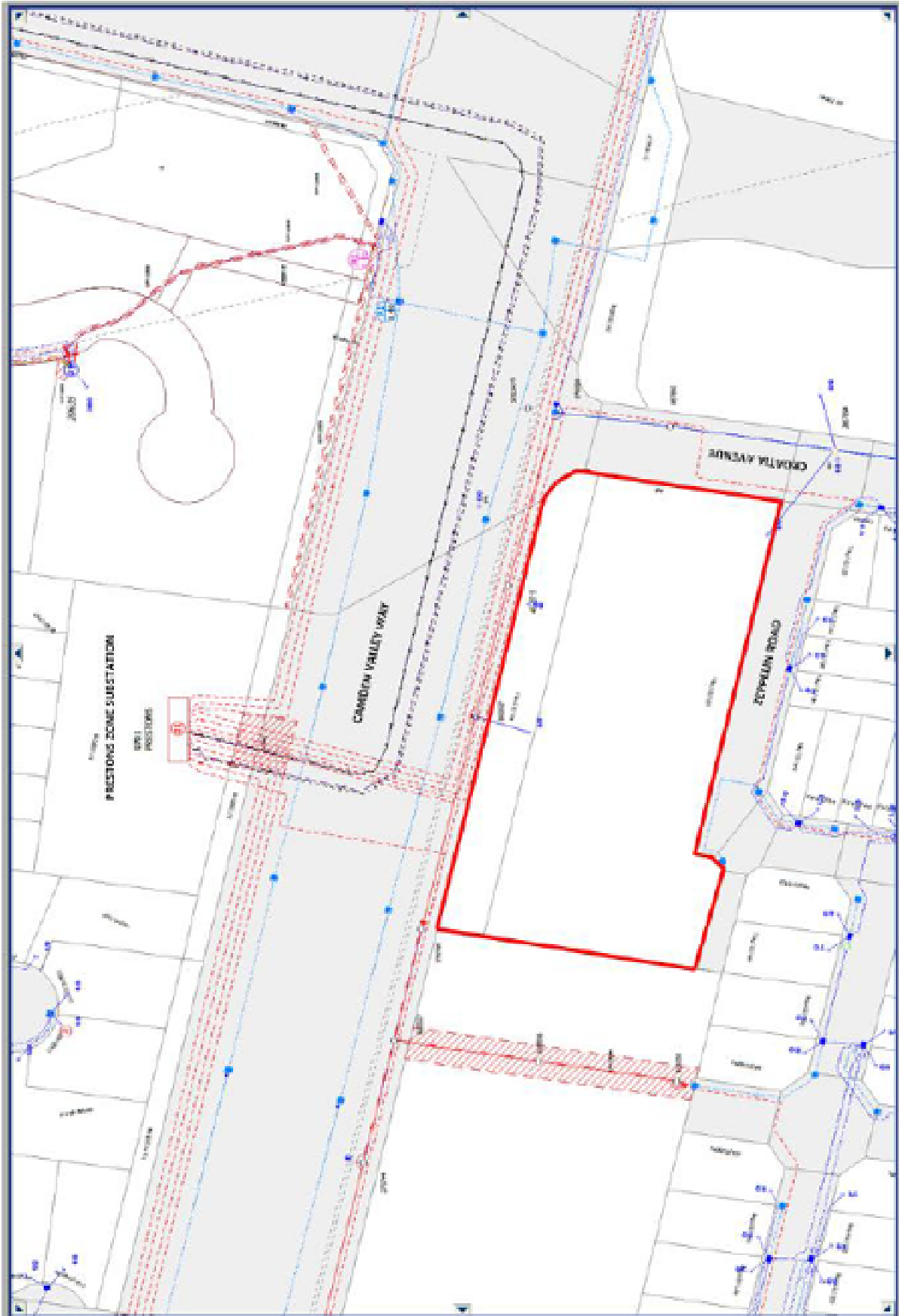
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From: NSW Planning <planning.apps@planning.nsw.gov.au>
Sent: Friday, 8 November 2019 11:36 AM
To: Property Development <Property.Development@endeavourenergy.com.au>
Subject: NSW Government concurrence and referral request CNR-2565(LIVERPOOL CITY COUNCIL)

Concurrence and referral request



A request for NSW Government agency consideration of an application DA-698/2019 at LOT 97 CAMDEN VALLEY WAY, EDMONDSON PARK NSW 2174 was submitted to your agency on 08 November 2019 .

Pre-assessment of this application is required.

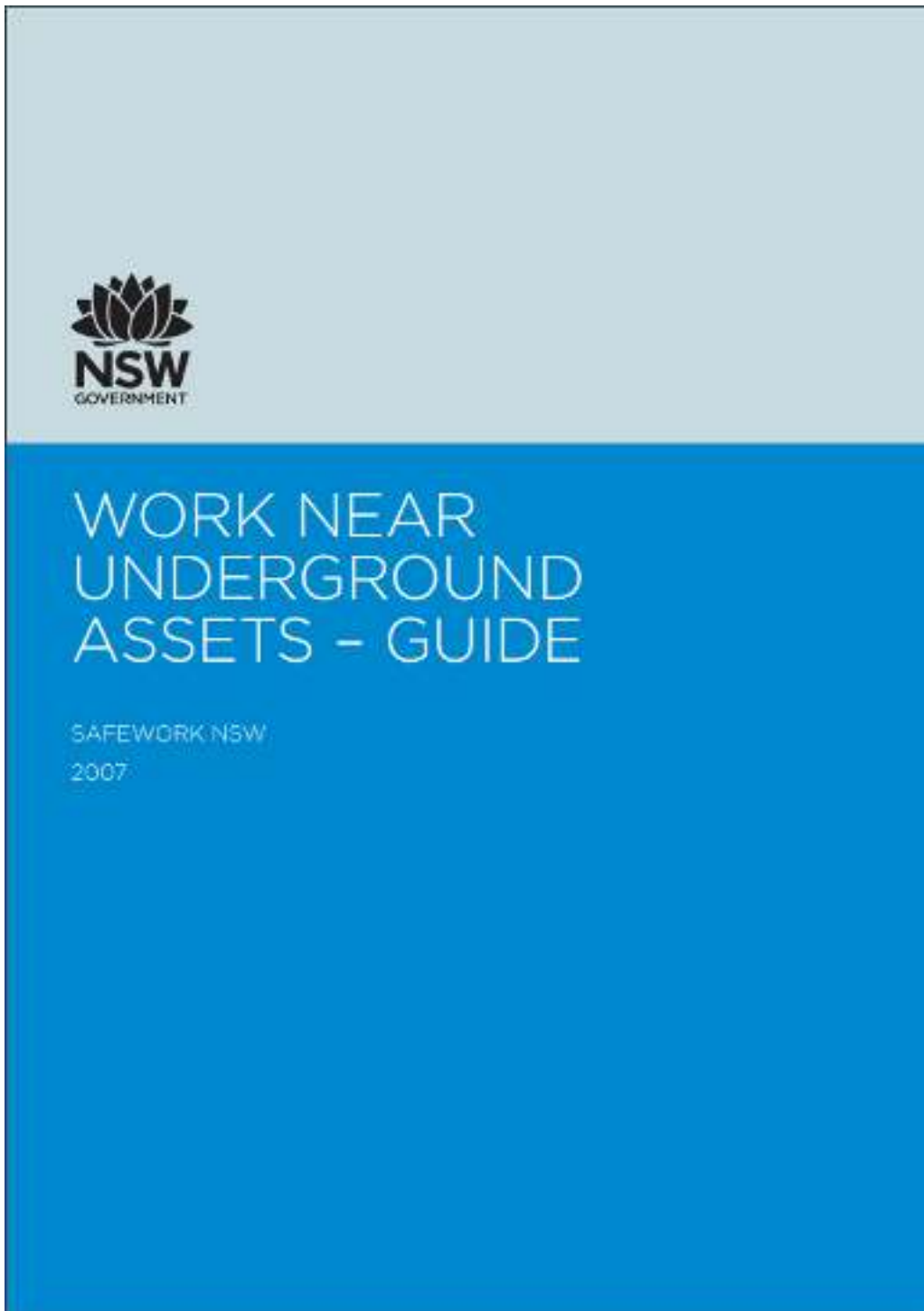
Please log into the [NSW Planning Portal](#) to progress your assessment of the request, reference number CNR-2565.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message. If you have received this email in error, please contact us at enlanning@planning.nsw.gov.au.

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7 December 2020

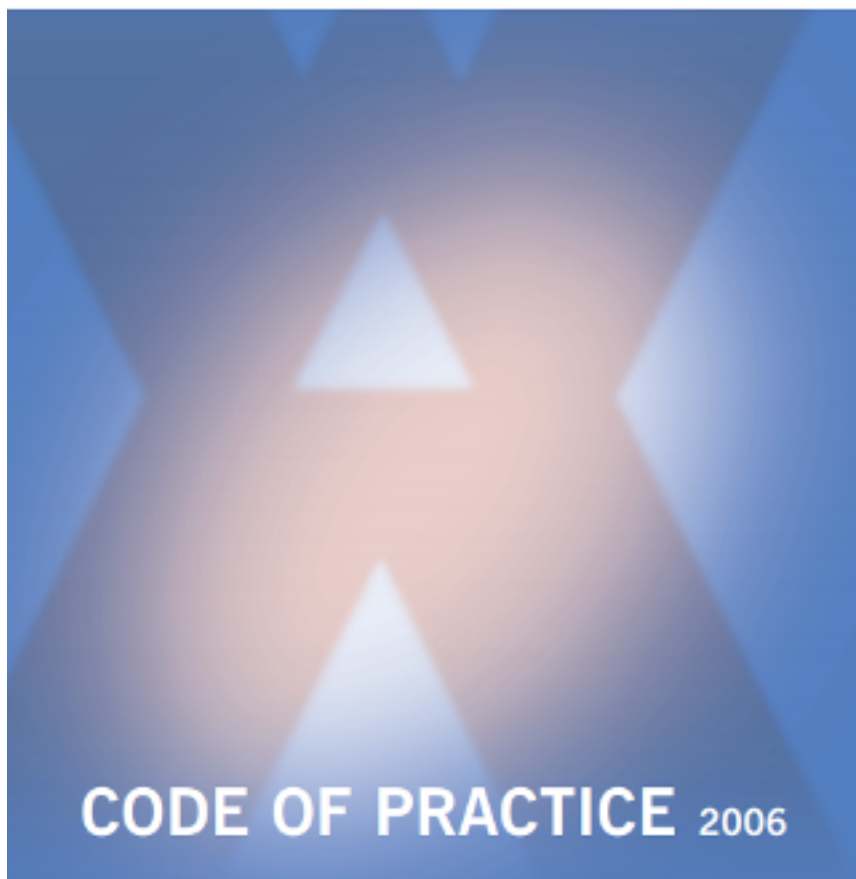


Link to **Safework NSW's Work Near Underground Assets – Guide 2007** below and is to be adhered to as per Endeavour Energy requirements.

https://www.safework.nsw.gov.au/data/assets/pdf_file/0009/54378/SW08773-Work-near-underground-assets-guide.pdf



WORK NEAR OVERHEAD POWER LINES

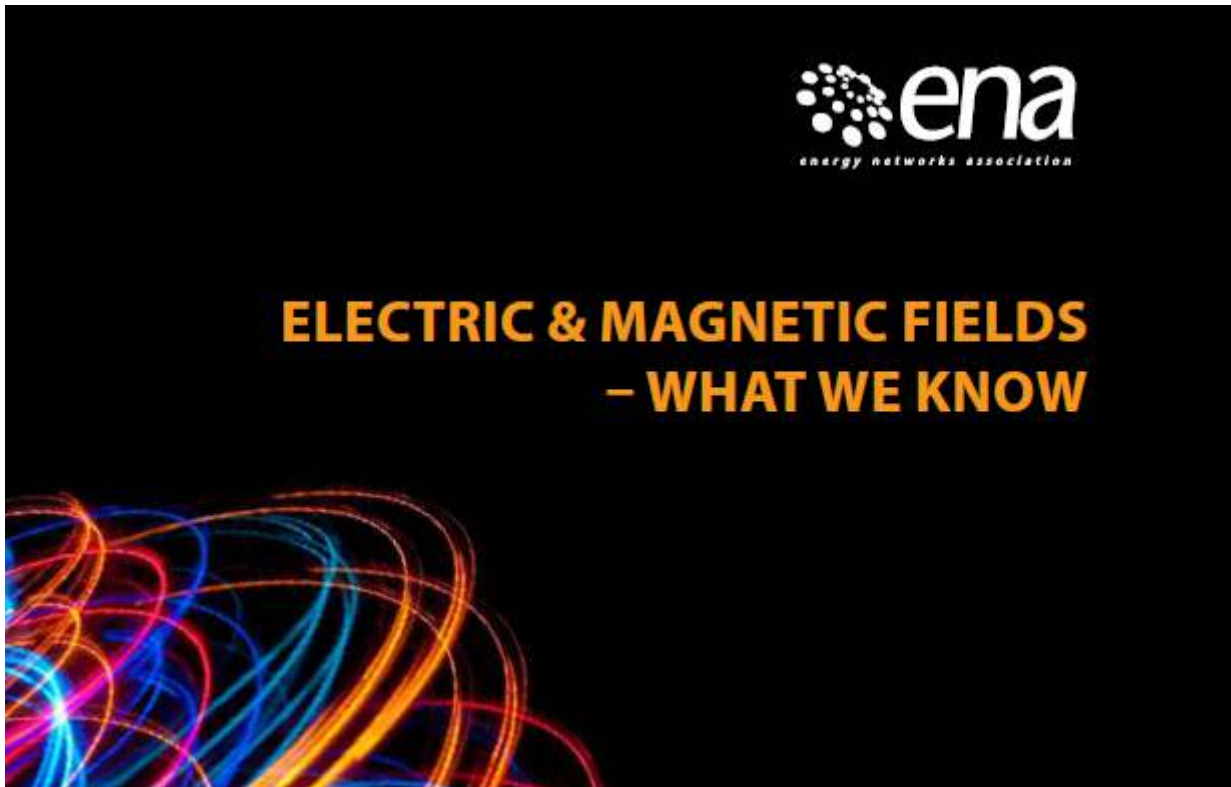


WorkCover. Watching out for you.



Link to ***Work Near Overhead Power Lines – Code of Practice 2006*** is below and is to be adhered to as per Endeavour Energy requirements.

https://www.safework.nsw.gov.au/_data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf



ABOUT EMFS

ELECTRIC AND MAGNETIC FIELDS – OR EMFS – ARE FOUND EVERYWHERE THERE IS ELECTRICITY. THEY ARE INVISIBLE.

Electric and magnetic fields - or EMFs - are found everywhere there is electricity. This includes around electrical appliances, equipment and the wiring we use in our homes, workplaces and schools, as well as powerlines and utility facilities. As electricity is so widespread in our society, questions about electricity and health are important to people. Research over more than 40 years has greatly increased our understanding of EMFs. The purpose of this brochure is to inform the public about what we know, and what we are doing about it.



WHAT ARE ELECTRIC FIELDS?

Electric fields are related to the voltage, or the pressure which pushes electricity along wires. The higher the voltage, the higher will be the electric field. Electric fields are present in any appliance plugged into a power point which is switched on. Even if the appliance itself is turned off, if the power point is on, an electric field will be present.

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source. The many common materials such as brickwork or metal will block electric fields. Walls, tables and bench tops can act as shields.

WHAT ARE MAGNETIC FIELDS?

Magnetic fields are produced by the flow of electricity, commonly known as current. Unlike electric fields, magnetic fields are only present when electric current is flowing. In other words, if an appliance is operating (even while in 'standby' mode), a magnetic field is produced.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source. While electric fields are shielded by many common materials, this is not the case with magnetic fields. This is one reason why power lines may contribute to magnetic fields in the home and why burying power lines will not eliminate magnetic fields.

EMFS AND HEALTH

Research on EMFs and health has been conducted for over 40 years. This includes over 2,900 studies at a cost of more than \$490 million internationally.

The research has generally focused on the magnetic fields with two main areas of research, *epidemiology* and *laboratory* studies. Both areas would need to provide links between EMFs and adverse health effects for causality to be accepted by health authorities.

Epidemiology (population).

This research looks at statistics to see if there are patterns of disease in large groups of people. The difficult with large statistical studies is that they take several years to produce meaningful results and even then, there are different opinions about how the results should be interpreted.

There may be other factors in the study which could complicate the interpretation of the results. Scientists generally agree that epidemiological studies aren't strong enough by themselves to establish that adverse health effects exist.

Laboratory

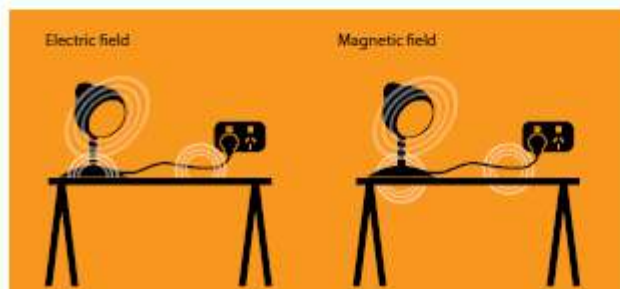
In the laboratory researchers have studied animals cells, as well as human volunteers under controlled circumstances to see if EMFs have any effects.

There have been many hundreds of these studies, and scientists look for results which can be successfully repeated in different laboratories. In over 40 years of research there have been no such consistently reproducible results for exposures below the guidelines.

AUTHORITATIVE REVIEWS

It is well accepted by scientists that no one study considered in isolation will provide a meaningful answer to the question of whether or not EMF can contribute to adverse health effects. In order to make an informed conclusion from all of the research, it is necessary to consider the science in its totality.

All of the research is reviewed periodically by expert panels which are established by national or international bodies with the purpose of trying to determine whether or not human exposure to EMF is related to adverse health effects.





The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Commonwealth Government agency charged with the responsibility for protecting the health and safety of people and the environment from EMF. ARPANSA advises that:

"The scientific evidence does not establish that exposure to ELF EMF found around the home, the office or near powerlines and other electrical sources is a hazard to human health."

"There is no established evidence that ELF EMF is associated with long term health effects. There is some epidemiological research indicating an association between prolonged exposure to higher than normal ELF magnetic fields (which can be associated with residential proximity to transmission lines or other electrical supply infrastructure, or by unusual domestic electrical wiring), and increased rates of childhood leukaemia.

However, the epidemiological evidence is weakened by various methodological problems such as potential selection bias and confounding. Furthermore this association is not supported by laboratory or animal studies and no credible theoretical mechanism has been proposed."

These findings are consistent with the views of other credible public health authorities. For example the World Health Organisation (WHO) advises that:

"Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals. Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields."

Similarly, the US National Cancer Institute concludes that:

Currently, researchers conclude that there is little evidence that exposure to ELF-EMFs from power lines causes leukemia, brain tumors, or any other cancers in children."

"No mechanism by which ELF-EMFs could cause cancer has been identified. Unlike high-energy (ionizing) radiation, ELF-EMFs are low energy and non-ionizing and cannot damage DNA or cells directly."

"Studies of animals exposed to ELF-EMFs have not provided any indications that ELF-EMF exposure is associated with cancer, and no mechanism has been identified by which such fields could cause cancer."

EMF GUIDELINES FOR ESTABLISHED HEALTH EFFECTS

The two internationally recognised exposure guidelines are:

- » International Commission in Non-Ionizing Radiation Protection (ICNIRP) 2010; and
- » International Committee on Electromagnetic Safety, Institute of Electrical and Electronics Engineers (IEEE) 2002.

ARPANSA's advice is:

- » *"The ICNIRP ELF guidelines are consistent with ARPANSA's understanding of the scientific basis for the protection of the general public (including the foetus) and workers from exposure to ELF EMF".*
- » Under the ICNIRP guidelines of 2010 the recommended magnetic field public exposure limit is 200 microtesla.
- » Under the IEEE Standard of 2002 the recommended magnetic field public exposure limit is 904 microtesla.

FIGURE 1: TYPICAL MAGNETIC FIELD MEASUREMENT RANGES

Magnetic Field Source	Range of Measurements in μT^*
Electric stove	0.2 – 3
Refrigerator	0.2 – 0.5
Electric kettle	0.2 – 1
Toaster	0.2 – 1
Television	0.02 – 0.2
Personal computer	0.2 – 2
Electric blanket	0.5 – 3
Hair dryer	1 – 7
Pedestal fan	0.02 – 0.2
Substation	
» substation fence	0.1 – 0.8
Distribution line	
» under line	0.2 – 3
» 10m away	0.05 – 1
Transmission Line	
» under line	1 – 20
» edge of easement	0.2 – 5

* Note: Levels of magnetic fields may vary from the range of measurements shown. Appliance measurements at normal user distance.
 Source: ARPANSA, Measuring magnetic fields

GUIDE TO COMMON EMFS

It is possible to measure magnetic fields using a gaussmeter.

The fields are measured in a unit of microtesla (μT) or milligauss (mG). 1 Microtesla (μT) equals 10 milligauss (mG).

To give you an idea of the relative strengths of EMF, the following guide shows the typical magnetic fields close to appliances and under power lines.

Due to variations in the design of electrical appliances / powerlines and the power consumed or transmitted, the levels of magnetic fields will vary.

ENA'S RESPONSE?

Electricity utilities review scientific developments related to EMFs and are guided by relevant health authorities. In Australia, the Energy Networks Association (ENA) recommends that electricity utilities provide balanced and accurate information to the community and design and operate electrical power systems prudently within relevant health guidelines. This includes such actions as:

- » providing training to staff;
- » informing the community;
- » ensuring that fields are within established guidelines set by health authorities; and
- » practising "prudent avoidance" when building new electrical facilities.

Energy Networks Association Ltd
P +61 2 6272 1555 E info@ena.asn.au
Level 1, 110 Giles St, Kingston ACT 2604
www.ena.asn.au

Prudent avoidance involves reducing magnetic field exposure where this is practicable and can be done at no cost or very low cost.

The industry has followed this reasonable, common sense approach for many years.

INDIVIDUALS RESPONSE

There are some things you can do very easily to reduce exposure to EMF. Since EMFs drop off rapidly as you move away from their source, you can modify your use of electrical appliances such as clock radios. You can locate beds away from a wall that has a switchboard outside and you can switch off your electric blanket before you get into bed. These actions may reduce exposure to EMFs but it cannot be said that doing any of these things will have any health benefit.

For further information about EMFs:

- » your local electricity utility or the Energy Networks Association (ENA) www.ena.asn.au;
- » the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) - www.arpansa.gov.au
- » the World Health Organisation (WHO) - www.who.int

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SAFETY PLAN FOR PLUMBERS

Purpose

This brochure outlines risks, and how to avoid resulting an electrocution from metallic water pipes due to faults with the electricity supply system.

Metallic water pipe systems are used extensively as a means of carrying the drinking water supply system, even in properties built after 1970 that are required to have the main supply cut off and earthing as possible (see) when taken into the ground.

For electrical safety reasons, the water pipe can become a live and become dangerous.

Design the job

If there is a fault you may feel a tingling from pipes or wires. Stop work immediately and contact Liverpool Water.

When carrying out any pipe work, ensure that you always wear a locking conductor across the cut, break before cutting and keep it in place until the pipe is permanently repaired. This work should only be undertaken by qualified people using the appropriate tools and materials in accordance with AS/NZS 3500:2003 Part 5.2, Electrical Safety Procedures and Earthing.

Use a sparky

If all current services at work are ready to be disconnected from supply and the responsible electrician/plumber may be contacted to perform the task and ensure the system is safe. Similarly, when installing part of a new power system with plastic pipe or non-metallic fittings or coatings, an electrical connection to be equipped to handle any existing electrical and ensure the system and factory installed.



Electrical safety

Lighting can also damage electrical equipment and can conduct through metallic pipes and fittings. It is important to check when lighting is about, you should never connect with any metal pipes and fittings.

Check power points

If you plug your equipment into a faulty power point your work machine could become live. Therefore it is important to use a power point while better to check condition of power point before you use it. Provided protection against a cable struck from damaged cords to bulky equipment, use a portable safety switch (Residual Current Device).

HOW CAN YOU HELP?

Be aware

When an electrical fault occurs, metallic water pipes can become 'live' resulting in an electrocution which could be fatal.

The five increase types:

- Cut a water pipe - Restore a water meter
- Disconnect the main water flow from the water pipe

Plan the job:

- 01 Find the pipe location for the pipe work, then turn them off. Always 'Danger tags' the main the water pipe with a red plastic pipe or a red plastic cable. Always wear a locking conductor across the cut.
- 02 If you are installing a part of the metallic water system with a plastic pipe, use a qualified electrician to check the installation to ensure the electricity system is still effectively earthed.
- 03 Contact an electrical worker when an earth wire needs to be disconnected or replaced to a water pipe when replacing part of a copper water system with plastic pipe or non-metallic fittings or coatings.
- 04 Test power points, or if you a safety switch is to reduce the risk of shock from your portable tools. Make sure you have your tool and extension leads tested regularly and tagged with a lightning conductor.
- 05 Stop immediately if you feel a tingling or see electrical arcs. Contact Liverpool Water immediately on 131 002.

YOUR SAFETY IS OUR PRIORITY

The danger
 A common cause of injury is electricity flowing through a body, causing a severe condition, which can be fatal. In some cases, the electricity can cause burns, which can be severe. The electricity can also cause a fire, which can be fatal. It is important to be aware of the danger of electricity and to take the necessary precautions to avoid injury or death. Always use the correct tools and equipment, and always follow the correct safety procedures. If you are unsure, always seek professional advice. If you are working on a live system, always wear the correct personal protective equipment (PPE), including safety glasses, gloves, and a hard hat. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it.

DANGER IN THE PIPELINE

SAFETY EXCELLENCE

IN EMERGENCIES CALL 131 003
 24 hours a day, 7 days a week

If you have any questions about what you should do in an emergency, please call 131 003 or visit www.endeavourenergy.co.uk

11 Riverside Drive
 Liverpool L3 12JF
 0151 433 8300
 9-11 PM 0151 433 8300



Call 131 003 and pass safety first
www.endeavourenergy.co.uk



LIVING SAFELY WITH ELECTRICITY

Be careful when you work on a live system
 Always wear the correct PPE, including safety glasses, gloves, and a hard hat. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it.

Do not touch live parts
 Always use the correct tools and equipment, and always follow the correct safety procedures. If you are unsure, always seek professional advice. If you are working on a live system, always wear the correct personal protective equipment (PPE), including safety glasses, gloves, and a hard hat. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it. If you are working on a live system, always use the correct safety procedures, including isolating the system and testing for voltage before working on it.

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SAFETY ON THE JOB

SAFETY EXCELLENCE

IN EMERGENCIES CALL 131 003
 24 hours a day, 7 days a week

If you have any questions about what you should do in an emergency, please call 131 003 or visit www.endeavourenergy.co.uk

11 Riverside Drive
 Liverpool L3 12JF
 0151 433 8300
 9-11 PM 0151 433 8300



Call 131 003 and pass safety first
www.endeavourenergy.co.uk



01 Call the gas emergency line on 0800 111 000

02 For advice on electrical safety, call 131 003

03 For advice on electrical safety, call 131 003 or visit www.endeavourenergy.co.uk

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**BE ALERT
AT WORK**

Do you know where the underground cables are?
Underground cables are not always marked, so you must know where they are before you start work. Getting information about underground cables is essential for safety and making sure you follow the rules of the project.
How to find out more information and the right of way (the legal location of underground services) can be obtained by calling 1100 or visit www.1100.com.au. For more info, see the leaflet.

Check, double check, triple check and re-check
Always check, double check, triple check and re-check for electrical dangers on the job. Remember, performing operations within the intended work is not allowed on or over or piles. When the safety underpinning is no power line, it means the clearance distance between plant and the electrical line is not allowed.

Completed your job?
Stop work when putting up or removing scaffolding or equipment for when your sign, work is finished.

Transporting loads
Remember to check the load when you put it into contact with power lines. Make it a good practice of checking the load before you start through regulations due to its size and weight.

Clearing?
Always ask the voltage of cables based on plans so that you can then apply this to the New Zealand and Approved Code of Practice (NZCP) and check the rules, the standards and other requirements to ensure you are clear. Select the correct plan for the project, both site rules and clearances. Before using machinery, you should check the safety of the work. Always follow the rules and regulations. Make sure you are clear.



Look up and line

In the truck, up the hoist, pump, ladder, crane or other platform approaches or comes in contact with overhead power lines, the operator and other people nearby, could be electrocuted. Before starting work, always look up and identify the location of any overhead power lines. Plan the job to make sure you know and avoid overhead lines.

Compare the height of power lines to the maximum height of your equipment, and ensure the full height of your equipment will not breach the approach distance outlined in the Work Near Overhead Power Lines Code of Practice (NZCP) and Approved NZCP. An 'approach distance' is the minimum safe distance between power lines up to 110,000 volts.

Additional distances are required when working near power lines carrying higher voltages. It is also a good idea to make sure you know the location and check that you and your equipment do not get into the approach distance zone.

**HOW CAN
YOU HELP?**

Electricity can kill
You don't have to be touching power lines to get an electrical shock because a shock by an 'energized' wire can happen in a way. A safe clearance distance normally has to be maintained to prevent a shock. Even asking about it you and your safety please.

Five things to remember

- 01 Check, double check, triple check and re-check. Always assume your work site has electrical dangers before you start and stay alert until you've left the site.
- 02 Look up and line – identify the location of overhead power lines and plan your job away from them.
- 03 Call 1100 or visit www.1100.com.au before you dig – check the location of underground cables before you begin any excavation work.
- 04 Before using mechanical plant to dig, check the stability of your site using a public safety sign. Protect by hand using blank power lines.
- 05 Always maintain a minimum approach distance from power lines and always use a shovel as an alternative while you operate machinery working around power lines.



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Document No: MDI 0044

Amendment No: 1

Mains Design Instruction

Easements and Property Tenure

IMPORTANT DISCLAIMER

As the information contained in this publication is subject to change from time to time, Endeavour Energy gives no warranty that the information is correct or complete or is a definitive statement of procedures. Endeavour Energy reserves the right to vary the content of this publication as and when required. You must make independent inquiries to satisfy yourself as to correctness and currency of the content. Endeavour Energy expressly disclaims all and any liability to any persons whatsoever in respect of anything done or not done by any such person in reliance, whether in whole or in part, on this document.

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www.endeavourenergy.com.au

Link to **Endeavour Energy Mains Design Instruction – Easements and Property Tenure** is below and is to be adhered to as per Endeavour Energy requirements.

<https://www.endeavourenergy.com.au/wps/wcm/connect/19c61f08-d1f1-407a-a546-84fa2c2bbdad/MDI0044.pdf?MOD=AJPERES>

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Use of Fencing for security and the reduction of visual impact of a Padmount substation:

- Appropriate screening made of metal, timber, plastic or masonry fencing is allowable outside the easement.
- No sail clothes, covers or tarps of any kind are allowable in the easement.
- Carport posts, metallic clothes hoists poles or posts cannot be located inside the padmount substation easement area nor encroach into it.
- Dial before You Dig (DBYD) service plans are required prior to any property excavation. Contact **1100**. Note: DBYD service plans do not indicate underground electrical service mains.
- Ground excavation must be done manually or by a toothless mechanical scraping device within the easement with an approved safety observer at all times.
- Easement dimensions must not be reduced by any structures e.g. fences, retaining walls, brick walls, terrace work or vegetation etc.
- Ongoing clear entry and exit access around the substation easement area is paramount for Work Health & Safety (WH&S) requirements.
- No trees, shrubs or bushes nor planter boxes or pot plants or decorative features are allowed in the easement.
- No slip or trip hazards allowed in the easement. Tree stumps must be cut to ground level or below.
- Ventilation is required around and through the base of the substation.
- No placing of Council bins or stock piling of any materials is allowed in the easement.
- If the substation is fenced out or gated, ongoing maintenance of the easement area is still the responsibility of the owner of the property.
- If the substation is enclosed and gated and locked, it must open outwards towards the street, and have an Endeavour Energy locking system installed for 24hr 7days access. Contact Integrity locking on **1300 366 488** for assistance.
- Endeavour Energy will provide the appropriate reflective signage for the asset when contacted.

NOTE: The easement must be maintained on a regular basis for work health and safety WH&S regulations. The following suggestions are provided to property owners who may find it onerous to maintain the easement on a regular basis. The property owner may install the following within the easement at their cost:

- Remove or spray all vegetation with a non-toxic grass and weed deterrent;
- Remove all foreign objects leaving the easement in an approved and level state;
- Form up the easement perimeter with treated timber minimum 75-100mm deep;
- Followed with the laying of a suitable porous weed mat; and
- Then covering the easement with 20mm min. size blue metal or coloured stones, wood bark/chips, asphalt or install pavers that are easily lifted. Alternately, lay lawn and maintain periodically.

The above suggestions, if employed correctly, will require less ongoing maintenance ensuring a clear firm footing for staff to carry out electrical maintenance or emergency works. This will also ensure an approved aesthetic state for your local community.

Retaining Walls

The final height of a retaining wall should comply with the Local Council and not exceed 1m.

The finished ground surface of the uphill of the retaining wall should batter down and finish below the top of the wall's capping to mitigate direct water flow into the substation easement.

The finished wall should be completely constructed in the same type of brick or concrete blocks / material for safety as well as aesthetic reasons.

The finished wall should not trap or promote pooling of water in the easement.

The wall should comply with all relevant building and council codes e.g. drainage material inclusion behind the retaining wall to include min. 100mm ag-line, aggregate and geo tech fabric.

The side walls can be extended minimally in order to accommodate a raised surrounding ground level.

Any future wall extension would need to be properly footed.

Dial before You Dig (DBYD) service plans are required before excavating for retaining wall footings and fence posts. Contact DBYD on 1100 for assistance.

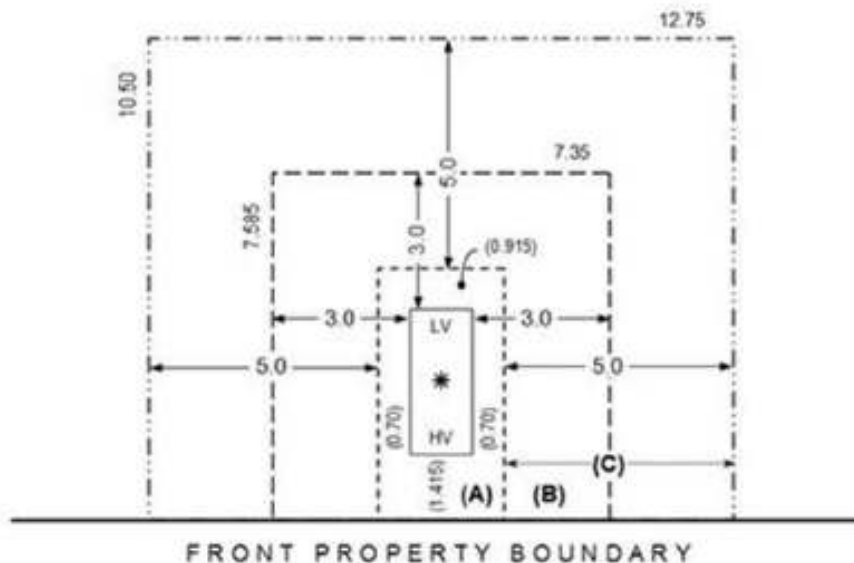
Retaining walls must be constructed outside of and not encroach the electricity easement.

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**Easement and Restriction Sites for Padmount Substations
- Common Earthing, Residential -**



- No building must be erected or permitted to remain within the restriction site marked (B) unless:
 - the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating; and
 - the external surface of the building erected between 1.5 metres and 3.0 metres from the substation footing has a 60/60/60 fire rating; and
 - the owner provides Endeavour Energy with an engineer's certificate to this effect.
- No swimming pool or spa must be erected or permitted to remain within the restriction site marked (C).

The foregoing easement and restrictions apply to a padmount substation with a common earth system where the high voltage and low voltage equipment, the local neutral and other metallic parts are electrically bonded together and connected to one earth grid. Common earthing must be used where a new earthing installation is being established and interconnected to 5 or more other substations through the neutral conductor. If the conditions for a common earthing system cannot be achieved economically eg. in non-urban areas, then two separate and distinct earthing systems, one for the high voltage and the other for low voltage must be used. Substation separate earthing changes the dimensions of the restriction sites.

- No fencing must be erected or permitted to remain within 4 metres from the substation footing.
- No swimming pool or spa must be erected or permitted to remain within 30 metres from the substation footing.

For further details refer to Endeavour Energy's Mains Design Instruction Document No: MDI 0044 'Easements and Property Tenure' or contact Endeavour Energy's Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

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Technical Review Request



Please return completed form along with all attachments to: Endeavour Energy, PO Box 811 Seven Hills NSW 1730
Email: cwadmin@endeavourenergy.com.au | Fax: 02 9853 7925 | For enquiries about this form, please contact 02 9853 7977

This form can be used for requesting technical assistance to determine preliminary connection requirements prior to lodging a formal application for large or complex developments including master planning for major projects or subdivisions, embedded networks, asset relocations and embedded generator connections.

Site Details

Lot / DP No. _____ / _____ Street No. _____ Street Name _____
Suburb/Town _____ Postcode _____ UBD Ref _____
Nearest Substation: _____ Pole/Pillar _____ Cross Street _____
Retailer NMI for Existing Sites: _____ (Can be found on your electricity bill)

Retail Customer or Developer Details

Name / Company _____ Contact Person _____
Street No. _____ Street Name _____
PO Box _____ Suburb / Town _____ Post Code _____
Phone _____ Mobile _____ Fax _____
Email: _____

Applicant / Applicant's Representative Details

Name / Company _____ Contact Person _____
Street No. _____ Street Name _____
PO Box _____ Suburb / Town _____ Post Code _____
Phone _____ Mobile _____ Fax _____
Email: _____
Preferred method of contact: Mail Phone Email

Nature of Request

Please Note: To ensure an accurate and meaningful response, please provide detailed information describing the proposed development and attachments to support this request. Endeavour Energy will use all reasonable endeavours to keep confidential any information provided as part of this request as required under Clause 8.6 of the National Electricity Rules.

The Customer/Developer is the Landowner: Yes No
 I am authorised by the customer/proponent to make enquiry to Endeavour Energy for this development.

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Important Information

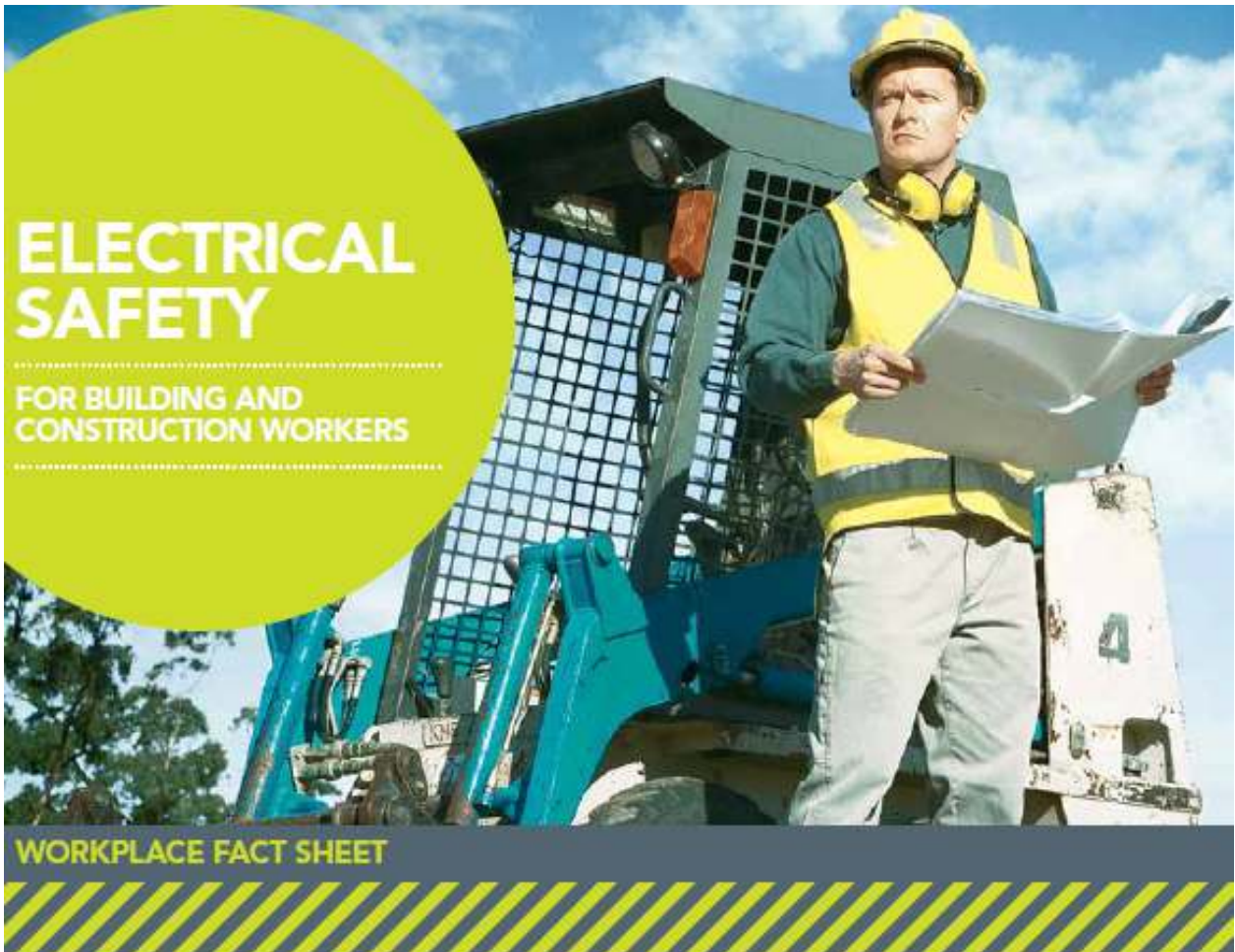
Planning for supply to large or complex developments including master planning for major projects, subdivisions or establishment of embedded networks, asset relocations or connection of large embedded generators, these often involve options analysis and consideration of longer term network development. Preliminary information regarding conditions of supply can be obtained prior to lodging an application for connection services by submitting a Technical Review Request.

A technical review may involve a simple or complex enquiry or the provision of a detailed planning study. A corresponding ancillary network service charge, Preliminary Enquiry Service fee for the provision of these services applies and can be found in our Network Price List Ancillary Network Services (ANS). ANS fees are approved annually by the Australian Energy Regulator and typically change each financial year.

If you are able to submit an application for connection service, this may represent a more cost-effective option as an application will require a similar review of supply availability or connection/network requirements in order to receive a binding offer to proceed.

Simple requests for technical review are basic reviews of existing data systems to provide a summary response. Complex requests require input from Endeavour Energy internal stakeholders and specialist project management services to determine likely connection voltage, connection point, available capacity and/or required connection assets provided in a detailed response. The table below generally represents minimum hours applied for typical requests.

Common types of requests for technical review	Preliminary Enquiry Service fee category	Minimum hours
All simple	Simple	1
Connection of Load at LV	Complex	5
Subdivision up to 300 lots	Complex	5
Asset Relocations without Transmission	Complex	5
Master Planning without Transmission	Complex	9
Master Planning with Transmission	Complex	11



KNOW THE DANGERS

Employees and contractors in the building and construction industry may run the risk of receiving an electric shock and causing substantial damage to plant and equipment when operating plant near overhead power lines or when excavating. This fact sheet has been developed to help you understand why you may be at risk and what you can do to work safely.

THINGS YOU SHOULD DO BEFORE STARTING WORK

- Complete a risk assessment. This should identify hazards (including work practices and procedures) and help you implement appropriate control measures.
- Find out the location of underground and overhead power lines and their proximity to your work activities and transit routes before commencing digging or other activities by phoning **131 081**.
- Know the location of underground and overhead power lines and their proximity to your work activities and transit routes before commencing digging or other activities.
- Dial **1100** or visit www.1100.com.au when planning underground work.
- Visually inspect points of attachment, at both ends, before commencing work as gutters and metal roofs may become "alive" due to deteriorating insulation on electrical wiring.
- Use a safety switch to reduce the risk of shock from portable tools.
- Before commencing work, install eye level visual markers in any area where overhead power lines are identified.
- Carefully monitor weather conditions – power lines can sway in the wind, sag as temperatures increase and are difficult to see at dawn and dusk.
- Ensure operators are aware of the height and reach of their machinery in their travel, stowed and working positions to ensure that minimum approach distances to power lines are maintained. For more information refer to *Work Near Overhead Power Lines Code of Practice 2006*, WorkCover NSW.
- Determine electricity asset safety clearances and whether an isolation needs to occur by referring to *Where to draw the line on safety clearances from electricity assets*, available at www.endeavourenergy.com.au
- Ask the occupant if they have experienced any minor electrical shocks from plumbing or appliances.

Call 131 081 and put safety first.
www.endeavourenergy.com.au

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BEFORE YOU DIG

- Apply for Dial Before You Dig plans for each location where you intend to dig.
- Use cable location services and technologies such as Global Positioning Systems (GPS) and Ground Penetrating Radar (GPR) to accurately identify the location of underground utilities.
- Pothole once you reach the applicable approach distance – for more information on approach distances for underground assets refer to *Work Near Underground Assets Guide 2007*, WorkCover NSW.

SAFE WORK HABITS

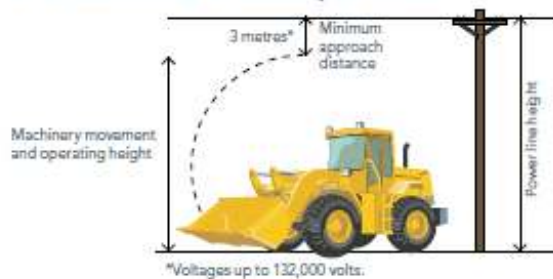
- Look up and locate overhead power lines and maintain at least the minimum approach distance from them.

Minimum safe approach distances when working near power lines

Workers and their equipment should not approach overhead power lines any closer than the following, when machinery is being operated:

Power lines with voltages up to 132,000 volts	e.g. low voltage distribution and subtransmission lines, usually on poles	3 metres
Between 132,000 and 330,000 volts	e.g. subtransmission and transmission lines, usually on either poles or towers	6 metres
More than 330,000 volts	e.g. transmission lines usually on towers	8 metres

The distance that must be assessed prior to work



- Remember that WorkCover requires a minimum approach distance of at least three metres from overhead power lines (up to 132,000 volts).
- Exercise extreme caution when working near the point of attachment of the electrical service line to the house/building.
- Look for cables and the signs of underground assets whenever digging, such as changes in grass, depressions or mounds and pipe work.
- Look out for electrical arcs. If identified, do not commence work and contact Endeavour Energy immediately on **131 003**.
- To eliminate the possibility of making contact with power lines on a job site, plan and communicate safe traffic paths by providing diagrams of plant and vehicle travel paths away from overhead power lines.
- Assign a spotter to each operator of high machinery and excavators to guide movements near overhead power lines and underground cables and ensure that minimum approach distances are maintained.

- Before every relocation, lower all machinery into the transport position.
- Use proximity sensor technologies on plant while you dig.

PERMIT TO WORK SYSTEMS

Using a permit to work (PTW) system can be an effective way to be sure preventative measures have been taken before any digging commences. It acts as a checklist that can only enable digging work to commence (usually with supervisor sign off) once all preventative actions have been taken first.

A typical permit to work checklist should ask/specify the following:

- 01 Has Dial Before You Dig been undertaken?
- 02 Have cable location services/technologies been used and their results compared with the DBYD plans?
- 03 Have the plans been marked up to reflect any new information/changes?
- 04 Has the safest plant suitable for the job been selected and ordered?
- 05 Has a spotter been allocated to this job to observe hand, mechanical or powered digging?
- 06 Is potholing included in the safe work procedure?
- 07 Has the job been assessed to use non-destructive digging?
- 08 Have overhead power lines been identified as a risk? If so, has this risk been managed as low as reasonably practicable?
- 09 Have all persons who may face/are affected by the risk of hitting underground utilities been consulted/made aware of the safe work procedures?

SAFETY EXCELLENCE

IN EMERGENCIES CALL 131 003

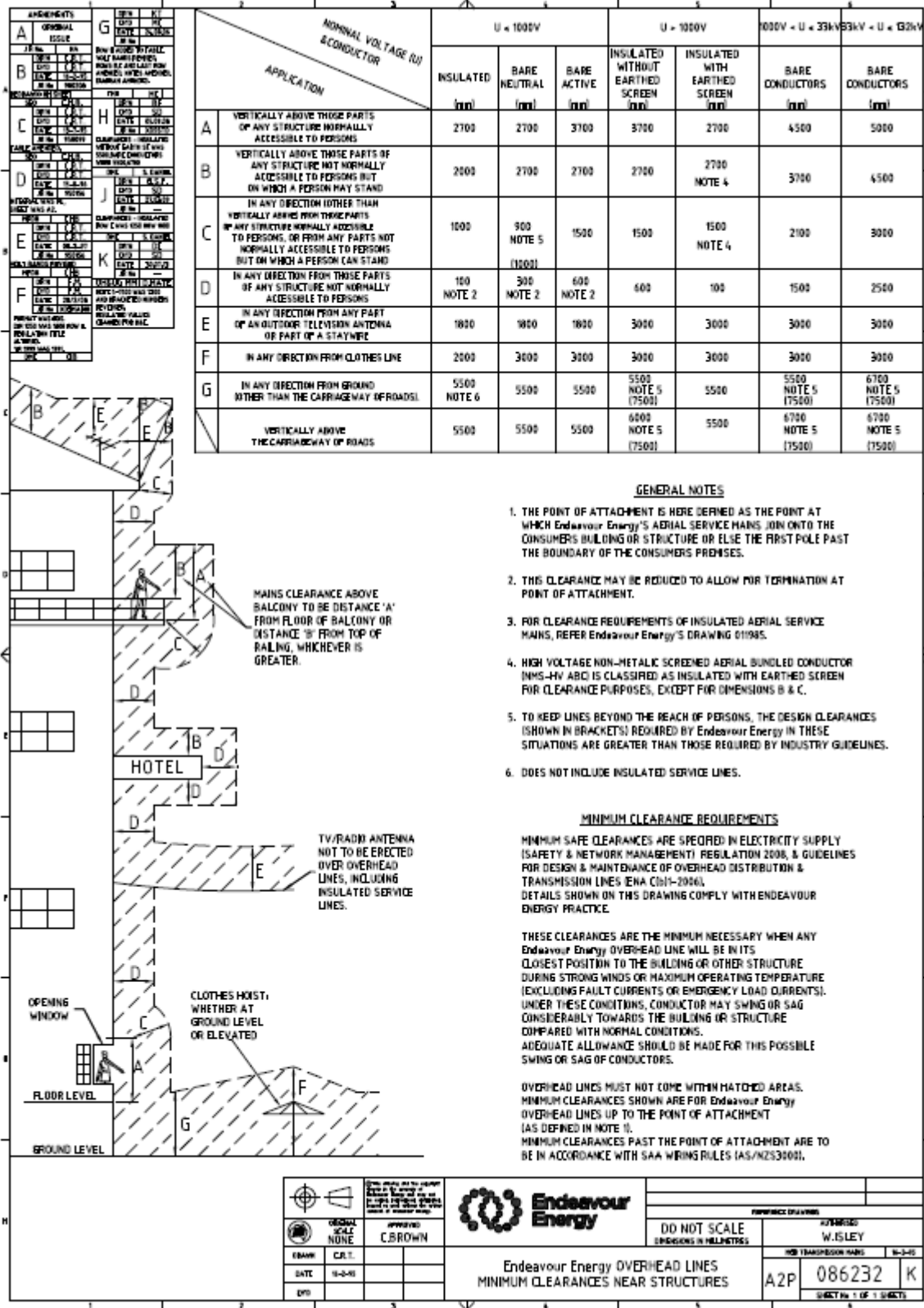
24 hours a day, 7 days a week

If you have any questions about what you should do to stay safe please call 131 081 or visit us at www.endeavourenergy.com.au

D411-ENE-2019_06

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End of Endeavour Energy requirements

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ATTACHMENT B: TRANSPORT FOR NSW REQUIREMENTS



6 December 2019

TfNSW Reference: SYD19/00721/02
Council Reference: DA-698/2019 CNR-2565

Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

Dear Sir/Madam,

CONSTRUCTION OF SERVICED APARTMENTS AND TAVERN - 97-100 CAMDEN VALLEY WAY, EDMONDSON PARK

Reference is made to Council's correspondence dated 19 November 2019, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the development application and provides the following requirements to be included in any consent issued for this application:

1. A strip of land has previously been dedicated as Public Road by private subdivision (DP 225521), along the Camden Valley Way frontage of the subject property, as shown by yellow colour on the attached Aerial – "X".

All building and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Camden Valley Way boundary.

2. Access is denied across the property boundary to Camden Valley Way.
3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

4. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Camden Valley Way.

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TfNSW also provides the following comments for Council's consideration:

1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage.

The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

If you have any further questions, Mrs Malgy Coman would be pleased to take your call on (02) 8849 2413 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Malgy Coman
A/Senior Land Use Assessment Coordinator

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ATTACHMENT C: NSW POLICE REQUIREMENTS



Strategic Planning and Development
City of Liverpool
City of Liverpool

18/000000
18/000000
18/000000

<p>General</p> <p>1.1 The Council must ensure that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest.</p>	<p>1.1 The Council must ensure that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest.</p> <p>1.2 The Council must ensure that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest.</p> <p>1.3 The Council must ensure that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest and that the Council is satisfied that the proposed development is in the public interest.</p>
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Security Guard Patrols Whenever the licensed premises operates beyond 12 midnight a minimum of 1 uniformed security guard is to continuously patrol the vicinity of the licensed premises to ensure that patrons do not become inebriated to the point of causing a nuisance or disturbance to the neighbourhood. Such patrols are to continue until the last patron has left the licensed premises and the vicinity of the licensed premises.

Regards
Sgt Paul McEvoy
Licensing Supervisor
Liverpool City Police Area Command
Green Valley Police Station
Ph: 9607 1782 Ext: 85782



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ATTACHMENT D: APA GROUP REQUIREMENTS

Gorodok Pty Limited ABN 30 057 156 751
Level 1, 121 Wharf Street
Spring Hill, QLD 4000
GPO Box 1390, QLD 4001
APA Group | apa.com.au



Council Ref: DA-698/2019
APA Ref: 444367

29 November 2019

Greg Mottram
Liverpool City Council
33 Moore Street
Liverpool NSW 2170

EMAIL OUT: MottramG@liverpool.nsw.gov.au

Dear Greg,

RE: Construction of Serviced Apartments and a Tavern
Camden Valley Way, Edmondson Park
Lots 97 and 100 on DP1217431

Thank you for your referral of the above Development Application (DA) seeking approval for construction of Serviced Apartments and a Tavern at the above address.

APA Group (APA) is Australia's largest natural gas infrastructure business and has direct management and operational control over its assets and investments. APA's gas transmission pipelines span across Australia, delivering approximately half of the nation's gas usage. APA owns and operates over 15,000 km's of high pressure gas transmission pipelines across Australia.

Gorodok Pty Limited (APA) has one pipeline located within easement adjacent to the subject site (Camden Valley Way) being for the Moomba to Sydney Ethane Pipeline (see Table 1 for details):

Table 1: Transmission gas pipelines in the area of consideration

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Moomba to Sydney Ethane	15	1 & Var.	200	600

Note: measurement length is applied to either side of the pipeline.

APA's Role

As a Licensee under the *Pipelines Act 1967*, APA is required to operate pipelines in a manner that minimises adverse environmental impacts and protects the public from health and safety risks resulting from operation of our high pressure gas transmission pipelines (HPGTP). Once a HPGTP is in place, APA is required to constantly monitor both the pipeline corridor and also a broader area within which we are required to consider land use changes and development and to assess what such changes means to the risk profile of the HPGTP.

APA has a number of responsibilities and duties to perform under a complex framework of legislation, standards and controls across Federal, State and Local Government landscapes. In particular, the *Pipelines Act 1967*, cites Australian Standard 2885 (AS2885) as a mandatory safety standard for the design, construction, operation and maintenance of transmission pipelines. In discharging our regulative responsibilities, APA needs to continuously review what is happening around its assets, what land use changes are occurring and what development is taking place to ensure it remains in a position to comply with applicable operational and safety standards and legislation whilst meeting its commercial obligations and imperatives.

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 051 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 051 344 704) is the responsible entity of those trusts. The registered office is HSBC building, Level 19, 550 George Street, Sydney NSW 2000.

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Pipeline Risk Profile and the Measurement Length

In managing HPGTP's and considering land use changes, APA must focus on that area geographically defined by AS2885 as the Measurement Length (ML). The ML area is the heat radiation zone associated with a full-bore pipeline rupture. APA is mandated to consider community safety in the ML due to the high consequences of pipeline rupture to life, property and the economy.

The ML is determined by size of the pipe and the Maximum Allowable Operating Pressure (MAOP) of the pipe. APA must consider any changes of land use within the ML area to determine the effect of a new use on the risk profile of the pipeline.

For reference, the ML of the Moomba – Sydney Ethane Pipeline is 600m. Note that the ML is a radial dimension, and therefore applies to both sides of the pipe.

Sensitive Uses

APA seeks to limit sensitive uses from establishing within the ML so as to retain a high level of compliance with applicable safety standards. AS2885 defines a sensitive use as one which may increase the consequences of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure.

To this end, APA's preferred position is that all land uses listed below be located outside of the ML:

- Child care centres
- Detention facility
- Educational facility
- Function facility
- Health care services
- Hospital
- Hotel
- Place of worship
- Residential care facility
- Retirement facility
- Service station
- Shop
- Shopping centre
- Theatre

Safety Management Study

AS2885 requires a Safety Management Study (SMS) to be undertaken whenever the land use classification of land within the ML. The purpose of an SMS is to assess the risk associated with a change in land use, including both construction risks and ongoing land use risks. The SMS will also develop appropriate controls to reduce risks to 'as low as reasonably practicable' (ALARP).

The cost of undertaking an SMS including any mitigation measures required are to be borne by the proponent as the 'agent of change'. APA has developed a list of preferred SMS facilitators, which can be provided upon request.

The pipeline in this location is designed to a T1 (Residential) location class. The proposed development will change the current location class. As such, a Safety Management Study is required in this instance.

Proposed development

APA's referral response has been prepared following review of the DA material submitted by the Applicant for the proposed development.

Key documents included the following:

- Statement of Environmental Effects, prepared by WillowTree Planning, Ref No. WTJ19-038, dated September 2019.
- Architectural Plans, prepared by Marchese Partners, Job No. 18150, dated August 2019.

The proposed development seeks approval for construction of Serviced Apartments and a Tavern on the subject site. The site has a total area of approximately 8,883m².

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APA's pipeline is located within easement adjacent to the subject site (Camden Valley Way).

With respect to all plans that include APA's Moomba to Sydney Ethane Pipeline, this must be clearly notated as 'high pressure gas transmission pipeline – no works to occur without the prior authorisation of the pipeline operator' to ensure the appropriate level of risk is communicated.

APA will have a continued interest in the development proposal as it progresses to detailed design, in particular any proposed earthworks in the vicinity of APA's pipeline. APA wishes to review the previous SMS for this location, and ensure appropriate risk mitigation measures are in place. Proponent attendance at this SMS review is not required.

Comments

On the basis of the information provided, APA does not object to the proposed development subject to the following conditions being included with any approval issued for the proposal:

Conditions of Approval

1. SMS required

Prior to the development commencing, a Safety Management Study, in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted.

2. No Improvements within Easement

Buildings, structures, roadway, pavement, pipeline, cable, fence, on-site wastewater treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from APA. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

3. Third Party Works Authorisation

Prior to the commencement of any works within the gas transmission pipeline easement the proponent must enter a Third Party Works Authorisation with APA Group. Works within the easement must comply with any conditions attached to a Third Party Works Authorisation.

4. Construction Management Plan

Prior to the commencement of any works, including demolition, on land within 50 metres of the pipeline, a construction management plan must be submitted to and approved by APA. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within the road reserve.

The construction management plan must be implemented to the satisfaction of APA. The construction management plan may be amended to the satisfaction of APA.

5. Easement Delineation On Site

During construction, the boundary of the easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.

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6. Easement Delineation On Plans

All plans which include the area of the gas pipeline easement must have the easement clearly identified with hatching on the full width of the easement. The easement must also be clearly labelled as 'high pressure gas pipeline easement – no works to occur without the prior authorisation of the pipeline operator'.

7. Services

The design of any infrastructure services shall minimise encroachment on the gas pipeline easement. Any application for an APA permit for an easement crossing will be required to demonstrate that an alternative route, avoiding the easement, is not feasible.

Note

If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100 or <https://www.1100.com.au/>, or APA directly on APAprotection@apa.com.au.

Note

An early works agreement from APA is required for any assessments/approvals that require greater than 3 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at APAprotection@apa.com.au or 1800 103 452.

Note

Any improvements within the transmission gas pipeline easement undertaken by third parties is at the risk of the proponent who will remain liable. APA will not be liable for any costs associated with the reinstatement of any vegetation and/or infrastructure constructed on the easement.

APA does not seek to unnecessarily inhibit future development proximate to our assets and is happy to work with Council and development proponents to achieve mutually acceptable and compliant outcomes. Any interested parties are strongly encouraged to contact APA early to discuss the process of integrating APA assets into future developments.

Should you wish to discuss the contents of this correspondence, or have any further queries, please contact me on 07 3223 3385 or the Infrastructure Planning & Protection team at planningnsw@apa.com.au.

Yours faithfully,



Ben Setchfield
Senior Urban Planner
Infrastructure Planning and Protection

LIVERPOOL CITY COUNCIL
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**ATTACHMENT D(1) – SECTION 7.11 PAYMENT FORM FOR
TAVERN**

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2008 (Edmondson Park)

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

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

APPLICATION NO: DA-698/2019

APPLICANT: Blue Fountain Pty Ltd.

PROPERTY: 2000 Camden Valley Way, Edmondson Park, Lot 97 & 100, DP 1217431

PROPOSAL: Construction of Serviced Apartments and a Registered Club (Tavern) with 2 Level Basement Parking, at grade car parking and associated road works, drainage and landscaping.

Facilities	Amount (\$)	Job No.
Community Facilities - Land	\$3,124	GL.10000001870.10174
Community Facilities - Works	\$4,594	GL.10000001870.10175
Open Space and Recreation - Land	\$37,757	GL.10000001869.10176
Open Space and Recreation - Works	\$11,335	GL.10000001869.10177
Transport and Access - Land	\$24,304	GL.10000001865.10178
Transport and Access - Works	\$11,731	GL.10000001865.10179
Drainage - Land	\$5,887	GL.10000001866.10180
Drainage - Works	\$20,685	GL.10000001866.10181
Technical Study Fees Recoverable	\$220	GL.10000001872.10182
Professional Fees	\$719	GL.10000001872.10183
TOTAL	\$120,356	

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**ATTACHMENT D(2) – SECTION 7.11 PAYMENT FORM FOR
SERVICED APARTMENTS**

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2008 (Edmondson Park)

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

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

APPLICATION NO: DA-698/2019

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Facilities	Amount (\$)	Job No.
Community Facilities - Land	\$3,757	GL.10000001870.10174
Community Facilities - Works	\$5,524	GL.10000001870.10175
Open Space and Recreation - Land	\$45,406	GL.10000001869.10176
Open Space and Recreation - Works	\$13,631	GL.10000001869.10177
Transport and Access - Land	\$29,227	GL.10000001865.10178
Transport and Access - Works	\$14,108	GL.10000001865.10179
Drainage - Land	\$7,079	GL.10000001866.10180
Drainage - Works	\$24,876	GL.10000001866.10181
Technical Study Fees Recoverable	\$265	GL.10000001872.10182
Professional Fees	\$864	GL.10000001872.10183
TOTAL	\$144,737	

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ATTACHMENT 3 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP)

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers. Minimal affects.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers. The proposal is not anticipated to have any negative impact on Georges River or its tributaries.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The land is not identified as containing Acid Sulphate Soils
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The land is not flood-prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.

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(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

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ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

LDCP 2008 Part 1 – General Controls for All Development		
Development Control	Provision	Comment
Section 2: Tree Preservation	Controls relating to the preservation of trees	Complies The site includes one tree on the western boundary which is to be removed. A number of new trees are proposed to be planted in the new development. Furthermore, a conditions of consent has been imposed requiring <i>Cupaniopsis Anacardioides (Tukeroos Trees)</i> to be planted as Street trees along Zeppelin Road frontage of the site. Tuckeroo trees grow between 3-5m approximately and have excellent foliage coverage to provide visual and some acoustic absorption of the proposed development. They provided great visual
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The site is predominantly vacant and does not contain any significant vegetation that could be incorporated into the landscaping of the development.
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6: Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7: Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Complies The site is not within 40m of the nearest watercourse - Maxwell's Creek. As this is the case, the proposal was not required to be referred to the Natural Resources Access Regulator.
Section 8: Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	Not applicable The site is not mapped as being flood prone and the proposal has been reviewed by Council's Floodplain Management Engineers who have not raised any objections to the development.

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LDCP 2008 Part 1 – General Controls for All Development		
Development Control	Provision	Comment
Section 10: Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies A Phase 1 & 2 Contamination reports have been provided and reviewed by Council's Environmental Health officer who is satisfied that the proposal meets the requirements and condition of consent have been provided.
Section 11: Salinity Risk	Provisions relating to development on saline land.	Complies by condition. The site is mapped as having moderate salinity potential. Conditions of consent will be applied to ensure that the construction addresses salinity.
Section 12: Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not applicable. The site is not mapped as being impacted by acid sulphate soils.
Section 13: Weeds	Provisions relating to sites containing noxious weeds.	Not applicable The site is vacant, and the proposed development will be conditioned in relation to the management of weeds.
Section 14: Demolition of Existing Development	Provisions relating to demolition works	Not applicable The site is currently vacant.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.	Not applicable The development will be connected to Sydney Water sewer system.
Section 16: Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Complies The site is considered to have been heavily disturbed by the previous use and the nearby residential subdivision and is not considered to be likely to contain Aboriginal archaeology. Conditions of consent will be imposed in the event of unexpected finds during excavation works. Unexpected finds protocols will be conditioned in the consent
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not applicable The site is not mapped as containing European a heritage item or within the immediate vicinity of a heritage item.
Section 18: Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the requirements of this section between 20 November 2019 and 4 December 2019. 54 submissions were received as a result of the notification. Amended plans were notified the between 23/9/20 and 4/10/2020 and four (4) further submissions were received rising similar issues to the initial submission period.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.	Not applicable The development does not include the provision of used clothing bins.
Section 20:	Car parking rates are as follows:	Complies

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LDCP 2008 Part 1 – General Controls for All Development		
Development Control	Provision	Comment
Car Parking and Access	1 space per 5sqm of LFA of licenced area 1 space per bedroom/suite and 1 space per 2 staff	<u>Tavern</u> 193 spaces proposed <u>Serviced Apartments</u> 44 parking paces proposed
Section 21: Subdivision of Land and Buildings	Provisions relating to the subdivision of land and buildings	Complies by Conditions Part of the site will be used to facilitate the creation of roads. The minimum lot size of 2,000sqm will be retained.
Section 22 & Section 23: Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Not Applicable
Section 24: Landfill	All fill applied should be Virgin Excavated Natural Material (VENM), as defined by the NSW Department of Environment and Climate Change. Any fill involving material other than VENM is subject to referral to the State Government as potential Integrated Development or contaminated land assessment	A condition of consent will require that any fill brought onto the site will be VENM.
	Any excavation within the zone of influence of any other building will require a Dilapidation Report	Not applicable The proposed design includes basement excavation that will have sufficient setback to not impact adjacent buildings
	All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).	Not applicable There is no remaining native vegetation on the site.
	Refer to the section on Salinity if cutting greater 500mm is to be undertaken.	Conditions of consent will require that the development is constructed that appropriately addresses salinity.
	No retaining wall structures will be permitted within any easements such as drainage easements. Retaining walls located on the boundary of two allotments or boundary to a public street or public reserve shall be of masonry construction. Other types of retaining wall structure may be permitted if the structure is located wholly within the property.	Retaining walls will be conditioned in the consent to address this control.
Section 25: Waste Disposal	Provisions relating to waste management during	The requirements of the approved Waste Management Plan will be imposed as a

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LDCP 2008 Part 1 – General Controls for All Development		
Development Control	Provision	Comment
and Re-use Facilities	construction and on-going waste.	condition of consent.
Section 26: Outdoor Advertising and Signage	Provisions relating to signage.	Signage will be undertaken under a different application.
Section 27: Social Impact Assessment	Provisions relating to Social Impact Assessment	A Social Impact Assessment has been prepared and reviewed by Community Planning. <i>(Refer to social section in the body of the report)</i>

Development Control	Provision	Comment
PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK		
1.1 INDICATIVE LAYOUT	<ol style="list-style-type: none"> 1. To be in accordance with Figure 2. 2. Where variation from the ILP is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the precinct set out within this Part. 	<p>Modifications supported on merit.</p> <p>The proposed indicative layout plan proposed a service way parallel to Camden Valley Way. Due to the approval of the slip way at Perrone Road to the west and the redevelopment of Croatia Ave (Now Bernera Road) to the east, the ability to develop in accordance with the ILP has been heavily impacted.</p> <p>Discussions with TfNSW has resulted with non-support for an additional slip lane to improved access to and from the proposal which places additional impact on the local street network.</p> <p>Overall, this results only one point of ingress to the precinct is permitted from Camden Valley Way. This has resulted in this development and the neighboring development to the west having to utilise the existing Perrone Road for access which would mean traffic accessing the site to do so via residential streets. (Refer to SEPP infrastructure discussion of the report for further information).</p>
1.2 DEVELOPMENT WITHIN SUB PRECINCTS	<ol style="list-style-type: none"> 1. The block layout and subdivision objectives and controls outlined in Figure 3 are met. 2. The level of access to fixed roads is retained. 3. The provision of drainage and service infrastructure is retained. 4. There is no adverse impact on adjoining sub-precincts. 	<p>Complies</p> <p>Development site maintains the level and access to fixed roads, the proposal will allow for the provision of drainage and services through conditions of consent and stormwater design and does not create a detrimental impact on adjoining sub-precincts.</p>
1.4 CHARACTER AREA STATEMENTS	<p><u>Enterprise Corridor (Zone B6)</u></p> <p>The Enterprise Corridor</p>	<p>Complies on Merit</p> <p>The Highway Retail character area is located at the northern end of the locality along Camden Valley</p>

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	<p>character area is located at the northern end of the locality along Camden Valley Way and at the northern end of Ardennes Avenue. It will service passing trade travelling along Camden Valley Way. A service road will run parallel to Camden Valley Way with 45-degree parking to provide access to all properties and businesses fronting Camden Valley Way. Rear lane access is to be provided to service these businesses. The area is characterised by up to 2 storey retail and commercial premises built to the street alignment. To maximise active frontages and to minimise the scale of individual buildings, each retail unit will have a maximum street frontage of 30m and a maximum gross floor area of 1,000 sqm.</p>	<p>Way. It will service passing trade travelling along Camden Valley Way. A service road will run parallel to Camden Valley Way with 45-degree parking to provide access to all properties and businesses fronting Camden Valley Way. Rear lane access is to be provided to service these businesses. The area is characterised by up to 2 storey retail and commercial premises built to the street alignment. To maximise active frontages and to minimise the scale of individual buildings, each retail unit will have a maximum street frontage of 30m and a maximum gross floor area of 1,000 sqm.</p> <p>The development of the Aldi site to the west of the development site has resulted in the alteration to the ILP which means that the planned laneway running parallel to Camden Valley Way cannot be achieved. As a result, the development proposes a two way road in its place accessed from Croatia Avenue. Upon the development of the adjacent site to the west, the access will be improved to meet the envisaged access routes to the site.</p> <p>Further, the existing building form is a maximum of two-storey buildings, and the proposal conforms to these building type and scale.</p> <p>No retail units are to be constructed in the development</p> <p>The proposed development is consistent with the Highway Retail character area as mapped in Figure 5 of the Part 2.11 of the LDCP.</p>
<p>1.5 PUBLIC TRANSPORT</p>	<p>The provisions of bus stops and shelter to ensure transport points are able to accommodate patrons.</p> <p>Ensure bus stop are easily accessible.</p> <p>Roads to have carriageway with a width of 7m.</p>	<p>Complies</p> <p>Proposed development does not impact the ability to maintain required public transport routes in Edmondson Park.</p> <p>Carriage ways are to be a minimum of 7m wide.</p>
<p>2.1 STREET NETWORK AND ACCESS</p>	<p>Subdivision plans must indicate street type.</p>	<p>Complies by Condition</p> <p>It is proposed that any determination of the</p>






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Development Control	Provision	Comment
	<p><u>Local Street Network</u> 1. With applicable Development Applications, a subdivision plan is to be submitted highlighting the street network. All plans must indicate street types and intersection treatments,</p>	<p>application be 'deferred commencement' so as to allow the applicant to provide detailed drawings addressing revised street layout including widening of the Birdwood Lane at the southern boundary of the site and amended drawings be submitted to and approved by Council's Traffic Section.</p> <p>1. As a result of the inability to develop the sites in accordance with the ILP due to changes to Bernera Road and the Perrone Street access point from Camden Valley Way, an amended road layout has been designed for the site. This has been considered by Council's Traffic section.</p>
	<p>2. Council may require additional traffic calming measures to be incorporated into fourway intersections where traffic volumes necessitate controls in addition to signage. Measures may include roundabouts, carriageway narrowing or realignment, pedestrian islands or raised platforms. In circumstances where traffic volumes require traffic calming measures in excess to that provided in the section 94 plan, these are to be provided by the developer.</p>	<p>2. Traffic calming devices are essential to the development of the site.</p> <p>3. No fixed roads are included in the development area.</p> <p>4. The site is currently vacant and is largely cleared except for one tree on site which is proposed to be removed and replaced with a number of trees through the development.</p> <p>5. The roads proposed are considered to be generally consistent with the DCP road network in terms of access and walkability.</p> <p>6. No crossing points have been proposed in the development.</p> <p>7. All intersections are to be designed in accordance with the RTA Austroads standards.</p>
	<p>3. Subdivision plans are required to comply with the fixed roads identified in Figure 8.4. The proposed local street networks detailed within Figure 8 are to provide a clear hierarchy for roads in the form of a modified grid road pattern.</p>	<p>8. Street sections related to the proposed road have been provided.</p> <p>9. Not applicable.</p>
	<p>4. Retain and incorporate existing streets into the road network where possible and practical</p>	
	<p>5. Provide a grid-like street network pattern to facilitate walking and cycling and enable direct local vehicle trips within the neighbourhood. Cul-</p>	

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	<p>de-sacs will not be supported other than where alternative street patterns are not achievable.</p> <p>6. Design safe pedestrian crossing points to the satisfaction of Council. Liverpool Development Control Plan 2008 Controls for the Public Domain Part 2.11 22</p> <p>7. All intersections are to be designed in accordance with the RTA Austroads standards.</p> <p>8. Street sections are to comply with Chapters 2.2 and 2.3 of this Part.</p> <p>9. Streets planned to accommodate bus routes are to have a minimum carriageway width of 7m.</p>	
2.2 PEDESTRIAN AND CYCLEWAY NETWORK	<p>The DCP plan (extract below) indicates that an on-street dedicated bicycle lane is required for Bernera Road while an off-street shared pedestrian/bicycle path is required for Poziers Road to the north of the development site.</p>  <p>LEGEND  SUBJECT LAND  ON-STREET DEDICATED BICYCLE LANE  OFF-STREET SHARED PEDESTRIAN/BICYCLE PATH  OPEN SPACE</p>	The proposal will not impact on the bicycle in the vicinity of the site.
2.3 STREETSCAPE AND TREES	<p>Minimum of two trees (to a min mature height of 4m) per six metres of frontage.</p>	<p>Complies by Condition Suitable Street Planting will be conditioned to be provided to provided additional screening and acoustic barriers the south.</p> <p>This will be required to be included in a revised Landscape plan which has also been conditioned.</p>

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2.4 OPEN SPACE	This section sets controls for the open space requirements for the precinct.	N/A The development site does not include open space areas
2.5 ENVIRONMENTAL MANAGEMENT	This section includes controls in relation to Stream and Riparian Management and Core Riparian Corridors	N/A The site does not include Stream and Riparian Management and Core Riparian Corridors
2.6 WATER CYCLE MANAGEMENT	This section includes controls in relation to management of storm water, deep soil areas, vegetation and fill.	Complies The development has been reviewed by Council's Land Development Engineers who have raised no issues with the proposal.
2.7 CONTAMINATION Potential for contamination to be assessed.	Contamination assessment submitted as discussed previously in the report. The contamination assessment concluded the subject site is suitable for residential development.	Complies The development has been reviewed by Council's Environmental Health officer who has raised no issues with the proposal.
Controls for Lan in the B6 Zone – Enterprise Corridor		
7.1 Site Planning	1. Provide safe pedestrian, cycle and vehicle access to and from the public street.	Complies 1. The driveway entrance on Mons Lane and the pedestrian entry from Zeppelin Road and Croatia Avenue provide access to the site. 2. The low-key flat roof design is considered to be compatible in appearance, and with the compliant height will not pose overshadowing issues. Measures have been taken to minimise privacy impacts from the serviced apartments and tavern with the introduction of trees, garden beds and retaining walls. 3. It is considered that presentation to the public domain is appropriate to the uses 4. The development provides and retains pedestrian links to the residential area to the south 5. A stormwater plan was prepared by the applicant and was reviewed by Council engineers. 6. No existing business developments are in the vicinity of the proposal 7. The development is considered to address Camden Valley Way. The site has a significant setback from Camden Valley and will include
	2. Be compatible with nearby residential development in terms of appearance, overshadowing, privacy, views, setbacks and height.	
	3. Address the street and consider its presentation to the public domain.	
	4. Consider the impact on existing and potential pedestrian links.	
	5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to	

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	<p>drain water satisfactorily to a Council stormwater system. Refer to Water Cycle Management in Part 1</p> <p>6. Be compatible with existing business development in terms of scale, bulk, setbacks, materials and visual amenity.</p> <p>7. Address the street and consider its presentation to the Classified road environment</p>	planting of small to medium sized vegetation.
7.2 Setbacks - Rear Setback	<p>1. Where the site has rear lane access the building may be built to the rear boundary, at ground and first floor level. Any floors above the first floor shall be setback equal to the height of the additional floors.</p>	<p>N/A</p> <p>No rear lane access is proposed.</p>
	<p>2. Where there is no rear lane access and the site adjoins land that is in a residential zone, the building may be required to be setback from the rear boundary or limited to one storey near the boundary. Any floors above the ground floor shall be setback equal to the height of the additional floors.</p>	<p>Complies</p> <p>A rear lane and a Local Road adjoin the site to the south with the buildings having setbacks of:</p> <p><u>Tavern</u></p> <ul style="list-style-type: none"> - Zeppelin Road 3.905m (min.) <p><u>Serviced Apartments</u></p> <ul style="list-style-type: none"> - 10.656m (min.) to Birdwood Lane Frontage <p>The Tavern is a single storey development that is within the maximum height of buildings.</p> <p>The Service Apartments is two storey structure that is within the maximum height limit.</p>

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Side Setback	<ol style="list-style-type: none"> 1. Where the site adjoins land that is also in a business zone there is no setback requirement. 2. Where the side boundary of the site adjoins land that is in a residential zone, the building may be required to be setback from the side boundary or limited to one storey near the boundary. Any floors above the ground floor shall be setback equal to the height of the additional floors. 	<p>Complies</p> <ol style="list-style-type: none"> 1. The Serviced Apartment is set-backs a minimum of 6.271m to the west and includes landscaping treatments. The setback of the Tavern is a minimum of 8.406m to the east. The tavern is located on corner and the side boundary does not abut another site or structure. 2. The side boundaries do not adjoin residential zoned land
Front Setbacks	<ol style="list-style-type: none"> 1. The minimum setback from the front boundary is 10m for the ground floor and 7.5m for the first floor. 2. Any floors above the ground floor shall be setback equal to the height of the additional floors. 	<p>Complies</p> <p><u>Tavern</u></p> <ul style="list-style-type: none"> - Mons Lane 6.10m (min.) - Croatia Ave 8.401m (min.) to 10.926m - Zeppelin Road 3.905m (min.) <p><u>Serviced Apartments</u></p> <ul style="list-style-type: none"> - 10.001m to Mons Lane Frontage
7.3 Landscaped Areas and Pedestrian Areas	<ol style="list-style-type: none"> 1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths. 2. Pedestrian areas should link all major activity areas of the centre. 3. Pedestrian areas should be separate from loading areas. 4. Separate pedestrian access should be provided to adjoining public footpaths, community facilities and open space. 5. Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car 	<p>Complies</p> <ol style="list-style-type: none"> 1. The development consists of at grade and basement parking which will facilitate wheelchair access. Access from Zeppelin Road is restricted in amended plans to a small staircase and garden area. This is a result of providing acoustic attenuation measures along the south boundary. 2. A covered pedestrian path links the serviced apartments with the tavern. 3. The two loading areas are separate from the pedestrian areas. 4. Separate pedestrian access is demonstrated 5. Tree planting in the form of raised garden beds is proposed through the carparking areas with trees planted in ground in deep soil zones.

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	parking areas.	
7.4 Building Form, Streetscape and Layout	<p>1. External walls are to be constructed of high quality and durable materials and finishes, with low maintenance costs.</p> <p>2. Articulate facades so that they address and add visual interest. Buildings four storeys and above are to be articulated to differentiate between base, middle and top in design.</p> <p>3. Buildings on corner sites are to be designed to address the two adjacent streets in a similar way.</p> <p>4. Limit opaque or blank walls for ground floor uses to 20% of the street frontage.</p> <p>5. Highly reflective finishes and curtain wall glazing are not permitted above the ground floor.</p> <p>6. Incorporate changes in level within retail development and civic facilities such that they are accessible to the people with disabilities.</p> <p>7. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</p>	<p>Complies</p> <p>1. A schedule of finishes has been provided. That details appropriate materials and finishes.</p> <p>2. The buildings are a maximum of two stories and include recessed and are articulated elements defined by various materials on the façade.</p> <p>3. It is considered that the corner of the site is address in a similar manner for the tavern.</p> <p>4. Opaque walls are proposed for the frontage of the tavern to Zeppelin Road however will be broken up with landscaping.</p> <p>5. No curtain wall glazing proposed.</p> <p>6. Not retail buildings proposed.</p> <p>7. Not retail buildings proposed.</p>
7.4 Building Form, Streetscape and Layout Roof Forms	<p>1. Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.</p> <p>2. Roof top structures, such as air conditioning, life motor rooms and the like are to be incorporated into the architectural design of the building and to be screened from public view.</p> <p>3. Parapets are to be</p>	<p>Complies</p> <p>1. The design of both the tavern and serviced apartments are designed with flat roofs that reduce the bulk and scale of the building</p> <p>2. The roof top structures are suitably screened and incorporated into the design of the roof.</p> <p>3. Not retail buildings proposed.</p> <p>4. Not retail buildings proposed.</p> <p>5. Not retail buildings proposed.</p>

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	<p>used in the core retail area of the town centre.</p> <p>4. Communication towers, such as mobile phone towers and the like, are not to be located on residential buildings or mixed-use buildings with a residential component.</p> <p>5. Wherever possible provide landscaped and shaded areas on roofs to serve as communal private open space for residents of the building.</p>	
7.4 Building Form, Streetscape and Layout Material and Finishes	<p>1. Avoid expanses of any single material.</p> <p>2. Utilise high quality and durable materials and finishes.</p> <p>3. The following materials are preferred: - Face brick with / without coloured render; and - Plain glass windows. - The following materials must be avoided: - Large wall tiles, - Rough textured render, - Polished metal and curtain walls, and Liverpool Development Control Plan 2008 Controls for Land in the B6 Zone Enterprise Corridor Part 2.11 141 - Reflective glass.</p>	<p>Complies</p> <p>1. Various materials are proposed along the facade including rendered walls, brick, timber, recessed decks and glass openings.</p> <p>2. The materials are durable and of high quality.</p> <p>3. Face brick is proposed predominantly for the serviced apartments. The tavern consists of face brick, rendered walls and timber. Glass openings are scattered around primarily the east, west and north frontages.</p>
7.5 Landscaping and Fencing	<p>1. Where trees are planted around high use facilities such as car park areas, children's play areas and walkways, they should have clean trunks to height of 1.8m.</p> <p>2. Landscaping on any podium level or planter box shall be appropriately designed and irrigated.</p> <p>3. Where landscaping is to be provided a detailed landscape plan shall accompany a</p>	<p>Complies</p> <p>1. The proposed trees in the carpark area are to be conditioned to be in accordance with this requirement in addition to a condition for a revised Landscape Plan.</p> <p>2. To be conditioned by Consent</p> <p>3. The Landscape plan has been prepared by a suitably qualified person. As revised landscape plans has been conditioned with updated planting and additional street trees as specified.</p> <p>4. Not applicable</p>

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	<p>development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p> <p>4. Landscaped areas within Business Development shall generally involve the provision of trees and shrubs in mulched garden beds. In particular the landscaping shall involve the following: - The trees shall provide a canopy for the streetscape and soften the appearance of the Enterprise Corridor environment, without unduly concealing approved on site signage. - Mulched garden beds shall incorporate ground covers that will cover the ground area. - Shrubs shall be used to soften appearance of the industrial area but still allow viewing between the street and the development. - Large shrubs shall be used as screen planting where there is a need to screen certain areas such as outside storage. - Shrubs shall only be planted in mulched garden beds.</p>	
7.6 Car Parking and Access	<p>1. Car parking shall generally be located toward the front of the site.</p> <p>2. Car Parking must meet the requirements of Part 1 of this DCP.</p>	<p>Complies</p> <p>Sufficient parking is proposed as follows:</p> <p><u>Serviced Apartments</u> 1 space per 2 employees It is noted that the 17 of units may operate as two units therefore requiring 17 additional spaces.</p>

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		<p>This adds up to 43 spaces total – 44 space have been proposed</p> <p><u>Tavern</u></p> <p>1 space per 5sqm of area under license.</p>
7.7 Amenity and Environmental Impact	<p>Privacy: Development shall be designed to minimise overlooking of adjoining and nearby residential development.</p> <p>Lighting: External lighting to a development must give consideration to the impact of glare on the amenity of adjoining and nearby residents</p>	<p>Complies by Condition</p> <p>The entrance to the tavern will be screened by a 1.6m acoustic wall to which is located behind a landscape buffer to alleviate privacy impacts.</p> <p>Conditions of consent will be imposed ensure minimal light pollution impacting dwelling adjacent the site</p>

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Item no:	2
Application Number:	DA-693/2019
Proposed Development:	Construction of a nine-storey residential flat building comprising of 36 units (12 x 1-bedroom units, 20 x 2-bedroom units and 4 x 3-bedroom units) and a three-level basement car park.
Property Address	23 George Street, Liverpool NSW 2170
Legal Description:	Corner Lot 2 DP 214924
Zoning:	R4 – High Density Residential under Liverpool Local Environmental Plan (LLEP) 2008
Applicant:	Benson McCormack Architecture Pty Ltd
Land Owner:	Mrs M Prpic
Cost of Works:	\$10,978,670.00
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Kevin Kim

1. EXECUTIVE SUMMARY

Council has received a Development Application seeking consent for the construction of a 9-storey residential flat building containing 36 residential apartments over 3 levels of basement car parking, and associated landscaping at 23 George Street, Liverpool.

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

The development application was notified in accordance with Liverpool Development Control Plan (LDCP) 2008 from 6 November 2020 to 20 November 2020. One (1) submission was received as a result of the notification. The submission raised concerns in relation to the existing garage and patio on the common boundary between the subject site and western adjoining property and consideration of this neighbour's development consent for a 10 storey commercial building with basement parking.

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

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a *sensitive development* in that it is a development to which *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as corner Lot 2 in DP 214924, 23 George Street, Liverpool. An aerial photograph of the subject site is provided in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (Source: Council's GeoCortex program)

The site is located on the north western corner of the intersection of George Street and Campbell Street and has its primary frontage to George Street of 24.225m to the east and secondary frontage to Campbell Street of 31.41m to the south with a corner arc of 9m (eastern boundary) x 9m (southern boundary) for future road widening. The site has a total site area of 1,322m². The site is an east-west orientated allotment and is generally flat across the site.

The subject site is currently vacant and has been cleared of any vegetation or trees.

The subject site and immediate context is located within the northern fringe of the Liverpool City Centre, where the B3 Commercial Core zone interfaces with B4 Mixed Use and R4 High Density Residential zones that are bounded by Hume Highway to the north.

2.2 The locality

The site is located in the northern part of the Liverpool City Centre and immediate surrounding is characterised by a mix of existing high density developments, comprising high-rise residential flat buildings and older 3-4 storey walk-up residential flat buildings and approvals for newer high

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density residential developments.

Adjoining the site to the north is a 3 storey residential flat building (R4 zone) and to the west is a single storey commercial building (B4 zone) which is currently registered for a surveying consultant business.

Located directly opposite the Campbell street frontage to the south, is the car park entry to the Liverpool Westfield Shopping Centre.

The locality is undergoing a transition to increasing higher density residential development as a result of the interface of R4 High Density Residential and B4 Mixed Use zoning and desired future character of the Liverpool City Centre.

The site is located approximately 750m north west of Liverpool Railway Station and 80m east of a public open space, being the Pioneers Memorial Park.

An aerial photograph of the locality is provided in **Figure 2** below:



Figure 2: Aerial Photograph of the Locality (Source: Council's GeoCortex program)

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Site isolation – 53 Campbell Street and 66 Macquarie Street

To the immediate west are free standing commercial buildings within the B4 Mixed Use zone. Further to the west of the site is a Council owned park, being Pioneers Memorial Park, as depicted in **Figures 1 and 2** above.

The western neighbouring property at No 53 Campbell Street is located between the subject site and No 66 Macquarie Street and could potentially become 'isolated' once the development takes place at the subject site.

In considering potential site isolation a consent authority is to be satisfied that the planning principles established by the NSW Land and Environment Court in the proceedings of *Karavellas v Sutherland Shire Council [2004] NSW LEC 251 – Redevelopment* have been satisfactorily addressed. The considerations of the planning principle require the applicant to provide evidence of reasonable attempts to amalgamate and to provide a site and context analysis to demonstrate development potential for the site that could potentially be isolated by the development.

In response the applicant has responded to Council's concern and advised that *"the site to the west will not be isolated by the proposed development. A title search reveals that the neighbouring site, 53 Campbell Street, and the next western property, 66 Macquarie Street, are owned by the same entity, Canceri & Co Pty Limited. Redevelopment of those two properties can easily occur together.*

Further, the subject site is zoned R4 High Density Residential and is prescribed a 35m height and 2:1 FSR (bonuses notwithstanding). Both properties to the west are zoned B4 Mixed Use and are prescribed 45m height and 2.5:1 FSR. The best development outcome is the two properties to the west develop together regardless of the current ownership being the same. No site isolation is to occur".

In addition to the above, Council's records revealed that the western property at 53 Campbell Street had been subject of Development Application (DA reference number: DA-1677/2006 for the demolition of existing and construction of a ten (10) storey commercial building including retail at ground level with basement car parking), which implies that the western property at 53 Campbell Street is capable of accommodating a suitable development once the subject site is built out with the proposed development.

In view of the above, it is considered that the applicant has adequately demonstrated that 53 Campbell Street and 66 Macquarie Street, will not be isolated by the proposal.

3. BACKGROUND/HISTORY

i) 16 August 2018

A pre-DA meeting (PL-56/2018) was conducted between Council and the current applicant together with their project team.

ii) 18 October 2019

The subject application (DA-693/2019) was lodged.

iii) 18 November 2019

A Stop-the-Clock (STC) letter was issued to the applicant requesting amended site and floor plans, stormwater and erosion and sediment control plans and sections of the

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proposed development.

iv) 19 November 2019

In response to the STC letter, Council received amended architectural plans.

v) 2 December 2019

Second Stop-the-Clock (STC) letter was issued to the applicant requesting a construction noise and vibration assessment report, notification fee and details of the electrical substation.

vi) 17 December 2019

In response to the STC letter, Council received additional information.

vii) 21 February 2020

The subject DA was referred to relevant internal and external consultants and agencies for review and comments.

viii) 12 March 2020

The initial request to attend Design Excellence Panel (DEP) meeting of 12 March 2020 was postponed.

ix) 9 April 2020

A Design Excellence Panel (DEP) meeting was held with Council on 9 April 2020.

x) 19 May 2020

A copy of the minutes from the Design Excellence Panel (DEP) meeting held with on 9 April 2020 sent to the applicant.

xi) 14 July 2020

As a result of the DA referrals, a Stop-the-Clock (STC) letter was issued to the applicant requesting for the following additional information to be provided:

- Traffic – Swept path analysis and basement design;
- Waste – revised Waste Management Plan; and
- Development Engineer – survey information, stormwater concept plan and details.

xii) 23 September 2020

In response to the STC letter, Council received additional information and amended architectural plans for DEP's review and DA referrals.

xiii) 27 October 2020

Second Design Excellence Panel (DEP) meeting was held with Council on 27 October 2020.

xiv) 11 November 2020

A copy of the minutes from the Design Excellence Panel (DEP) meeting held on 27 October 2020 sent to the applicant.

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4. DETAILS OF THE PROPOSAL

The proposal seeks consent for the construction of a 9-storey residential flat building containing 36 residential apartments over 3 levels of basement car parking, and associated landscaping at 23 George Street, Liverpool.

Details of the proposed development can be summarised as follows:

Basement Level 3

- 17 car spaces, including 3 accessible spaces (with a shared zone), 15 bicycle spaces, and storage areas are provided on this basement level.

Basement Level 2

- 16 car spaces, including 2 accessible spaces (with a shared zone), 3 motorcycle spaces, storage areas and plant rooms are provided on this basement level.

Basement Level 1

- 15 car spaces, including 1 accessible space (with a shared zone), 1 service and 5 visitor spaces, are provided on the basement level. This level is accessible for vehicles through a driveway ramp located to the northern side, and for residents a lift core and fire stairs;
- Bin storage and general storage areas are located to the south-east corner.

Ground Floor

- 6 units are located on the ground floor in the following distribution:
 - 4 x 1 bedroom units (sizes 50.1 m² and 55.1 m² with a study)
 - 2 x 2 bedroom unit (sizes 78.5 m² and 78.6 m²)
- Each unit is allocated Private Open Space (POS) and have direct ground floor access from the main living area.
- Pedestrian access to the site is provided from Campbell Street.
- A central lift core in the lobby provides access to all floors of the building. One set of fire stairs are accessible from the ground floor, which is centrally located and provides access to upper levels. Another set of fire stairs provide access from the basement to the south western corner of the ground floor courtyard with secured and direct access to the street. A disabled ramp is provided on the western side of the entrance to the building.
- Two communal open space areas are provided at the ground floor level, oriented to the north and west. These spaces include deep soil, landscaped area, communal BBQ area with a timber deck, and seating areas.
- The vehicular access is via a double width driveway and passing bay from George Street.

Levels 2 to 3

- 12 units are located on levels 2-3 in the following distribution:
 - 8 x 1 bedroom units (sizes 50.1m² and 55.1 m² with a study)
 - 4 x 2 bedroom unit (size 78.5 m²)
- Each unit is provided with private open space in the form of a balcony.

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- A central lift and stairs allow access to other floors within the development.

Level 4

- 4 units are located on level 4 in the following distribution:
 - 2 x 2 bedroom units (dual key units with size of 75m²)
 - 2 x 3 bedroom unit (size of 96.6 m²)
- Each unit is provided with private open space in the form of a balcony.
- A central lift and stairs allow access to other floors within the development.

Level 5

- 4 units are located on level 5 in the following distribution:
 - 4 x 2 bedroom units (sizes 75m² and 93.1 m² for accessible units)
- Each unit is provided with private open space in the form of a balcony.
- A central lift and stairs allow access to other floors within the development.

Levels 6 to 7

- 4 units are located on levels 6-7 in the following distribution:
 - 8 x 2 bedroom units (sizes 75m² and 93.1 m² for accessible units)
- Each unit is provided with private open space in the form of a balcony.
- A central lift and stairs allow access to other floors within the development.

Level 8

- 2 units are located on level 8 in the following distribution:
 - 2 x 3 bedroom unit ((dual key units with size of 107.8m²)
- Each unit is provided with private open space in the form of a balcony.
- A central lift and stairs allow access to other floors within the development.
- Planter boxes (1.1m height) with small sized trees are proposed to the west, east sides and southern side of Level 8 (fronting Campbell Street where the main entrance of the building is located).

Roof Top Terrace (Roof Garden)

- The proposed roof top terrace includes landscaped area, communal BBQ area with a timber deck, and seating/daybed areas.
- Photovoltaic panels are also proposed on the northern side of the non-trafficable area to the north of the roof top terrace.

Extracts of the proposed site analysis, ground floor plan, elevations and landscaping plans are shown in **Figures 3, 4, 5, 6, 7, 8, 9, 10 and 11** below.

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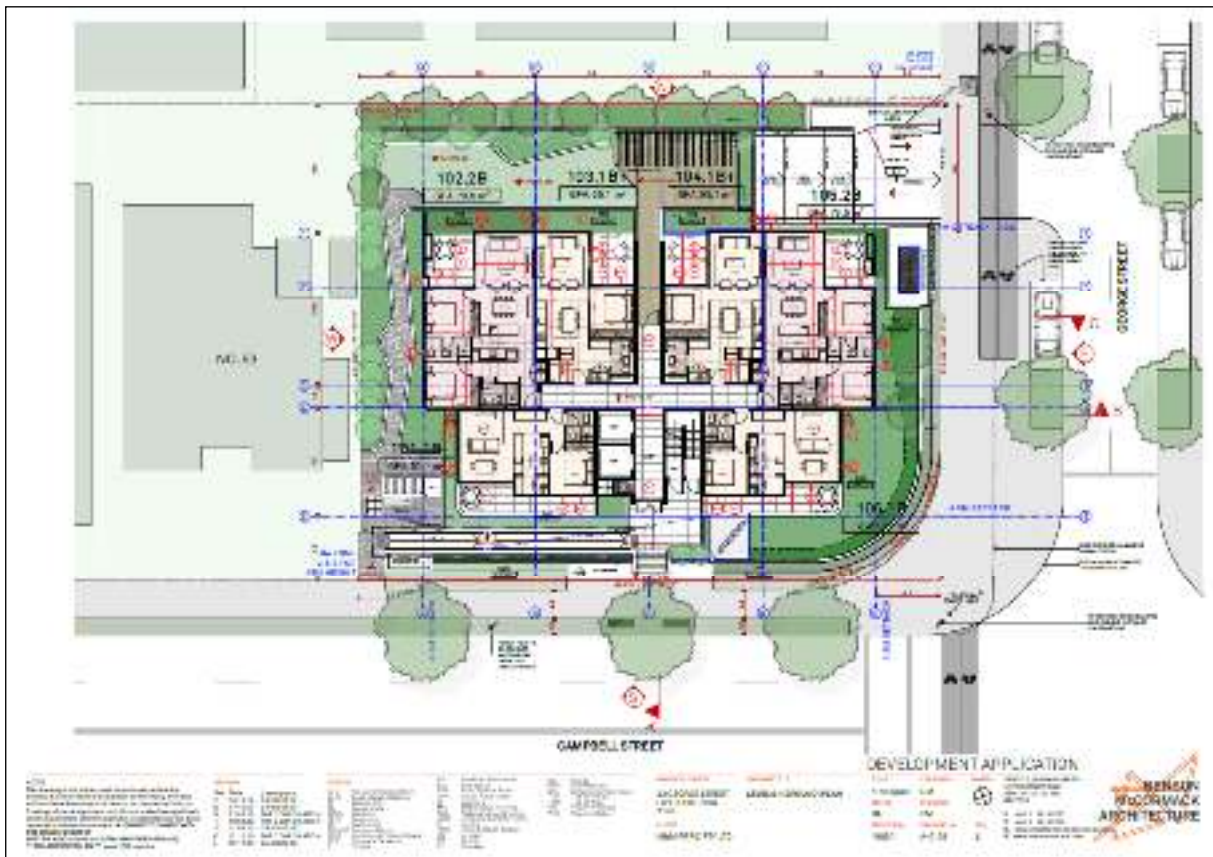


Figure 4: Proposed Ground Floor Plan (source: A-0103-L prepared by Benson McCormack Architecture).

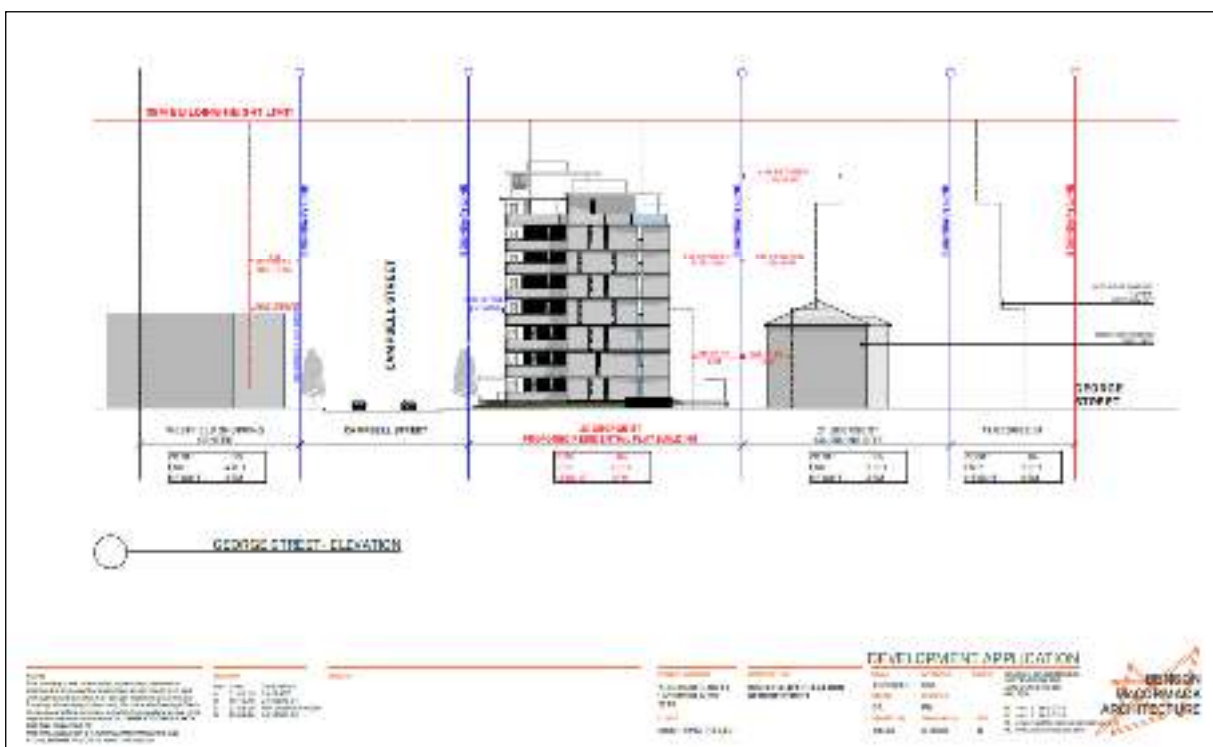


Figure 5: View of the George Street Elevation of the Proposal (source: A-0010-D prepared by Benson McCormack Architecture).

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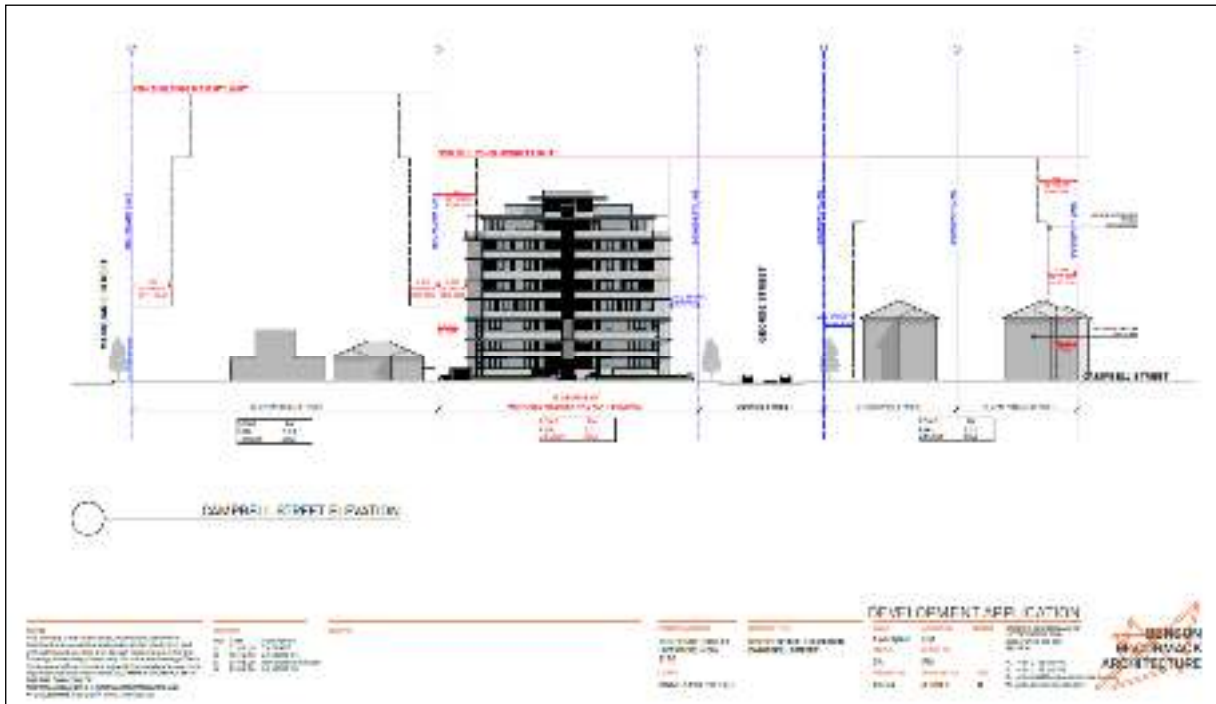


Figure 6: View of the Campbell Street Elevation of the Proposal (source: A-0011-D prepared by Benson McCormack Architecture).

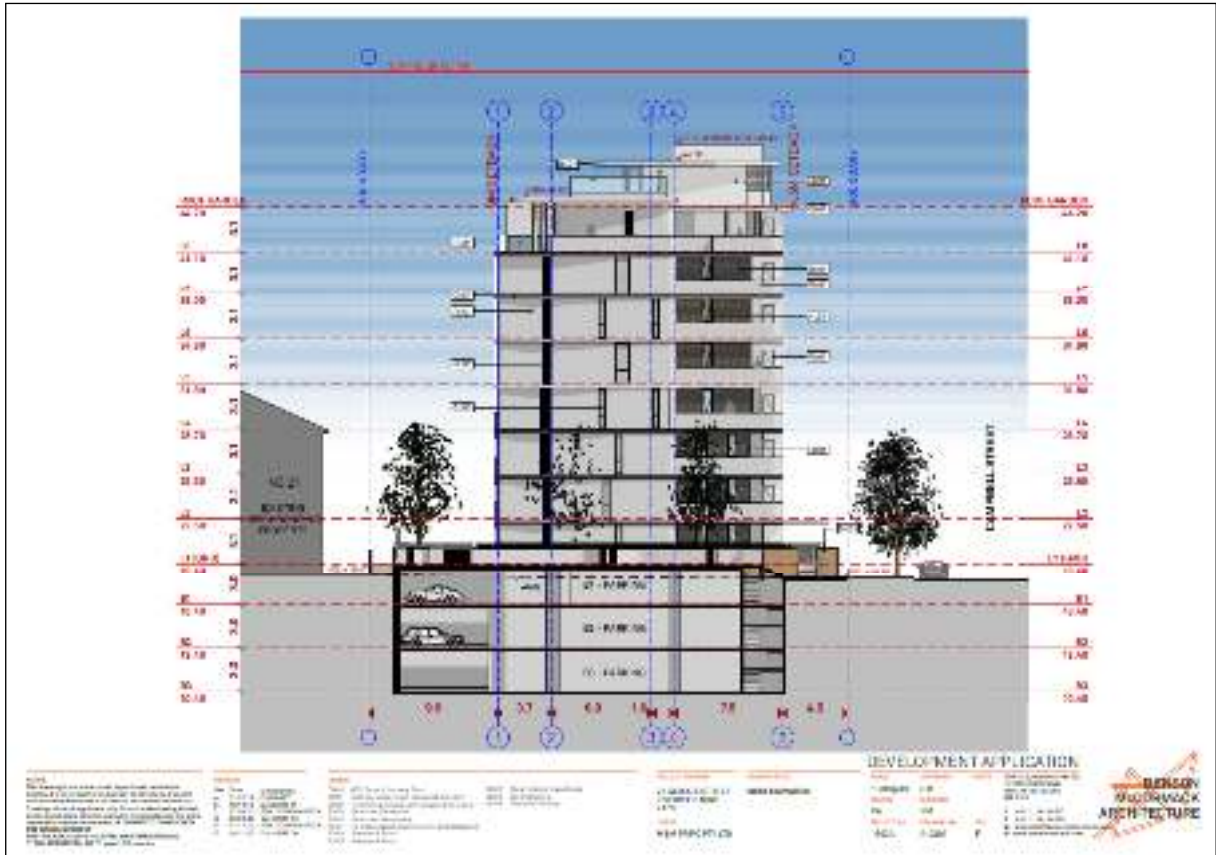


Figure 7: View of the West Elevation of the Proposal (source: A-0204-F prepared by Benson McCormack Architecture).

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Figure 8: View of the North Elevation of the Proposal (source: A-0203-F prepared by Benson McCormack Architecture).

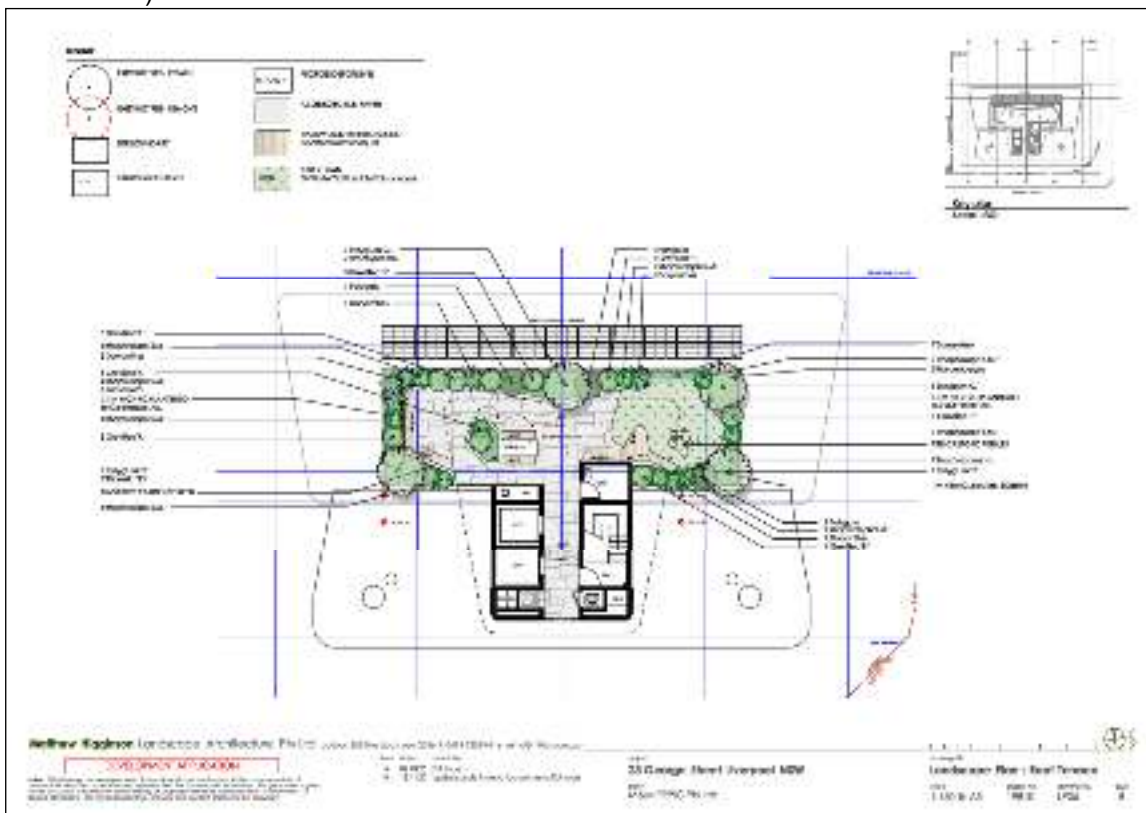


Figure 9: Roof Terrace/Landscape Plan (source: LP06-G prepared by Matthew Higgins Landscape Architecture).

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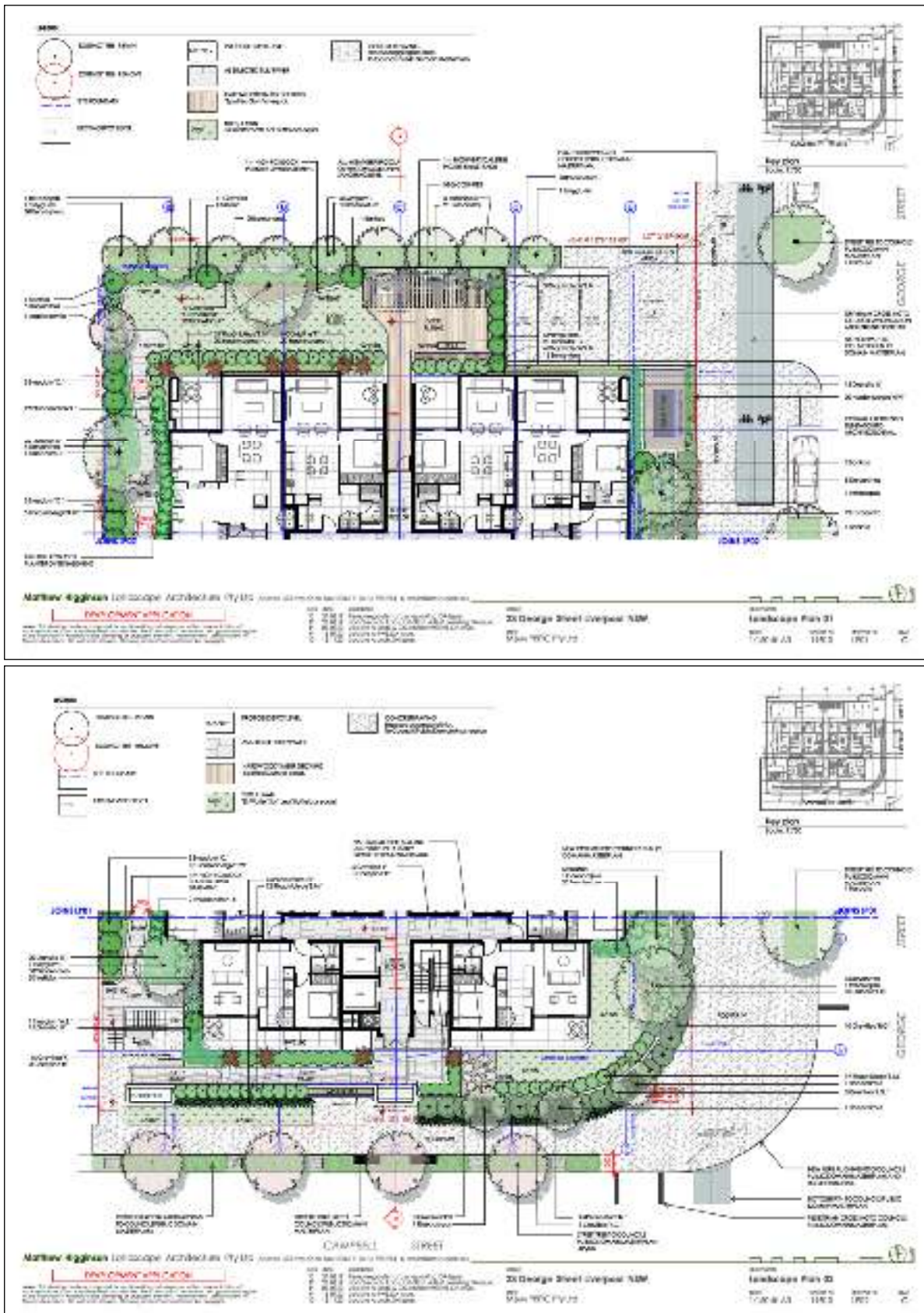


Figure 10: Ground Floor Landscape Plans (source: LP01 & 02-G prepared by Matthew Higgins 153

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Landscape Architecture).

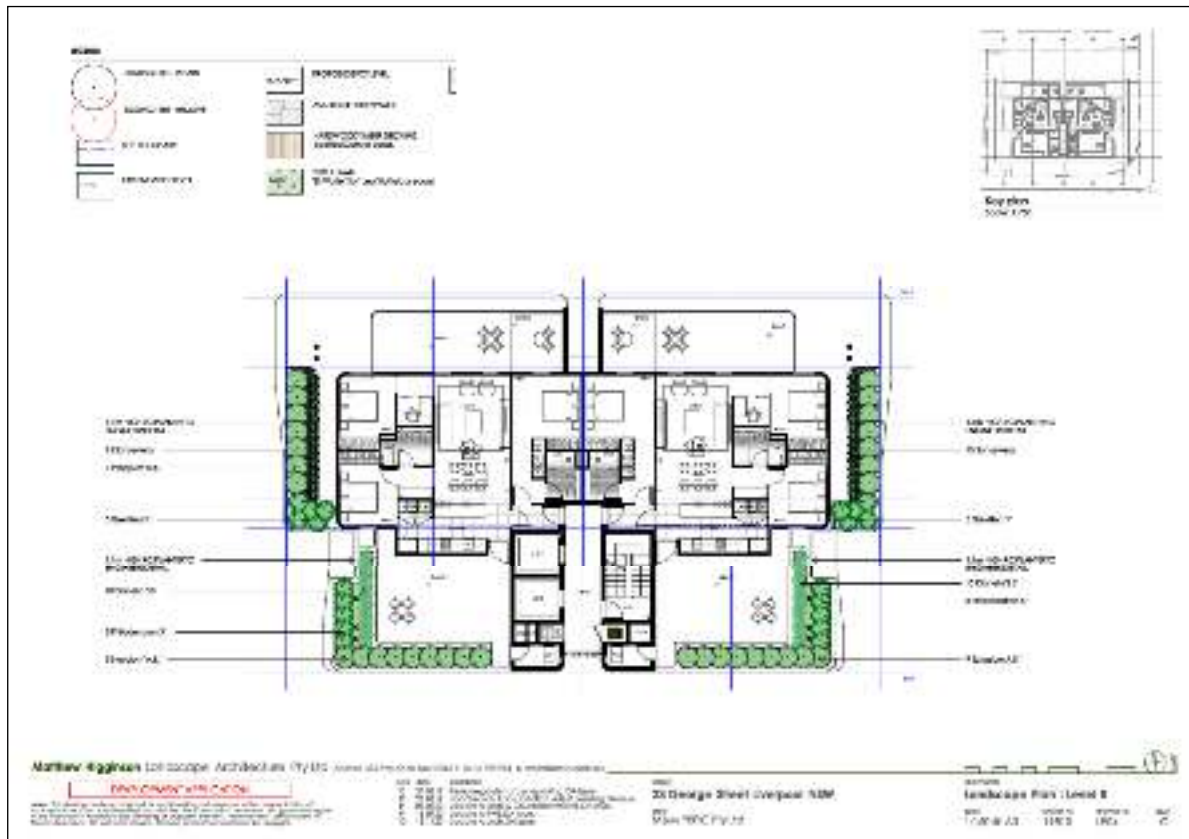


Figure 11: Level 8 Landscape Plan (source: LP04-G prepared by Matthew Higgins Landscape Architecture).

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 4: Development in Liverpool City Centre
- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EP&A Act.

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6. ASSESSMENT

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

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards but requires Council to consider the development against nine (9) key design quality principles; and against the guidelines of the associated Apartment Design Guide (ADG). The ADG provides additional detail and guidance to the design quality principles outlined in SEPP 65.

The nine (9) key design quality principles that must be considered are listed below. The application demonstrates consistency with the principles and is acceptable

- | | |
|--------------------------------------|---|
| 1. Context & Neighbourhood Character | 6. Amenity |
| 2. Built Form & Scale | 7. Safety |
| 3. Density | 8. Housing Diversity & Social Interaction |
| 4. Sustainability | 9. Aesthetics |
| 5. Landscape | |

Assessment of the application against the principles of SEPP 65 and the guidelines of the ADG, together with advice from Council’s independent Design Excellence Panel (DEP) has concluded that the proposal is generally satisfactory with respect to the provisions of SEPP 65 and the ADG.

Design Excellence Panel

DEP meetings were conducted on 2 occasions with the first DEP meeting on 9 April 2020 and second DEP meeting on 27 October 2020. The following table provides the meeting comments from the 27 October 2020 meeting and applicant’s response to the comments:

Design Excellence Panel	
DEP Comments	Applicant’s Response
Context and Neighbourhood Character	
<ul style="list-style-type: none"> • <i>The Panel supports the overall changes made by the applicant which reflect the previous DEP recommendations/comments.</i> • <i>In terms of the contextual setting, the Panel suggests that further consideration be given to limited window treatment (fixed and obscure glass or glass blocks) on the western façade that would allow for light but</i> 	<p><i>Windows on the western elevation of the living rooms to the north-west units on Levels 01-07 have been reintroduced to the design. The windows are of a narrow, vertical design and have been strategically sited to permit light to key areas of the living areas. The windows are to be obscure and fixed, ensuring that visual and acoustic privacy continues to be achieved while creating a better amenity outcome to the units. The glazing also adds the benefit of articulating the western elevation.</i></p>

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<p>would also respect visual and acoustic privacy criteria.</p> <ul style="list-style-type: none"> The Panel supports the introduction of the rooftop communal open space and suggests that further design consideration be given to shade provision and landscape treatment to enhance environmental qualities as well as provision of amenities for users. 	<p>The rooftop communal open space design has been revisited, enhancing the landscaping treatment to the space and increasing the shading available through an extension of the overhanging awning. The revised design will facilitate greater amenity to the space and permit all-year round usage.</p>
<p>Built Form and Scale</p>	
<ul style="list-style-type: none"> The Panel supports the plan layout changes that reflect the previous DEP recommendations. The Panel notes that the design of the north western balcony on Level 08 should be modified to achieve visual and acoustic amenity and address SEPP 65 criteria – Apartment Design Guide (ADG). This would ensure that any future development on the western adjacent site will readily meet the required 18m separation at Level 08. The Panel notes that the northern balconies of the central units within the building (i.e., Units ending with 03/04 on each level) do not have adequate separation between the two adjoining balconies which raises concerns for privacy and overlooking. The Panel recommends the applicant incorporate appropriate measures to achieve compliance with privacy/overlooking for all neighbouring balconies that face each other. In this instance, the issue can be resolved by either: extending the blade walls between the balconies out to the north face of the building; or reducing the 	<p>The balconies on Level 08 to unit 801 have been amended to eliminate the standing area within the 9m ADG separation distance. The appropriate separation distance to achieve visual and acoustic amenity are now achieved.</p> <p>The blade walls separating the 03-04 units on Levels 02-08 have been extended to ensure privacy is maintained between each balcony.</p>

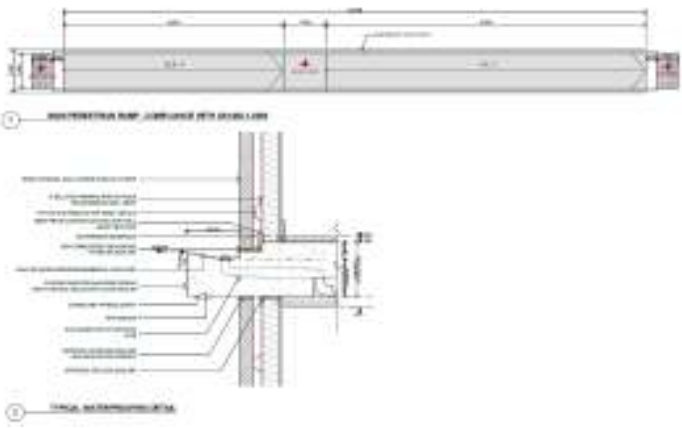
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<p><i>balcony depth so that the balconies are the minimum size permitted by the ADG and extending the blade walls (if necessary) to the front edge of the balconies. The latter approach may also be of benefit in enhancing the modelling of the north façade.</i></p> <ul style="list-style-type: none"> • <i>In relation to other north-facing balconies, The Panel notes that the proposed depth of northern balconies reduces the overall solar amenity within the living areas. Minimum ADG metrics for balconies are:</i> <ul style="list-style-type: none"> <i>1-bed: 8sqm 2m deep</i> <i>2-bed 10sqm 2m deep</i> <i>3-bed 12sqm 2.4m deep</i> <p><i>The Panel recommends the applicant consider reducing the depth of balconies to no more than about 3.0m for 3-bed units and 2.5m for 1 and 2-bed units, provided that the minimum areas are achieved. On Levels 4 to 7, where balconies are continuous across three apartments, variation to the location of the outer edge of the balconies may be helpful in providing enhanced modelling of the north façade.</i></p> <ul style="list-style-type: none"> • <i>As indicated above (Context), the introduction of narrow openings (subject to meeting ADG visual and acoustic privacy criteria) to the western façade would provide for enhanced built form articulation and additional light to bedrooms.</i> 	<p><i>A reduction in the depth of some balconies across the northern elevation has been incorporated into the revised plans. All balconies remain compliant with the minimum depths and overall size under ADG. Further, each living room and balcony on the northern elevation easily achieves 2 hours of solar access and is compliant with ADG.</i></p> <p><i>An appropriate level of solar amenity to the units has been achieved.</i></p>
Density	
<ul style="list-style-type: none"> • <i>Nil</i> 	
Sustainability	
<ul style="list-style-type: none"> • <i>The Panel notes the applicant's response to the thermal bridging issues. The Panel recommends that given the aesthetic weight placed on the</i> 	<p><i>In terms of thermal bridging, the submitted design is compliant with SEPP BASIX and NATHERS requirements and therefore satisfies the State government and Council thermal requirements.</i></p>

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<p><i>projecting floor slabs, particularly in the eastern and western elevations, appropriate consideration be given to ensuring that thermal bridging impacts have been adequately addressed in future detailing.</i></p> <ul style="list-style-type: none"> <i>The Panel raises concerns of water proofing along the building facades with respect to the detailing of the balconies/building elevations. The Panel recommends the applicant to incorporate appropriate details to ensure protection against water stagnation, seepage from exposed facias of slab extensions and drip marks along balcony upstands. This detailing should also incorporate thermal bridging solutions. The Panel requires the applicant to provide details of all water proofing and thermal bridging measures as part of the updated drawings.</i> 	<p><i>An additional plan in the architectural package submitted to Council details waterproofing measures as requested. Further detailing will be compliant with relevant Australian Standards, NCC and supplier recommendations.</i></p> <div data-bbox="687 528 1426 1003" style="border: 1px solid black; text-align: center;">  </div> <p><i>(Refer to waterproofing details to AS1428.1 above)</i></p>
<p>Landscape</p>	
<ul style="list-style-type: none"> <i>The Panel notes that the Communal Open Space (COS) provided at Roof Terrace level lacks shade which may discourage use during peak summer months.</i> <i>The Panel supports the proposed Roof Terrace COS subject to appropriate levels of amenity including shade structure and further landscape detail.</i> <i>The Panel recommends consideration be given to the provision of an accessible toilet at Roof Terrace level.</i> 	<p><i>The awning overhang on the rooftop communal open space has been extended to increase the amount of all weather, all year useable area. The landscaping treatment has all been revisited to enhance the amenity of the space.</i></p> <p><i>An accessible toilet at the roof terrace level has been introduced as requested by the Panel. The landscaping has been modified in response to this inclusion, as well as addressing the other items in the minutes. Refer to the revised landscape plan.</i></p>
<p>Amenity</p>	
<ul style="list-style-type: none"> <i>The Panel supports the changes to floor plans, the introduction of a third basement carpark level and the Roof Terrace Communal Open Space which all contribute to</i> 	<p><i>The entrance lobby at ground level is maintained at the 2m width per the previous design scheme.</i></p> <p><i>It is noted there are no corridor width requirements within the Liverpool LEP, DCP or the ADG. However, some Council's do provide for controls relating to</i></p>

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<p><i>enhance amenity.</i></p> <ul style="list-style-type: none"> <i>The Panel notes that the design of many balconies does not meet the ADG objectives related to visual and acoustic privacy. As detailed above, the Panel recommends that the applicant modify the proposal to ensure those objectives are met.</i> <i>The Panel considers that the entrance lobby/lift lobby at ground level does not adequately provide for an appropriate waiting area and/or for pedestrian circulation. The Panel recommends the design be carefully reviewed to address these issues, including widening the space in front of the elevators by approximately half a metre.</i> 	<p><i>corridor width.</i></p> <p><i>These include Burwood, Rockdale and Penrith. Their respective controls state:</i></p> <p><u><i>Burwood DCP</i></u> <i>3.2.16 Lobbies and Internal Circulation – All Development</i> <i>P4 Common area corridors must be a minimum of 2 metres in width</i></p> <p><u><i>Rockdale DCP</i></u> <i>5.2 Residential Flat Buildings</i> <i>Lift Size and Access</i> <i>35. All common corridors are to have a minimum width of 2 metres to enable bulky goods (white goods, furniture etc) to be easily transported through the building.</i></p> <p><u><i>Penrith DCP</i></u> <i>2.5.14 Design of Dwellings and Private Courtyards</i> <i>1) Common circulation areas should facilitate access by people carrying parcels and removal of furniture:</i> <i>a) corridors at least 1.2m wide</i></p> <p><i>While those controls are not applicable as they relate to other Council's it is indicative of what is deemed as an appropriate corridor width across Sydney. The corridor in front of the lift lobby at ground level is 2m and is therefore consistent with the above.</i></p> <p><i>An increase in the width of the corridor in front of the lifts would also have repercussions to the design over all levels from reducing units and bedrooms sizes below their minimums. With no numerical requirement in this Council area and consistency in the design with requirements across the Sydney area, it is deemed that an increase in the width of the corridor is not necessary. There remains an appropriate level of manoeuvrability and functionality within the 2m corridor.</i></p>
Safety	
<ul style="list-style-type: none"> <i>The Panel notes the linear nature of the disabled access ramp which parallels Campbell Street and suggests that the design be reviewed against the relevant Australian Standard.</i> <i>The Panel notes that the proposed fire staircase</i> 	<p><i>The disabled ramp has been reviewed and an additional plan in the architectural package submitted to Council demonstrates compliance of the ramp with AS1428.1-2009.</i></p> <p><i>It is noted the visual impact of the ramp is reduced in presentation from the street by the provided landscaping in front of and beyond the ramp itself.</i></p> <p><i>The fire stairs have been revised to discharge to the street.</i></p>

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<i>discharges into the internal corridor of the building and recommends that the applicant ensure that the fire exit provision complies with the relevant BCA and Australian Standards.</i>	
Housing Diversity + Social Interaction	
<ul style="list-style-type: none"> <i>The Panel notes that the dual key issues raised have been satisfactorily addressed.</i> 	Noted.
Aesthetics	
<ul style="list-style-type: none"> <i>The Panel supports the changes that have been introduced to the original design by the applicant. In the Panel's view, further articulation of the western façade in an appropriate manner (refer Built Form + Scale) and the introduction of rooftop garden will contribute to the overall aesthetics of the proposed building. The modifications to the north-facing balconies suggested above should help to add more variety and interest to the north façade.</i> 	<i>These matters have been addressed under the above points in the letter.</i>
Outcome	
The panel has determined the outcome of the DEP review and has provided final direction to the applicant as follows: <i>The project is supported. The applicant is to respond to recommendations made by the Panel and the revised plans are to be submitted to Council for review/approval.</i>	

As detailed in the table above, it is considered that the proposal has been amended in response to the issues raised by the DEP. Further discussion on the 9 design quality principles is provided in **Attachment 2** of the report, which concludes that the proposal is considered to be consistent with the 9 design quality principles of SEPP 65 - Design Quality of Residential Apartment Development.

Apartment Design Guide

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

As shown in **Attachment 2** of this report, and specifically within the ADG compliance table, the proposed development achieves compliance with the majority of the relevant requirements of the ADG. The variation to the minimum building separation (the western side of the building) is discussed in **Attachment 2** of this report.

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

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

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.
(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 (refer to the Stage 1 and 2 site investigation report prepared by Geo-Environmental Engineering submitted with this application).

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

For the above reason, the applicant has provided a Stage 1 and 2 Environmental Site Investigation of the site for potential areas of contamination which was undertaken by Geo-Environmental Engineering. This document concluded that further site investigation or remediation of the site is not warranted and hence the site is considered suitable for the proposed residential land use.

Further, a search of Council's available records suggest that the site appears to have been used for residential purposes. This is based on aerial imagery showing no development or use on-site, and no physical alteration.

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

(c) State Environmental Planning Policy (BASIX) 2004

In accordance with this policy, all new residential development 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

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emissions by setting energy and water reduction targets for houses and units.

A BASIX Certificate has been submitted for the proposed development. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

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

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

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

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within **Attachment 3** of this report.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The proposed development is appropriately defined by the standard instrument as “residential flat building” which means *a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*.

Residential Flat Building is identified as a permitted land use with consent within the R4 High Density Residential Zone under Liverpool Local Environment Plan 2008.

(iii) Objectives of zone

Objectives of the R4 High Density Residential Zone are;

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

The proposal generally satisfies the above objectives of the R4 zone as follows:

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- It will provide for housing needs within a high-density residential environment. It is noted that development in the immediate vicinity of the site consists of high-density residential development;
- It will contain a number of different sized units, thereby providing a variety of housing types within a high-density residential environment;
- The proposal is unlikely to hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is in the vicinity of transport facilities which include bus services and Liverpool railway station.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high-density residential development within the area.

Zoning Map



Figure 11: Zoning Map (source: Geocortex)

(iv) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with the LLEP 2008, where applicable.

Clause	Provision	Comment
Part 4 Principal Development Standards		
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Not Applicable The site is currently vacant. Not proposed.
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1,000m ²	Complies The existing lot has a total site area of 1,322m ² .
Clause 4.3 Height of Buildings (as per HOB Map)	Maximum building height = 35m	Complies The proposal provides for a maximum building height of 30.15m to the rooftop

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<p>Clause 4.4 Floor Space Ratio (as per FSR Map)</p> <p>Clause 4.4(2B)</p>	<p>Subject site = 1,322m².</p> <p>Maximum FSR of 2:1 + 0.215 (under Clause 4.4(2B) of LLEP 2008) = 2.215:1</p> <p>Therefore, the maximum Gross Floor Area (GFA) for the site is: 2,928.23m² (2.215:1)</p>	<p>lift overrun (RL48.45 AHD)</p> <p>Complies The proposed floor area is: 2,927.6m² (2.21:1)</p> <p>See discussion below (1)</p>
<p>Clause 5.10 Heritage Conservation</p>	<p>The objectives of this clause is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.</p>	<p>Not applicable The subject site is not listed as an item of local or state heritage significance and heritage conservation area. However, all streets in the surrounding area bounded by George Street, Campbell Street, Macquarie Street and Northumberland Street (early town centre street layout – Hoddle 1827) are listed as local heritage items under Liverpool Local Environmental Plan (LLEP) 2008.</p> <p>Nevertheless the proposal is unlikely to cause any detrimental impacts on heritage items in the vicinity of the site (including a dwelling at 13 Bigge Street to the east and Liverpool Memorial Pioneer’s Park (formerly St Luke’s Cemetery and Liverpool Cemetery) to the west) in terms of the street layout, fabric, setting and views of the heritage items given the building separation and site orientation.</p> <p>Furthermore, a referral was made to Council’s heritage officer who did not require further heritage assessment and recommended a conditions of consent to notify the NSW Heritage Division for any discovery of unexpected historical relics.</p>
<p>Clause 7.1 Objectives for Development in Liverpool City Centre</p>	<p>Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development.</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments, (b) to allow sunlight to reach buildings and areas of high pedestrian activity, (c) to reduce the potential for pedestrian and traffic conflicts on the Hume</p>	<p>Satisfactory The proposed development will assist in preserving the existing street layout and will help reinforce the street character through the redevelopment of a current vacant block of land within the Liverpool city centre.</p> <p>The proposed residential flat building is of a high quality design and is consistent with the surrounding building typologies.</p> <p>The proposed development will assist to enhance the streetscape along both Campbell Street and George Street.</p>

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	<p>Highway, (d) to improve the quality of public spaces in the city centre, (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry, (f) to enhance the natural river foreshore and places of heritage significance, (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>	<p>The design of the building, internal layouts and orientation have been purposefully designed to provide good natural daylighting and solar access into the primary living spaces, external living areas and courtyard. The massing enables a greater proportion of apartments to have a northern aspect.</p> <p>It is considered that the proposal satisfies the objectives of Clause 7.1 of the LLEP 2008.</p>
<p>Clause 7.4 Building separation in Liverpool city centre</p>	<p>(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>(2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least –</p> <p>(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential</p>	<p>Complies The proposal complies with building separation in Clause 7.4 of the LLEP 2008.</p> <p>Note: The adjoining properties do not exceed 12m in height (northern neighbouring 3 storey RFB has a ridge height of RL28.20 AHD as shown on survey above the NGL of approx. RL18 AHD) and compliant building separations have been provided in accordance with ADG.</p>
<p>Clause 7.5 Design Excellence in Liverpool City Centre</p>	<p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p>	<p>Satisfactory The proposed development will exhibit a high standard of architectural design, materials and detailing appropriate to its location within George Street.</p> <p>The overall design concept provides an approach that considers both the detail of the building at the scale of an individual person interacting with their immediate environment and provides consideration to the overall building form within the immediate context and how the material and treatment of the façade give character and definition in the context of Liverpool.</p> <p>A mix of high quality, durable materials, colours and textures have been chosen to respond to and</p>

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		<p>enhance the existing and future local context of this part of the Liverpool City Centre.</p> <p>Council's independent Design Excellence Panel (DEP) has concluded that the proposal is generally satisfactory with respect to the provisions of SEPP 65 and the ADG (architectural design, materials and details).</p>
	<p>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p>	<p>Satisfactory The proposed development will facilitate the redevelopment of a currently vacant site and will greatly assist in enhancing and improving the site from the public domain.</p>
	<p>(c) whether the proposed development detrimentally impacts on view corridors,</p>	<p>Complies The proposed development will not detrimentally impact on significant view corridors or limit any views of existing development.</p>
	<p>(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),</p>	<p>Complies The proposed development will not detrimentally overshadow Liverpool Pioneer's Memorial Park given the distance between the site and the heritage item.</p>
	<p>(e) any relevant requirements of applicable development control plans,</p>	<p>Complies A detailed assessment of compliance with the LDCP 2008 is undertaken further in this report. It is considered that the proposed development is consistent with the requirements of the LDCP 2008.</p>
	<p>(f) how the proposed development addresses the following matters (i) the suitability of the site for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles</p>	<p>Satisfactory The proposed residential flat building has been designed to satisfy the provision of ADG associated with SEPP 65 which takes precedence over this Clause of the LLEP 2008.</p> <p>A detailed assessment of compliance with SEPP 65 and the ADG has been discussed further in this report. It is considered that the proposed development is consistent with the provisions of SEPP 65 and ADG as advised by Council's independent Design Excellence Panel (DEP).</p> <p>As such the proposal is considered to be consistent with Clause 7.5 of the LLEP 2008.</p>

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	of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain.	
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a primary street frontage of 24.225m to George Street and secondary street frontage of 31.41m to Campbell Street and hence the objectives of this clause of the LLEP 2008 are achieved.
Clause 7.17 Airspace Operations	The objectives of this clause is to protect airspace around airport.	Satisfactory The site is located in the 110m AHD contour for the Bankstown Airport Obstacle Limitation. The proposed RFB is 48.45m (AHD).
Clause 7.17A Hospital Helicopter Airspace	The objectives of this clause is to protect hospital helicopter airspace within the Liverpool City Centre.	<p>The south western corner of the site is affected by the mapped corridor for hospital helicopters under this Clause. The extent of encroachment into the mapped corridor is minimal considering the setbacks required from the site boundary.</p> <p>For the above reason, the proposal was referred to the South Western Sydney Local Health District (Avipro) seeking advice on the affectation of the mapped corridor under this Clause of the LLEP 2008.</p> <p>The South Western Sydney Local Health District (Avipro) has raised no issues subject to conditions of consent and provided the following comment:</p> <p><i>“We understand that this site is not in our revised western flight path for the Liverpool Hospital helicopter landing site. Therefore the site itself, will not be an obstruction to the flight path.</i></p> <p><i>During construction however, we would require any cranes associated with the site to be appropriately illuminated. By this, we require the crane lighting to be greater than what is required in the CASA Manual of Standards (MOS) Part 139. This is because the red lights at the ends of the jib cannot be seen from above (in a helicopter) due to the background lights of the city.</i></p> <p><i>Therefore, the lighting requirement is</i></p>

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		<p><i>to ensure the jib is illuminated with white fluoro lights (not white LED strip lighting) or a product called Heliflex (light weight night vision compatible) so that the pilots can see the orientation of the jib at night through their night vision devices”.</i></p> <p>As such it is considered that the proposal satisfies the objectives of Clause 7.17A of the LLEP 2008.</p>
<p>Clause 7.31 Earthworks</p>	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>Complies</p> <p>A basement car park is provided, which is considered acceptable for this type of development given that it results in a built form that is appropriate to the context of the site and the surrounding area.</p> <p>A Geotechnical Investigation report undertaken by Geo-environmental Engineering has been submitted with this application which concludes that the proposal is geotechnically feasible.</p> <p>The development is considered satisfactory in respect of this clause, subject to conditions of consent to ensure that mitigation measures are in place during excavation and construction management of the site against any likely impacts resulting from the development.</p>

(1) Clause 4.4 – Floor Space Ratio

In designing the development, the applicant relied upon the decision of the Land and Environment Court of New South Wales in *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [2015] NSWLEC 1521 (15 December 2015)*.

In that decision, the Court found that a corridor which is open constituted a breezeway and did not form part of Gross Floor Area (GFA) and thereby FSR. The rationale rests on an interpretation of the definition of Gross Floor Area in the LEP which states: “*Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor...*” Because the corridors are open, the argument used in the Danks judgement relies on the internal walls of the corridor becoming external (i.e. exposed to weather). **Figure 12** below details the corridor area of exclusion from GFA located at Levels 1-8 of the building.

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Figure 12: Typical floor plans showing the corridor areas of Levels 1-3 excluded in the GFA calculation (in red circle). The shaded areas indicate GFA at residential floor levels 1-8. (Source: A-2023-A-2025 Rev F prepared by Benson McCormack Architecture)

In the more recent Court case of *Landmark Group Australia Pty Ltd v Sutherland Shire Council* [2016] NSWLEC 1577 (2 December 2016), the matter of what constitutes a breezeway (and

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therefore contributes towards GFA) was also challenged.

In that decision, the Court found that the breezeway/corridors that are within the internal face of the external walls of the building contribute towards GFA.

The implication of these decisions by the court on the subject development is that the design excludes the 'open' corridor at residential floor levels 1-3 of the proposed development as GFA because they are interpreted as external walls.

As such, Council considers it reasonable to exclude the openable corridor areas within the proposed development (Levels 1-3) towards GFA for the purpose of FSR calculations.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 4 Development In Liverpool City Centre*.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008, as detailed within the compliance table in **Attachment 4** of this report.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the NCC (BCA) and the Safety standards for basement excavation. 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 design of the development has incorporated sufficient setback areas for replacement planting. The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole.

The proposal will facilitate for high quality residential development which is consistent with the desired future character of the locality.

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

The proposed development is considered to meet the objectives of the R4 High Density Residential zone and is therefore considered consistent with the long term future character of the locality.

Social Impacts and Economic Impacts

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

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

The proposed development has been designed in line with the applicable planning controls which describe the desired future character of the site and surrounding locality. The proposed development is a permitted use and has a bulk, scale and appearance which also takes account of the site attributes and constraints. The proposed development is therefore considered suitable for the site.

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

(a) Internal Referrals

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

Department	Comments
Development Engineer	Approval subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Waste Management	Approval subject to conditions of consent. Council's Waste Officer has requested the provision of a designated loading zone in front of the site for waste bin collection given that the development cannot provide an on-site waste collection area. This matter has been imposed as a condition of consent.
Building	Approval subject to conditions of consent
Heritage Advisor	Approval subject to conditions of consent
Natural Environment/Landscape	Approval subject to conditions of consent
City Design and Public Domain	Approval. No conditions imposed.

(b) External Referrals

The following comments have been received from External Authorities:

Department/Authority	Comments
South Western Sydney Local	No objection to the development subject to conditions of

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Health District (Avipro)	consent (crane lighting during construction)
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(c) Design Excellence Panel

The application was considered by Council's Design Excellence Panel on 27 October 2020. As articulated earlier in the report, the design issues raised by the DEP have been resolved by the applicant.

(d) Community Consultation

The development application was notified in accordance with Liverpool Development Control Plan 2008 from 6 November 2020 to 20 November 2020. One (1) submission was received as a result of the notification. The issues raised in the submission are discussed below:

Issues	Comments
<p><i>The existing brick garage and patio attached to the dwelling on No 53 Campbell Street erected adjacent to the common boundary of the subject property No 23 George Street has not been shown on any of the basement plans which is proposed to be constructed up to the common boundary with the said No 53 Campbell Street.</i></p> <p><i>We ask that Council consider this part of the approval and be sure to impose the appropriate conditions of consent to maintain the integrity and structure of the brick garage and patio adjacent to the common boundary during excavation and construction of the basement levels.</i></p>	<p>The ground floor and upper floor level plans have been amended to clearly show the neighbour's brick garage/patio (revisions J & L) which are subject to the assessment of this application.</p> <p>Appropriate conditions have been included as part of the recommendation of this report to ensure that any potential impacts on the neighbour's brick garage/patio are mitigated. These conditions require the applicant to: submit a dilapidation report on all neighbouring structures within the 'zone of influence'; protect and support the adjoining properties from possible damage from the excavation; underpinning and retaining walls to prevent any possible damage; surveyors report to verify the setbacks; floor levels and external wall locations during construction; and any damage on adjoining properties and associated cost for repairs to be borne by the applicant/developer.</p>
<p><i>Council to acknowledge that they have accounted for and taken into consideration the development approval DA-1677/2006 current on No 53 Campbell Street when assessing the DA-693/2019 23 George Street.</i></p>	<p>Neighbour's DA (DA-1677/2006) has been considered as part of this application. As detailed in the 'Site Isolation' section of the report, the nature of the neighbour's DA has been identified and further any potential impacts on the neighbour's DA, particularly any works near the common boundary between the two properties have been considered as part of the abovementioned conditions of consent.</p>

The issues raised in the submissions are considered to contain varying degrees of relevance and have been considered in the assessment of the application.

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 reasonably high-quality development for Liverpool. The development provides additional

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housing opportunities within close proximity to employment opportunities and public transport. In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions (Liverpool City Centre from 9 January 2020) is applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 - Liverpool City Centre and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$213,592.00** (refer to Attachment 6 of this report).

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 SEPP 65 and the associated Apartment Design Guide, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

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

9. RECOMMENDATION

That Development Application No. DA-693/2019 for the construction of a nine (9) storey residential flat building containing 36 residential apartments over 3 levels of basement car parking, and associated landscaping, be approved subject to conditions of consent.

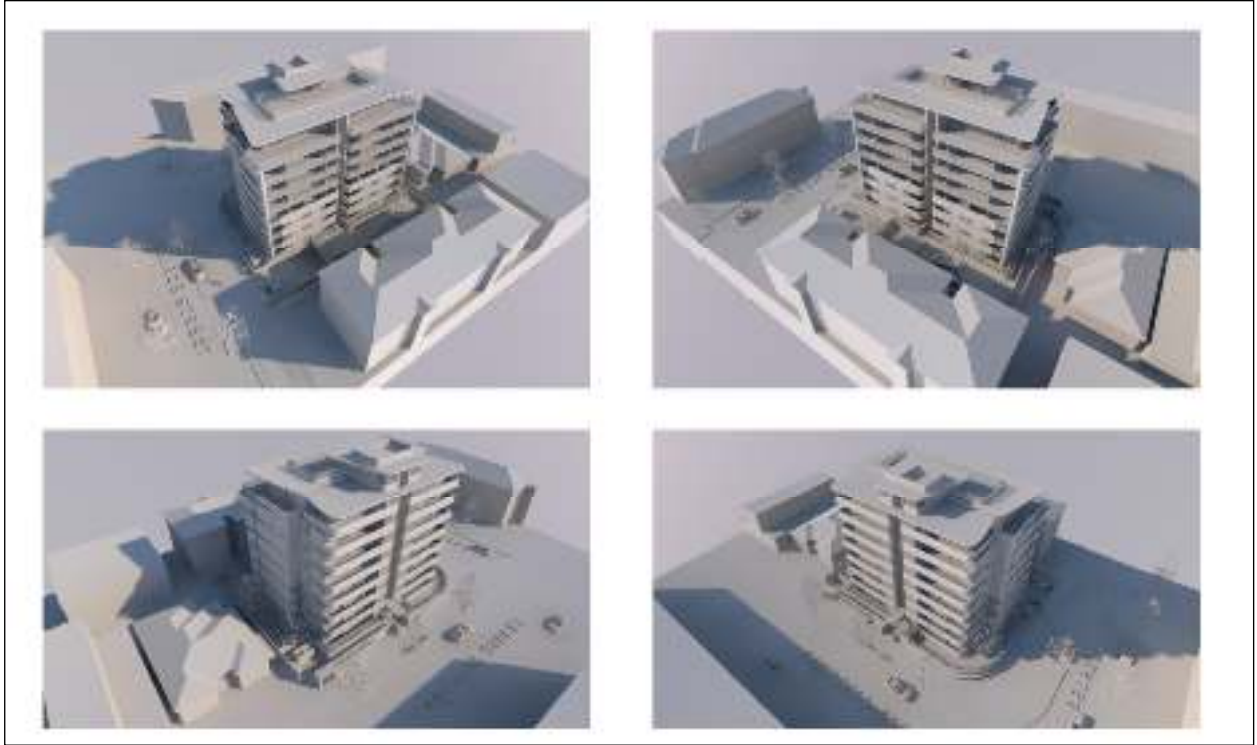
10. ATTACHMENTS

- 1. PERSPECTIVE PLANS OF THE PROPOSAL**
- 2. SEPP 65 & ADG COMPLIANCE TABLE**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**
- 5. DRAFT CONDITIONS OF CONSENT**
- 6. SECTION 7.11 CONTRIBUTIONS**

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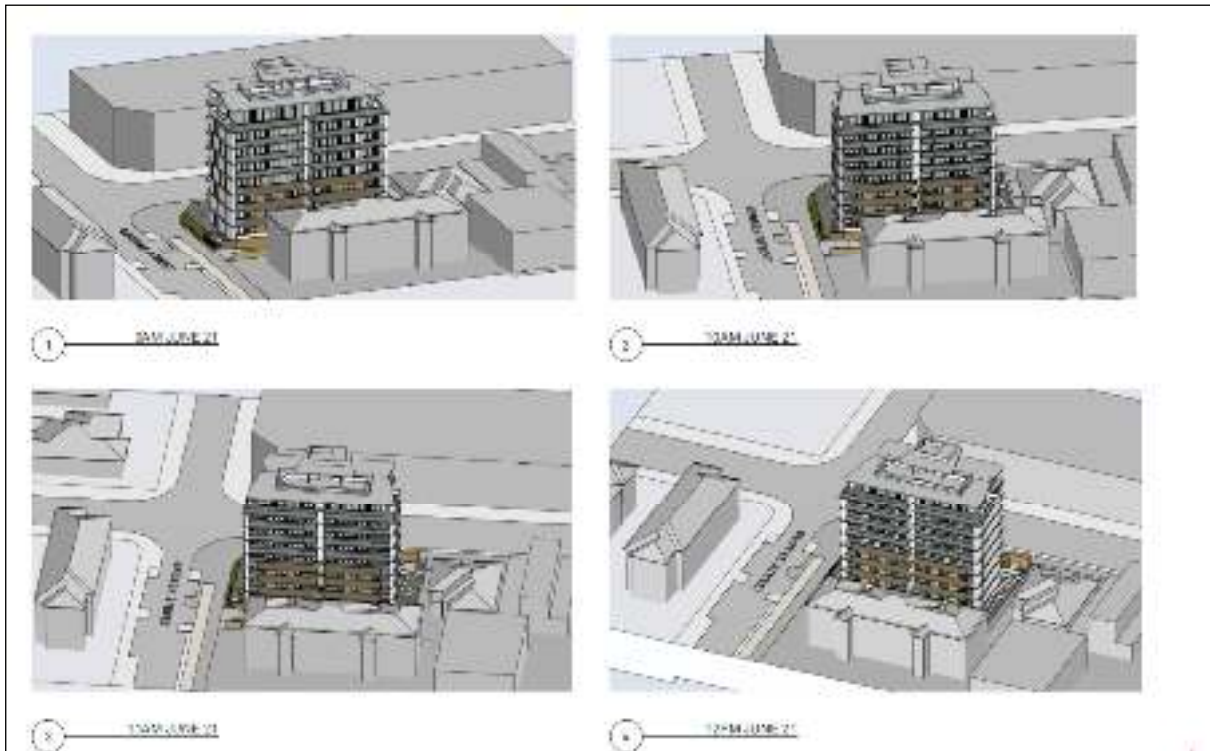
ATTACHMENT 1: PERSPECTIVE PLANS OF THE PROPOSAL



3D views of the proposal from various angles (source: A-0012-D prepared by Benson McCormack Architecture).

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3D views of the proposal from various angles showing solar access on 21 June 9Am-3PM (source: 2011 D prepared by Benson McCormack Architecture).

Attachment 2: SEPP 65 AND ADG Compliance Table SEPP 65 Design Quality Principles table

Principle	How does the development address the principles?
<p>Principle 1: Context and Neighbourhood Character</p> <p>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.</p> <p>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.</p>	<p>Planner's Comment: <i>The subject site sits adjacent to other high density residential and mixed use zoned land and the proposed residential flat building is therefore considered to reflect the desired future character of the area.</i></p> <p><i>The site benefits from an east-west orientation with Campbell Street to the south which allows for maximum northerly aspect and maximises solar access, while minimising overshadowing. Further, the architectural design has sought to address this context by ensuring a site responsive design that addresses the entire site.</i></p>
<p>Principle 2: Built Form and Scale</p> <p>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.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Planner's Comment: <i>The built form is considered appropriate to the site, in terms of building alignment, proportion and typology. The proposal provides a contemporary architectural form that is appropriate for the R4 High Density Residential zone and sets the precedent for future surrounding development.</i></p> <p><i>The building has been appropriately modulated and articulated to reduce apparent bulk and express its residential character. The articulation of the facades expresses both the buildings internal function whilst being responsive to the site's orientation and context.</i></p> <p><i>The proposed scheme provides an urban framework that responds to the evolving context of Liverpool City Centre while maximising the quality of residential amenity for future occupants.</i></p>
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p>	<p>Planner's Comment: <i>The density is appropriate for the site given its accessibility to public transport, access to communal open space, the built form context, and the high amenity achieved for every unit by virtue of the spacious apartment sizes and optimal layouts.</i></p> <p><i>The development provides for new residential accommodation in a location earmarked for future higher</i></p>

<p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>density residential development.</i></p> <p><i>The development is located within good proximity to transport access, surrounding commercial and industrial with potential employment opportunities, as well as community facilities, and public open spaces.</i></p>
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>Planner's Comment: <i>Sustainability is integral to the design.</i></p> <p><i>The building has been designed to achieve a 5.9 star NatHERS Rating. The building design reflects an efficient use of natural resources through effective cross-flow ventilation within 83% of units and ensuring adequate solar access to more than 79% of units.</i></p> <p><i>The building will incorporate energy and water efficient devices as detailed in the BASIX report.</i></p> <p><i>The building also maximises thermal comfort and cross ventilation to reduce the reliance on technology.</i></p> <p><i>Deep soil zones are provided throughout the site to provide for groundwater recharge and natural landscaping.</i></p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. 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.</p>	<p>Planner's Comment: <i>The common and private open spaces, will be landscaped for residents' amenity, featuring significant landscaping within the perimeter of the site and rooftop, including the planting of shrubs at the street frontage and the planting of trees at the side and rear boundaries.</i></p> <p><i>The proposed landscaped areas will aid in reducing the scale of the building and integrate the development with the surrounding environment.</i></p> <p><i>The landscape design maximises privacy between adjoining properties by incorporating the planting of trees along the site boundary where there are no pathways or driveway.</i></p> <p><i>The planting of trees is proposed to be planted in areas where optimum solar access and summer shade is possible. The landscape design has provided open lawn space to increase social interaction.</i></p>
<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident</p>	<p>Planner's Comment: <i>The design provides amenity through the physical, spatial and environmental quality of the development. Appropriate room dimensions and shapes, access to sunlight, natural ventilation and visual and acoustic privacy have been provided in each dwelling. The provision of storage, indoor and outdoor</i></p>

<p>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</p>	<p><i>space, efficient layouts and service areas contribute to the design. Outlook and ease of access for all age groups and degrees of mobility has been considered (provision of a ramp at the street frontage).</i></p> <p><i>Internal room sizes and layout provide resident amenity and balconies are directly accessible from the internal living and bedrooms enabling a direct link between internal and external recreational areas.</i></p> <p><i>Boundary setbacks enable the rooms to be well ventilated and access to sunlight is available through proportioned window openings placed according to the use of each room.</i></p>
<p>Principle 7: Safety</p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Planner's Comment: <i>The proposal has been designed in such a way that safety and security is ensured for the site and its residents by virtue of casual surveillance of open spaces, with casual surveillance of entrances and exits on the site possible from the street facing units.</i></p> <p><i>Proposed orientation of building and floor layouts provide natural passive surveillance of public domain and common open space.</i></p> <p><i>Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines and minimise potential for 'hiding places'. The main entry, lift lobby and hallways will be well lit for better visibility at night (by conditions).</i></p> <p><i>Fences and gates are of a height and rigidity to provide visual privacy and physical security to common open spaces and private areas.</i></p>
<p>Principle 8: Housing Diversity and Social Interaction</p> <p>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.</p>	<p>Planner's Comment: <i>The proposal includes a variety of different housing typologies that will be offered in different sizes and layouts which will extend the diversity of residential accommodation available in the area.</i></p> <p><i>Apartment mix:</i></p> <p><i>1 bedroom units: 12 – (33%)</i></p> <p><i>2 bedroom units: 20 – (55%)</i></p> <p><i>3 bedroom units: 4 – (12%)</i></p> <p><i>It is noted that all apartment sizes are generously apportioned and exceed the minimum ADG size requirements.</i></p>
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and</p>	<p>Planner's Comment: <i>An appropriate composition of building elements, materials, textures, and colours has been utilised to reflect the building's layout and structure. As noted by the DEP, a considerable level of design</i></p>

<p>structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><i>excellence has been achieved both internally and externally, and it is anticipated the development will set a high precedent for future high density residential development within the area.</i></p> <p><i>The design of the development is considered compatible with the future context of the Liverpool City Centre.</i></p>
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Apartment Design Guide (ADG) Compliance Table

Provisions	Comment
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	The proposed development is considered to be consistent with the primary controls.
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	The proposed development is considered to be consistent with the building envelope controls.
2C Building Height	
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	<p>Complies.</p> <p>The proposal has a maximum height of 30.15m which is below the maximum 35m height allowed under the LLEP 2008.</p>
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	<p>Complies.</p> <p>Refer to detailed assessment under LLEP 2008.</p>
2E Building Depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<p>Complies.</p> <p>The proposal features a maximum apartment depth of 18m (from glass line to north and glass line to south).</p>
2F Building Separation	
Minimum separation distances for buildings are:	<p>Variation considered acceptable.</p> <p>Proposal is 9 storeys.</p>

<p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 	<p><u>Northern boundary: 21 George Street.</u> Proposal complies with both the minimum 6m (up to 4 storeys) and 9m (5 to 8 storeys) required separation for the entire northern elevation with 9m separation.</p> <p><u>Western/rear boundary: 53 Campbell Street.</u> Proposal provides 4.5m separation for the first 7 storeys and 6m separation for the uppermost level 8 (Does not comply)</p> <p><u>Eastern and Southern boundaries: George Street and Campbell Street.</u> The development provides 4.5m landscaped setbacks to both street frontages. This is envisaged by the DCP controls and appropriate in this location.</p> <p>The adjoining buildings do not exceed 12m in height.</p> <p>See full discussion after this table.</p>
<p>2G Street setbacks</p>	
<p>Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.</p>	<p>The proposed development is consistent with the primary controls with respect to street setback to both street frontages to Campbell Street and George Street.</p>
<p>2H Side and rear setbacks</p>	
<p>Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.</p>	<p>As per building separation requirement.</p> <p>The proposed development is consistent with the primary controls in respect to side and rear setbacks.</p>
<p>PART 3 SITING THE DEVELOPMENT</p>	
<p>3A Site Analysis</p>	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies A detailed site analysis plan has been provided.</p>
<p>3B Orientation</p>	
<p>3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development</p>	<p>Complies The development is considered to respond appropriately to both street frontages of George Street and Campbell Street.</p> <p>The proposal provides open space to the north and on the rooftop in order to optimise solar access and the development is responsive to the future character of the R4 zone within the Liverpool City Centre.</p>
<p>3B-2. Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>The proposal is not considered to result in unreasonable overshadowing of neighbouring</p>

	properties, due to the north-south orientation of the site (Campbell Street to the south).
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	Complies Living areas and balconies are orientated towards the public domain with defined physical separation elements to ensure a safe and secure transition between the private and public domain.
3C-2 Amenity of the public domain is retained and enhanced	
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	Complies Site = 1,322sqm Minimum 330.5m required (25%). The proposal provides an area of 461sqm (34%) for communal open space. This is distributed to the roof, north and west. The main north facing area will receive more than 2 hours direct sunlight in mid-winter. The multiple landscape elements provide various spaces for residents to engage and enjoy. Communal garden beds, fixed seating, and a BBQ area are provided to the rooftop within the development. The ground floor communal open space areas are accessible and visible from habitable rooms and private open space areas. Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries and lobbies
1. Communal open space has a minimum area equal to 25% of the site	
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
Site Area <1500m ² Min. Dimensions 3m Deep soil zone (% of site area) - 7%	Complies Minimum 92.54m required (7%) required. The proposal provides 161.4sqm (12%) deep soil landscaping adjacent to the front and northern side boundaries. The deep soil areas are a minimum of 3m in dimensions (outside the basement footprint).
3F Visual Privacy	
Requirement: Building Height	Variation considered acceptable. Proposal is 9 storeys. <u>Northern boundary: 21 George Street.</u> Proposal complies with both the minimum 6m (up to 4 storeys) and 9m (5 to 8 storeys) required separation for the entire northern elevation with 9m separation. <u>Western/rear boundary: 53 Campbell Street.</u> Proposal provides 4.5m separation for the first 7 storeys and 6m separation for the uppermost level 8 (Does not comply)
Habitable Rooms and Balconies	
Non Habitable Rooms	
6m	
3m	

	<p><u>Eastern and Southern boundaries: George Street and Campbell Street.</u> The development provides 4.5m landscaped setbacks to both street frontages. This is envisaged by the DCP controls and appropriate in this location.</p> <p>The adjoining buildings do not exceed 12m in height.</p> <p>See full discussion after this table.</p>
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	<p>Complies Building access areas, entries and pathways are clearly visible from the public domain. The entries to the ground floor lobby is easily identifiable and distinguishable.</p> <p>Entries and pathways from the front of the building and to the communal open areas are accessible.</p>
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Complies The driveway and basement design allows vehicles to enter and exit in a forward direction.</p> <p>The driveway ramp is separated from the main pedestrian access with landscaped area.</p> <p>The driveway crossing is located on the north eastern side of the site and contributes to separation from the common boundary. Despite the increased driveway crossing width from the existing, the driveway is not considered to be a dominant feature upon the streetscape.</p>
3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	<p>Complies Car parking has been provided as per the requirements of the LDCP 2008.</p> <p>15 x Bicycle parking spaces are provided within the basement level 3, which are secure and easily accessible.</p> <p>3 x Motorcycle parking spaces are provided within the basement level 2, which are secure and easily accessible.</p> <p>The vehicle entrance to the underground car parking area is considered acceptable.</p>
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6. Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. Living rooms and private open spaces of at	Complies

<p>least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>More than 79% of units achieve the required 2 hours of solar access at mid- winter.</p> <p>11% of apartments (southern facing units numbered: 101.1B, 106.1B, 201.1B & 206.1B) receive no direct solar access on June 21 between 9am and 3pm (as shown on the submitted plans).</p>						
<p>4A-2 Daylight access is maximised where sunlight is limited</p>	<p>Complies The site provides sufficient daylight access to apartments given the orientation of the site.</p>						
<p>Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months</p>							
<p>4B Natural Ventilation</p>							
<p>4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Complies A total of 83% of apartments will receive natural cross ventilation.</p> <p>Overall apartment depths do not exceed 18m.</p>						
<p>4B-2 The layout and design of single aspect apartments maximises natural ventilation</p>							
<p>4B-3 The number of apartments with natural cross ventilation is maximised</p>							
<p>4C Ceiling Heights</p>							
<p>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <table> <tr> <td>Habitable Rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-Habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor</td> </tr> </table>	Habitable Rooms	2.7m	Non-Habitable	2.4m	If located in mixed use areas	3.3m for ground and first floor	<p>Complies All floors achieve a minimum floor-to-ceiling height of 2.8m.</p>
Habitable Rooms	2.7m						
Non-Habitable	2.4m						
If located in mixed use areas	3.3m for ground and first floor						
<p>4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>All residential apartments have a minimum ceiling height of 2.8m in habitable rooms and apartment layouts have been designed to provide spacious, well-proportioned rooms.</p>						
<p>4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building</p>	<p>The floor to ceiling heights at ground floor and above is consistent with the buildings residential use.</p>						
<p>4D Apartment Size and Layout</p>							
<p>4D-1 The layout of rooms within an</p>	<p>Complies</p>						

<p>apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total 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>All units exceed the required minimum areas. Unit sizes are distributed as follows:</p> <p>Ground floor (Level 1) 4 x 1 bedroom units (50.1 m² to 55.1 m² with a study) 2 x 2 bedroom units (78.5m² to 78.6m²)</p> <p>Levels 2 to 3 8 x 1 bedroom units (50.1m² to 55.1m² with a study) 4 x 2 bedroom units (78.5m²)</p> <p>Level 4 2 x 2 bedroom units (dual key units with size of 75m²) 2 x 3 bedroom units (96.6m²)</p> <p>Level 5 4 x 2 bedroom units (75m² and 93.1m² for accessible units)</p> <p>Levels 6 to 7 4 x 2 bedroom units (75m² and 93.1m² for accessible units)</p> <p>Level 8 2 x 3 bedroom units (107.8m²)</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>No open plan layout has a habitable room depth more than 8m from a window.</p>
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments 	<p>Complies All master bedrooms and other bedrooms achieve the required areas and the minimum dimensions.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>Cross through apartments are more than 4m in width</p>

<ul style="list-style-type: none"> • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>																
<p>4E Private Open Space and Balconies</p>																
<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="177 667 746 857"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Min. Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Complies</p> <p>All apartments comply with the minimum numeric requirements for the area and depth of primary balconies and POS.</p> <p>Private open space is directly accessible from the living area of each dwelling.</p> <p>The balconies are integrated into the overall design of the development and form part of the detail of the building.</p> <p>Balustrades height to comply with BCA requirements.</p>
Dwelling type	Minimum Area	Min. Depth														
Studio	4m ²															
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3+ bedroom	12m ²	2.4m														
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																
<p>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>																
<p>4E-4 Private open space and balcony design maximises safety</p>																
<p>4F Common circulation and spaces</p>																
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Complies</p> <p>One circulation area is proposed, with a maximum of 6 units serviced on Level 1-3, 4 units serviced on Levels 5 – 7 and 2 units serviced on Level 8.</p> <p>The building is less than 10 storeys height.</p>															
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The proposal incorporates a common foyer/lobby area.</p>															
<p>4G Storage</p>																
<p>4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="177 2002 746 2058"> <thead> <tr> <th>Dwelling Type</th> <th>Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> </tbody> </table>	Dwelling Type	Storage volume	Studio	4m ³	<p>Complies</p> <p>The proposal provides for storage within each apartment and on the basement levels. These areas comply with the minimum volume specified in the ADG.</p>											
Dwelling Type	Storage volume															
Studio	4m ³															

<p>1 bedroom 6m³ 2 bedroom 8m³ 3+ bedroom 10m³ At least 50% of the required storage is to be located within the apartment</p>	
<p>4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</p>	<p>Complies Storage is provided within each apartment, and there are 36 spaces allocated for storage within the basement.</p>
<p>4H Acoustic Privacy</p>	
<p>4H-1 Noise transfer is minimised through the siting of buildings and building layout</p>	<p>Complies Noise transfer has been minimised through the siting of the building and adequate setbacks.</p>
<p>4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>The apartments have been configured so as to mitigate noise impacts as follows:</p> <ul style="list-style-type: none"> – Storage, circulation areas and non-habitable rooms will be located to buffer noise from living areas and common areas; and – The party walls (walls shared with other apartments) are designed to provide acoustic and visual privacy screening.
<p>4K Apartment Mix</p>	
<p>4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>Complies The development proposes a mix of one, one + study, two and three bedroom apartments. Given the range of land uses in the local area, it is considered that the development has the capacity to accommodate numerous residents who have opportunities to live and work within the same district.</p> <p>Further to this, the apartments proposed will offer a different housing type and affordability to that of detached housing which is generally seen throughout the Liverpool LGA.</p>
<p>4K-2 The apartment mix is distributed to suitable locations within the building</p>	
<p>4L Ground Floor Apartments</p>	
<p>4L-1 Street frontage activity is maximised where ground floor apartments are located</p>	<p>Complies Ground floor apartments are provided with direct access to the street.</p> <p>Where appropriate windows and balconies have been provided to front the street.</p>
<p>4L-2 Design of ground floor apartments delivers amenity and safety for residents</p>	
<p>4M Facades</p>	
<p>4M-1 Building facades provide visual interest along the street while respecting the character of the local area</p>	<p>Complies Building façades are articulated and modulated through the use of balconies, varying windows, and recessed elements. Ground floor building entries are clearly defined.</p>
<p>4M-2 Building functions are expressed by the facade</p>	
<p>4N Roof Design</p>	
<p>4N-1 Roof treatments are integrated into the</p>	<p>Complies</p>

building design and positively respond to the street	As demonstrated in the elevation drawings and perspectives a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing. The proposal complies with requirements of BASIX and will include thermal insulation.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies The landscape plan incorporates sustainable environmental design and landscaping to the site. The landscape design maximises the use of drought tolerant and native species.
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies Apartment layouts are generously apportioned and flexible.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort. The proposed development also satisfies natural ventilation and solar access criteria.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	

4V Water Management and Conservation	
4V-1 Potable water use is minimised	Complies Potable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room is provided in the basement.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Complies The proposal incorporates floor slab overhangs to protect walls and openings. The proposed external walls are constructed of robust and durable materials.

Clause 2F – Building Separation and Clause 3F – Visual Privacy

The building separation requirements are the same as those prescribed by the Design Criteria under Clause 3F of the ADG although their objective differs in that the minimum separation distances suggested under Clause 2F are to establish acceptable urban form and amenity whereas Clause 3F specifically addresses visual privacy.

The western elevation of the development provides reduced building separation of 4.5m for the first 4 storeys from the minimum 6m required and the same building separation has been provided for levels 5 to 7 which has continued wall construction (instead of a wedding cake design to comply with the 9m separation). 6m separation has been provided for the uppermost level 8 from the minimum 9m required under the ADG.

Figure 13 below illustrates the area of encroachment (in yellow) at the street elevation from common boundaries with adjoining properties.



Figure 13: Campbell Street Elevation showing various separation requirements and area of encroachment shaded in yellow (source: A-2011-D prepared by Benson McCormack Architecture)

The applicant's planner (GAT & Associates Pty Ltd) has provided the justification for the reduced building separation for the western elevation of the building:

- *The proposed development has been designed to achieve positive visual privacy and separation outcomes between the site, adjoining sites and the built form.*
- *A 4.5m setback has been proposed off the western boundary for Levels 1-8 of the proposed development. At Levels 1-7, this is measured from the external face of the main wall whereas for level 8, it is measured from the balcony. The external face of the main wall at level 8 is setback 7.1m from the western boundary.*
- *At Level 1 (ground floor), the proposed 4.5m setback from the western boundary is considered appropriate as the side boundary fence will provide adequate visual privacy between the western units and the western adjoining property.*
- *Although the side setbacks for Levels 2-8 are non-compliant with ADG's controls pertaining to habitable rooms and balconies, the proposal complies with the non-habitable setback requirements under the ADG and DCP for up to 25m (8 storeys) through the proposed 4.5m setbacks.*
- *Furthermore, the adjoining site to the west is zoned B4 Mixed Use (53 Campbell Street) and, as such, consideration should be given to the site's development potential.*
- *Under Council's DCP, residential uses up to 12m in height in a B4 Mixed Use zoning require a minimum nil side setback. Residential uses between 12- 25m require a side setback of 4.5m to non-habitable rooms and a 9m setback to habitable rooms. The setback increases to 6m to non-habitable rooms and 12m to habitable rooms for residential uses between 25m – 45m. These controls dictate the future potential building envelope achievable on this neighbouring site.*
- *Given the interface with a B4 Mixed Use zone to the west, it is considered that the proposal incorporates an appropriate separation which maintains a suitable level of amenity for future occupants in terms of daylight, ventilation and privacy.*
- *It is considered the proposed setbacks and separations are appropriate and provide adequate visual and acoustic privacy as well as ensure solar access and natural ventilation is afforded to the development as per ADG controls.*

Albeit the reduced visual privacy separation for the building, the proposal on its merit is considered acceptable and is recommended to be supported on the following basis:

- As noted earlier, the western elevation of the building do not include any windows or doors within the 4.5m building separation and only have bedroom windows over 6m building separation that do not directly overlook into the neighbouring properties (these windows are not windows for high-use rooms (such as bedrooms).

On the basis that the western adjoining property is single storey in height, the building separation above these levels are not particularly critical in terms of visual and acoustic privacy.

- The building elements within the required building separation are considered to be design features that mainly serve the purpose of providing reasonable internal layout in response to the context; articulating each elevation of the proposed building by: expressing the location of individual units and balconies within the building; contrasting materials and colour scheme and fenestration treatments to create varied

elevations of the proposed building and achieve visual interest (detail and relief); and producing a continuous appearance with other building elements such as balcony balustrades and wall finishes. The area of the encroachment over the visual separation of the building is well below the maximum 35m building height and hence no adverse overshadowing impact is envisaged as a result of the reduced building separation.

- The breaches over the building separation however do not constitute the entire length of the building but only in short spans no greater than 7.5m. For Levels 2-8, the western adjoining building does not reach that level and residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook are not compromised.



**ATTACHMENT 3 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN
NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP)**

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Land and Development Engineers. Minimal impact.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	Stormwater concept plan submitted and reviewed by Council's Land and Development Engineers. Minimal impact.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(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.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The land is not identified as being flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	Proposal	Comment
PART 1 – General Controls For All Development		
2. Tree Preservation	The site does not contain any significant vegetation.	N/A
3. Landscaping	The Landscape Plans show the location and design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately planted and maintained.	Complies
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	N/A
5. Bush Fire Risk	The development site is not identified as being bushfire prone land.	N/A
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system via an on-site detention system. A stormwater drainage concept plan has been submitted and referred to Council's Land and Development Engineers who raised no objections subject to the imposition of condition.	Complies
7. Development Near A Watercourse	The development site is not within close proximity to a water course.	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed.	Complies
9. Flooding Risk	The development site is not identified as being flood affected.	N/A
10. Contamination Land Risk	The site is unlikely to be contaminated and thus no remediation is required for the proposed works.	Complies
11. Salinity Risk	The development site is identified as containing a high salinity potential. A condition of consent has been imposed requiring a Salinity Management Report to be prepared prior to release of CC.	Complies
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	N/A
13. Weeds	Site is not affected by Weeds	N/A
14. Demolition Of Existing Development	The site is currently vacant. Not proposed.	N/A
15. On-Site Sewerage Disposal	Not proposed.	N/A
16. Aboriginal Archaeological Sites	The site is not identified as having archaeological potential.	N/A
17. Heritage And Archaeological Sites	Not identified as a heritage listed site or within a heritage conservation area. Refer to detailed assessment under Clause 5.10 of the LLEP 2008 for heritage items in the vicinity of the subject site.	N/A
20. Car-parking And Access	Refer to assessment under Part 4 of the LDCP 2008.	Complies
21. Subdivision Of Land And Buildings	None Proposed.	N/A
22. Water Conservation	Conditions of consent will be imposed to ensure compliance with the BASIX commitments.	Complies
23. Energy Conservation	Conditions of consent will be imposed to ensure compliance with the BASIX commitments.	Complies
24. Landfill	None Proposed	N/A
25. Waste Disposal And	Management during construction and on-going waste.	Complies

Re-Use	<p><u>During Construction:</u> A waste management plan (WMP) has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p><u>On-going Waste Management:</u> Residents will dispose their garbage in the waste chute located in a designated room on each level of each building.</p> <p>Sufficient bins have been provided in accordance with Council's waste management plan. The building manager will be responsible for the emptying of the recycling bins to the main garbage rooms within the basement.</p> <p>The main garage rooms are of sufficient size to accommodate a compactor, bins and bulky storage in accordance with Council's Waste Management Policy.</p> <p>Bins will be wheeled to the front for collection.</p>	
26. Outdoor Advertising	No signage proposed	N/A
27. Social Impact Assessment	A Social Impact Assessment was not required to be reviewed by Council's Community Planner.	N/A

LDCP 2008 - Part 4 Liverpool City Centre

Development Control	Provision	Comment
Section 4.2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is a 4-4.5m landscaped setback to both George Street and Campbell Street frontages.	Complies The development generally provides landscaped setbacks of 4.5m to George Street and Campbell Street.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies Projections into the building setbacks are proposed for floor slabs for shading on the eastern elevation of the building.
Street Frontage Height	A street frontage height (SFH) of 15m-25m (5 to 7 storeys) is required for all street frontages	Complies The building height at both George and Campbell Street frontages is 7 storeys/22.8m. Level 8 is recessed from the George and Campbell Street frontages.
Building Depth and Bulk	The GFA permitted above 25m in height is 20% of the total GFA and building depth of 18m (excluding balconies) is required above 25m in height.	Complies Building Depth: The maximum building depth provided at the level above 25m (level 8) is 18m. GFA over 25m building height: Levels above 25m in height (level 8) complies with this requirement, containing 7% of the GFA above

Development Control	Provision	Comment
		25m.
	Buildings with a rear or side boundary to the rail corridor are to be setback a minimum of 12m with a landscaped area.	Not Applicable
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Complies 44% of the total site area (581.76m ² / site area of 1,322m ²) is covered.
	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Acceptable 12.2% of the site area is provided as deep soil zone. The non-compliance of 2.8% is relatively minor. Furthermore, according to the ADG, a deep soil zone consisting of 7% (92.54m ²) of the total site area (1,322m ²) and being of a minimum width of 3m is required. The proposed development therefore complies with the ADG provisions.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies This aspect has been reviewed by Council's City Design and Public Domain and the DEP who have raised no issues with the landscaping design.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	
	Remnant vegetation must be maintained throughout the site wherever practicable.	
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been reviewed by Council's City Design and Public Domain, who has raised no issues to this aspect of the proposal.
	Design for optimum conditions for plant growth by: <ul style="list-style-type: none"> - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, 	

Development Control	Provision	Comment
	<ul style="list-style-type: none"> - providing appropriate soil conditions and irrigation methods, and - Providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. 	
	<p>Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality. 	
	<p>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none"> - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground 	

Development Control	Provision	Comment
	cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		
Active Street Frontages & Address	<p>Street Address</p> <p>1. Street address is defined as:</p> <ul style="list-style-type: none"> - a building that is not raised more than a weighted average of 700mm above street level, up to a maximum of 1.1m (refer to Section 3.3 Front Fences), and - contains entries, lobbies, and habitable rooms with clear glazing overlooking the street, and - excludes car parking areas. <p>2. Street address is required on ground level of all areas identified in Figure 14.</p> <p>3. Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.</p> <p>4. Provide multiple entrances for large developments including an entrance on each street frontage.</p> <p>5. Provide direct 'front door' access to ground floor residential units.</p> <p>6. Residential buildings are to provide not less than 65% of the lot width as street address</p>	<p>Complies</p> <p>The proposed development has oriented its main building entry and lobby towards the Campbell Street frontage.</p> <p>Horizontal and vertical design elements as well as various landscaping species have been incorporated into the design to further activate the existing street frontage.</p> <p>Pedestrian access to the site from Campbell Street is clearly delineated through paving.</p> <p>The windows of ground floor and upper level units have been situated to enhance passive surveillance of the public domain on Campbell Street.</p>
Pedestrian Permeability	Provisions relating to through site links.	Not Applicable
Front Fences	Controls relating to front fences	<p>Complies</p> <p>The development will be providing an appropriate street edge in the form of fencing.</p>
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by	<p>Complies</p> <p>The proposed development is considered to be satisfactory in relation to the safer by design principles.</p>

Development Control	Provision	Comment
	Design' crime prevention through environmental design (CPTED) principles).	
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Front entrance is provided in the centre of the Campbell street frontage a separate pedestrian entrance/pathway is provided on the western side of the entrance.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and are easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008. (Fig. 18)	Not Applicable
	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Not Applicable The site is not of a high pedestrian priority route.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	Complies Vehicular access to/from George is considered desirable having regard to configuration of street, the extent of on street parking and traffic congestion.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later	Not Applicable Adjoining sites are unlikely to be isolated by the proposal as discussed in the '2.2 Locality' section of this report.

Development Control	Provision	Comment
	date.	
	Vehicle access ramps parallel to the street frontage will not be permitted.	Complies The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Pedestrian Overpasses and Underpasses	Provisions relating to overpasses and underpasses.	Not Applicable No pedestrian overpasses and underpasses are proposed.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The proposed development will provide balconies and terraces, with a small portion overlooking the communal open space and the public domain
	Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: <ul style="list-style-type: none"> - appropriate alignment and street frontage heights, - setbacks above street frontage heights, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis, and - the provision of enclosed corners at street intersections. 	Complies The proposed residential flat building integrates with the existing street alignment, frontage height and materials of surrounding developments. The building façades to George Street and Campbell Street are modulated and articulated through horizontal and vertical design elements to reduce the appearance of building bulk and to enhance positive elements of the building's architecture. A variety of high quality materials and finishes have been incorporated into the design of the development.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The proposed development incorporates appropriately articulated facades.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.

Development Control	Provision	Comment
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D perspectives have been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
Corner Treatments	Address all street frontages in the design of corner buildings	Acceptable The proposed building addresses both street frontages and has been situated to enhance passive surveillance of the public domain on both George Street and Campbell Street.
	Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies.	Acceptable The proposed building provides scale and bulk and building separation that relate to the different hierarchies of the street typologies to Campbell Street (B4 zone) and George Street (R4 zone).
	Notwithstanding the above, new corner buildings opposite or adjacent to public open space are to comply with the sun access controls as set out in <i>Liverpool LEP 2008</i> .	Not Applicable
Public Artworks	Provisions relating to public artwork	Not Applicable Public artwork is not proposed.
Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry points to the building are visible from the street frontages and enhanced with awnings.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic Engineering Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.

Development Control	Provision	Comment
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points.
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	<p>Driveways should be:</p> <ul style="list-style-type: none"> - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 	<p>Complies</p> <p>Vehicular access to the basement parking level within the proposed residential flat building is provided via a driveway situated to the eastern side of the building from George Street.</p> <p>The Traffic and Parking Impact Assessment Report prepared by Stanbury Traffic Planning demonstrates that the design of the driveway is in accordance with all relevant Australian Standards.</p>
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it is setback behind the building façade.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. The design of the driveway and internal circulation enables vehicles to ingress and egress in a forward direction, without the need for a three point turn.
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.

Development Control	Provision	Comment
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS2890. The Traffic and Parking Impact Assessment Report prepared by Stanbury Traffic Planning demonstrates that the design of the driveway is in accordance with all relevant Australian Standards.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS2890. The Traffic and Parking Impact Assessment Report prepared by Stanbury Traffic Planning demonstrates that the design of the driveway is in accordance with all relevant Australian Standards.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS2890. The Traffic and Parking Impact Assessment Report prepared by Stanbury Traffic Planning demonstrates that the design of the driveway is in accordance with all relevant Australian Standards.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Not Applicable No bedrooms are located adjacent to the access way.
On Site Parking	<p>Car Parking Requirements</p> <ul style="list-style-type: none"> - 1 space per two studio apartment - 1 space per two bedroom or three bedroom - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors 	<p>Complies</p> <p>According to provisions of this control, the proposed development requires 15 bicycle parking spaces, 3 motorcycle space and 48 car parking spaces.</p> <p>A total of 48 car parking spaces (inclusive of 5 accessible parking spaces), 15 bicycle spaces and 3 motorcycle spaces are to be provided as part of this development.</p> <p>Therefore, the proposal complies with the provisions of the LDCP 2008.</p> <p>The application has been reviewed by Councils Traffic Engineering Section who have responded in support, subject to conditions.</p>
<p>Motorcycle Car Parking Spaces</p> <ul style="list-style-type: none"> - 1 motorcycle space per 20 car spaces 		
<p>Accessible Car Parking Spaces</p> <ul style="list-style-type: none"> - 2% of the total demand generated by a development. 		
<p>Bicycle Parking</p> <ul style="list-style-type: none"> - 1 bicycle space per 200m² of LFA. 		

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

7 December 2020

Development Control	Provision	Comment
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	Not Applicable
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	Complies Floor to ceiling heights of 2.8m are provided to all levels.
	Onsite parking must meet the relevant Australian Standards	Complies Subject to conditions.
	Onsite parking for residential flat buildings (or residential flat building component of a mixed use development) is to be wholly in basement parking unless Council is satisfied that unique site conditions prevent achieving all parking in basements. Council may require provision of a supporting geo-technical report or other supporting documentation, prepared by an appropriately qualified professional as information to accompany a development application to Council	Complies All parking is provided with a basement. A Geotechnical Investigation report undertaken by Geo-environmental Engineering has been submitted with this application
	The impact of any on grade car parking must be minimised by: <ul style="list-style-type: none"> - Locating parking on the side or rear of the lot, away from the street frontage - Provision of fencing or landscaping to screen the view of cars from adjacent streets and buildings - Incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas) 	Not Applicable
	Natural ventilation should be provide to underground parking areas, where possible,	Complies

Development Control	Provision	Comment
	with ventilation grills and structures: <ul style="list-style-type: none"> - Integrated into the overall façade and landscape design of the development - Not located on the primary street façade and - Oriented away from windows of habitable rooms and private open space areas 	
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	<p>Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004.</p> <p>It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.</p>
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	<p>Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004.</p> <p>It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.</p>
Reflectivity	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	<p>Complies The types of building materials used in the facade include painted rendered finish, face brick, off-form concrete slab, glazing, aluminium framed windows, metal roofing, perforated/louvred aluminium feature screens.</p> <p>It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.</p>
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	<p>Complies It is recommended that a condition is imposed to ensure compliance with this provision.</p>
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required	<p>Not Applicable A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.</p>
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: <ul style="list-style-type: none"> - 10m/second in retail streets, - 13m/second along 	<p>Complies It is unlikely the proposed development will impact upon the public safety in terms of wind.</p>

Development Control	Provision	Comment
	major pedestrian streets, parks and public places, and <ul style="list-style-type: none"> - 16m/second in all other streets. 	
	Site design for tall buildings (towers) should: <ul style="list-style-type: none"> - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, - consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and - ensure useability of open terraces and balconies. 	Not Applicable The proposed development is not considered to be a tower.
	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	Not Applicable The overall height of the proposed building is 30.15m and it is not considered likely to create adverse wind effects.
	For buildings over 48m in height, results of a wind tunnel test are to be included in the report	Not Applicable The development does not exceed 48m in height.
Noise	An acoustic report is required for all noise affected locations, as identified in figure 25. Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site. An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	Not Applicable
Waste	Provisions must be provided for the following waste generation:	Complies The application was accompanied by a waste management plan prepared by Benson

Development Control	Provision	Comment
	<p>Residential</p> <ul style="list-style-type: none"> - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas. 	<p>McCormack Architecture.</p> <p>The following is a summary of the waste management for the development:</p> <ul style="list-style-type: none"> - Garbage and recycling will be collected twice weekly from George Street kerbside; - Garbage will be compacted; - 18 x 240L garbage bins are required; - 9 x 240L recycling bins are required; - Bulk storage room provided for the storage of bulky items.
	<p>In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is:</p> <ul style="list-style-type: none"> - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas 	<p>Complies</p> <p>The development will provide sufficient storage rooms for the storage of waste, recycling bins and bulky items.</p>
	<p>The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.</p>	<p>Complies</p> <p>The waste bins will be wheeled to the designated collection point by the building manager for collection.</p>
<p>Controls for Residential Development</p>		
<p>Housing Choice Mix</p>	<p>To achieve a mix of living styles, sizes and layouts within</p>	<p>Complies</p> <p>The apartment mix is as follows:</p>

Development Control	Provision	Comment
	<p>each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not be less than 10% of the total mix of units within each development. 	<ul style="list-style-type: none"> - 12 x 1 bedroom units (33%) - 20 x 2 bedroom units (55%) - 4 x 3 bedroom units (12%)
	<p>For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.</p>	<p>Not Applicable</p>
	<p>For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.</p>	<p>Not Applicable The development will not be built by the Department of Housing.</p>
	<p>For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visit ability is achieved.</p>	<p>Complies 4 adaptable units (11.1%) are proposed which have been designed to be capable of adaptation in accordance with Australian Standards.</p>
	<p>Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.</p>	<p>Complies Adaptable units are provided throughout various levels of the buildings. However, this is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.</p>

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Development Control	Provision	Comment
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies A Statement of Compliance Access for People with a Disability (access statement) prepared by Accessible Building Solutions has been submitted with this application.

CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT**Approved Plans**

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

(a) Architectural and Landscape Plans

Plan Name	Plan Number	Date	Revision	Prepared By
Calculation Table	A-0000	19/11/20	F	Benson McCormack Architecture
Location Plan	A-0001	10/10/19	B	Benson McCormack Architecture
Site Context	A-0002	10/10/19	B	Benson McCormack Architecture
Site Photographs	A-0003	10/10/19	B	Benson McCormack Architecture
Site Survey	A-0004	10/10/19	B	Benson McCormack Architecture
Site Analysis	A-0005	23/09/20	B	Benson McCormack Architecture
Site Plan	A-0006	23/09/20	F	Benson McCormack Architecture
Streetscape Elevation – George Street	A-0010	23/09/20	D	Benson McCormack Architecture
Streetscape Elevation – Campbell Street	A-0011	23/09/20	D	Benson McCormack Architecture
Massing Study	A-0012	23/09/20	D	Benson McCormack Architecture
Basement 03 Plan	A-0100	19/11/20	F	Benson McCormack Architecture
Basement 02 Plan	A-0101	19/11/20	K	Benson McCormack Architecture
Basement 01 Plan	A-0102	19/11/20	J	Benson McCormack Architecture
Level 1 (Ground) Plan	A-0103	19/11/20	L	Benson McCormack Architecture
Levels 2-3 Plan	A-0104	19/11/20	J	Benson McCormack Architecture
Level 4 Plan	A-0105	19/11/20	J	Benson McCormack Architecture
Level 5 Plan	A-0106	19/11/20	J	Benson McCormack Architecture
Levels 6-7 Plan	A-0107	19/11/20	J	Benson McCormack Architecture
Level 8 Plan	A-0108	19/11/20	J	Benson McCormack Architecture

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Roof Garden Plan	A-0109	19/11/20	J	Benson McCormack Architecture
Roof Plan	A-0110	19/11/20	D	Benson McCormack Architecture
East Elevation (George Street Frontage)	A-0201	19/11/20	G	Benson McCormack Architecture
North Elevation	A-0202	19/11/20	F	Benson McCormack Architecture
South Elevation (Campbell Street Frontage)	A-0203	19/11/20	F	Benson McCormack Architecture
West Elevation	A-0204	19/11/20	F	Benson McCormack Architecture
Section AA	A-0251	19/11/20	G	Benson McCormack Architecture
Section BB	A-0252	19/11/20	F	Benson McCormack Architecture
Section CC	A-0253	19/11/20	F	Benson McCormack Architecture
Schedule of Finishes	A-1010	23/09/20	D	Benson McCormack Architecture
Substation Details	A-1011	23/09/20	A	Benson McCormack Architecture
Shadow Analysis	A-2001-2002	23/09/20	D	Benson McCormack Architecture
Solar Access Diagram Plans	A-2011-2014	23/09/20	B	Benson McCormack Architecture
COS Calculations	A-2021	19/11/20	G	Benson McCormack Architecture
Landscape Calculations	A-2022	19/11/20	C	Benson McCormack Architecture
GFA Calculations	A-2023-2025	23/09/20	F	Benson McCormack Architecture
Landscape Concept Plan and Details	16/09/20	LP01-LP04 LP05 & LP06	F B A	Matthew Higgison Landscape Architecture Pty Ltd

(b) Reports

Report Name	Date	Reference	Prepared By
Survey Plan	13/03/18	4009 -Georges	Sydney Registered Surveyors
Landscape Concept Plan and Details	19/11/20	LP01-LP04 (Rev G) LP05 (Rev B) & LP06 (Rev B)	Matthew Higgison Landscape Architecture Pty Ltd
Statement of Compliance Access for People with a Disability	20/06/19	218340	Accessible Building Solutions
Waste Management Plan	09/20	1 to 8	Benson McCormack Architecture
Geotechnical Investigation Report	18/06/19	E19011LIV-R02F	Geo-environmental Engineering
Stage 1 and 2 Environmental Site investigation	18/06/19	E19011LIV-R01F	Geo-environmental Engineering
Traffic and Parking Impact Report and	06/19	18-169	Stanbury Traffic Planning

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Supplementary Letter (22/09/20)			
Stormwater Plan and Details	16/09/20	18/148 H-DA-00-03 Rev D	ITM Design Pty Ltd

Works at no Cost to Council

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

Comply with EP & A Act

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

National Code Construction

4. In accordance with Section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions shall be complied with prior to issue of a CC by the PCA:

Fee Payments

5. 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*

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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*.

Road Opening

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

Site Development Work

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

Access for people with a disability

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

Cladding

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

Products banned under the Building Products (Safety) Act 2017

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

Notification

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. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.
- Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

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

Security Access to car park

17. 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.

Liverpool CBD – Street Lighting Upgrade

18. The applicant/developer shall upgrade the street lighting system for entire frontage of the development including any side streets.
Any street light poles shall be multi-function poles including all necessary accessories. The specification and accessories details are to be obtained from the Infrastructure and Environment Group of Council.

The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council for review and approval prior to any construction works.

Liverpool CBD – Communication Conduits

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

Liverpool CBD – Footpath Paving and Landscaping Works

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

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

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

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

S138 Roads Act – Minor Works in the public road

21. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
 - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

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

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

S138 Roads Act – Roadworks requiring approval of civil drawings

22. 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 and stormwater works and rock anchors if applicable in Campbell Street and George 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:

4. 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.
5. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Retaining Walls on Boundary

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

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

Dilapidation Report Private Property (Excavations)

24. 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.

Stormwater Discharge – Basement Car Parks

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

On-Site Detention

26. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ITM Design P/L, reference number 18/148 H-DA, revision D, dated 16 September 2020.

Stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development (including the proposed OSD) or adjoining properties. Particular attention should be given to the south western property boundary.

The outlet pipe with direct connection to the kerb and gutter is to be adjusted at the orifice plate end to suit the footpath levels and ensure adequate cover to the pipe.

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

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

Dilapidation Report

27. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in George Street and Campbell 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

28. 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

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
 - b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.

- c) All cars can enter and exit the site in a forward direction
- d) The proposed driveway/vehicular crossing is adjoining an existing power pole. In this regard arrangements shall be made with the relevant authority for the relocation of the power pole. Alternatively written acceptance with regard to the proposed location of the vehicular crossing and the existing asset, and/or any alternative arrangements, shall be obtained and provided to the Certifying Authority.

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

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

On street parking along the street frontage is to be restricted following approval of a submitted parking scheme.

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

Traffic Management Plan

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

Construction Noise, Vibration Assessment and Management Plan

- 32. 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.

Balcony and courtyard window and door design

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

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

Provision of Services

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

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

35. 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.
36. 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.
37. 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

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telecommunications.

38. 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.

Fire Safety Measures

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

Waste Storage Area – Construction

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

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

Waste Storage Area

41. Any bin bays must be:
- (a) Provided with mechanical ventilation,
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,

- (c) Provided with sufficient light to permit usage at night,
- (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
- (e) Bin bay signs are available from Council,
- (f) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute,
- (g) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council,
- (h) Maximum compaction ratio is 2:1,
- (i) 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
- (j) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - i. Garbage is to be placed wholly within the garbage bins provided,
 - ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
 - iii. The area is to be kept tidy,
 - iv. A phone number to be displayed for arranging disposal of bulky items; and
 - v. 50% of all messages are to be displayed using graphic illustrative content.

Waste Management Plan

- 42. Prior to the issues of a construction certificate, the waste management plan will be revised to state that a bin lifter and a bin tug will be supplied at the developer's expense. The bin lifter is to be capable of lifting a full 240 litre recycling bin and decanting it into a 660 litre bin. The bin tug is to be of a sufficient power/capacity to be able to drag a full 660 litre general waste bin up a slope equivalent to the maximum gradient of this development's driveway ramp.
- 43. Prior to the issue of a construction certificate, the dimensions and layout of the waste facilities on each level must be checked and, if necessary, amended, to ensure that a full-sized 240 litre recycling bin can be accommodated there to receive recyclable materials, without impeding the resident's ability to operate the chute door for the general waste.

C. PRIOR TO WORKS COMMENCING

The following conditions shall be complied with prior to works commencing on the subject site:

Building/Compliance

- 44. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 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.

45. 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 81A (4) of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Residential Building Work

46. 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.
47. 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

48. 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.
49. 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

50. 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:
- (k) name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
 - (l) name, address and telephone number of the principal certifier
 - (m) a statement stating that 'unauthorised entry to the work site is prohibited'

Sediment and Erosion Control Measures

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

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

Waste Classification

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

Traffic Management Plan

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

Traffic Control Plan

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

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

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

Site Facilities

56. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993.
57. 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.

Notification of Service Providers

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

Please refer to the website www.sydneywater.com.au for more information.

Environmental Management

59. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
60. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;

- (b) Protection of the public stormwater system; and
- (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

- 61. 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.
- 62. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

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

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

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

Excavation and Construction Requirements

- 64. 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.

65. 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.

66. 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.
67. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
68. 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.
69. 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.

Security Fence

70. 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

71. 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

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Drainage Connection

72. 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 Earthworks

73. 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

74. 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.
75. 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

76. 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.
77. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
78. 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.

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79. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
80. 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.
81. 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.
82. 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.
83. 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.
84. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
85. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
86. 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.
87. All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.
88. 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.
89. Any asbestos construction materials located during the excavation of the site must be dealt with in accordance with the relevant legislation and regulations in force in the State of NSW, and the safe work practices detailed by WorkCover. Any such asbestos material must be disposed of at a waste facility which is licensed to accept it.
90. 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.

91. All lightweight or granular 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 being displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
92. Durable and clearly legible signage is to be provided to the bin rooms/enclosures on each residential level, the basement bin storage room and the bulky household waste storage room.

Waste Management Plan

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

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

Contamination

94. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
95. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
96. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
 - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

97. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Traffic Management

98. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
99. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

100. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
101. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

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

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

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

Termite Protection

103. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

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

Street Lighting

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

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

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

Ventilation

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

106. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

External

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

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

109. 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.

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

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

Graffiti

112. 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.

Front fence and boundary fencing

113. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

Display of Street Numbers

114. 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.

Hoarding

115. 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.

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 and Hoardings

116. 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.

Crane Lighting

117. Any cranes associated with the development site within the hospital helicopter flightpath are to be appropriately illuminated. The crane lighting is to be greater than what is required in the CASA Manual of Standards (MOS) Part 139 (Reason: This is because the red lights at the ends of the jib cannot be seen from above (in a helicopter) due to the background lights of the city).

The lighting requirement is to ensure the jib is illuminated with white fluro lights (not white LED strip lighting) or a product called Heliflex (light weight night vision compatible) so that the pilots can see the orientation of the jib at night through their night vision devices.

Details of the Heliflex strip lights can be sourced from Cameron Ivers (ACIA Electrical Services Pty Ltd).

Historic Archaeology

118. Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

Security and Safety

119. Adequate lighting is required at the entrances and main foyers of the building, basement carpark, and mailbox area.
120. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
121. The underground car park is required to be locked with access to be provided to residents only.
122. 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 1.2m.

Vegetation and Landscaping

123. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
124. 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.
125. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
126. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
127. 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 AN OCCUPATION CERTIFICATE

The following conditions shall be complied with prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

(Temporary Covid-19) Section 7.11 Payment (Liverpool Contributions Plan 2018)

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

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The total contribution is **\$213,592.00** and will be adjusted at the time of payment in accordance with the contributions plan. The total amount of **\$213,592.00** is to be paid prior to the release of any OC (amount to be adjusted at the time of payment in accordance with the contribution plan).

A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au Payment must be accompanied by the attached form.

Building/Compliance

129. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
130. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
131. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

Cladding

132. 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.

Liverpool City Council clearance – Roads Act/ Local Government Act

133. 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.

Fire Safety Certificate

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

Design Verification Statement

135. 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

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accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

BASIX

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

Landscaping

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

Works as Executed

138. 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 Principal Certifying Authority.

Structural Engineer Certificate

139. 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

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

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

Restriction as to User and Positive Covenant

141. 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.

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.

142. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

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

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

Roadworks

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

Rectification of Damage

144. 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 George Street and Campbell 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

145. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
146. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
147. 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.

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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.

Garbage Services

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

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

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

149. All permanent fitted waste equipment (including waste chutes, chute doors, waste carousels or track systems) and all permanent waste signage, must be installed, calibrated where necessary and operational prior to the issue of an occupation certificate.

Dilapidation Report

150. The construction of concrete footpath paving and associated works along the frontage of the site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall in accordance with Council's specifications.

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

Directional Signage

151. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of residents parking to the satisfaction of the Principal Certifying Authority.

Mechanical Ventilation Certification

152. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2'.

Display of Street Numbers

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

Designated loading zone for garbage and recycling collection vehicles

154. An application must be made to Council's Planning and Transport Planning section for the provision of a designated 'Loading Zone' for service, garbage and recycling collection and removalist vehicles in front of the George Street frontage. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

The application is to indicate the measures to alter the Council's kerbside in front of the George Street frontage to accommodate a waste loading bay of sufficient size on-street, appropriate parking control signage to ensure that the waster truck can access that loading bay as needed. Any modifications to the kerbside or footpath and the design of the waste loading bay shall be made in accordance with the Draft Liverpool City Centre Public Domain Master Plan.

The cost of any necessary adjustments to Council's road reserve, footpath/kerbside of loading zone and signage shall be borne by the applicant.

F. Conditions Relating to Use

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

Car Parking / Loading

155. A total of 48 off-street car parking spaces (including 5 visitor car parking spaces and 1 service bay), 15 bicycle spaces and 3 motorcycle spaces must be provided. 6 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
156. All parking areas shown on the approved plans must be used solely for this purpose.
157. 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.
158. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
159. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
160. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

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

Mail-boxes

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

Noise and Environmental Emissions

164. 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

165. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
166. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
- (a)
167. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
168. After the issue of the Occupation Certificate, but at least 7 working days prior to residents moving in, Council is to be contacted to deliver the 3 x 660 litre general waste and 3 x 660 litre recycling bins that will be supplied to the development. Please call Council on 1300 36 2170 to arrange this, and to establish what the service days will be.
169. Prior to residents moving in, all other waste bins required and the bin tug and bin lifter, supplied by the developer, must be in place on site and ready for use.
170. The basement bin storage room is to be accessible to building management staff and their agents only, no residents are to access this room.
171. Council does not provide green waste services to this property, the removal and lawful disposal of all green waste from garden areas is to be carried out by privately engaged maintenance contractors.
172. Council will supply only the 3 x general waste and 3 x recycling bins that will be tipped to the Council contractor's waste truck. All other bins required by the development, including bins for green (garden) waste, all 240 litre transfer bins for the transportation of recycling materials, and buffer bins required for temporary placement under chutes to catch waste whilst bins are being emptied, must be supplied at the developer's expense and maintained by the body corporate/owner's corporation. Any bin hitches that may be required to facilitate the movement of waste bins between the bin storage room and the

kerbside of George Street must be supplied, fitted, maintained and replaced by a private contractor at the proprietor's expense.

173. Waste and recycling bins are to be kept within the designated basement waste bin storage room, which must be kept tidy at all times. Bins must be stored so they do not overflow in parking or landscaped areas, obstruct the exit of the building, or drop waste on public land. Bins must be placed out for collection by agents of the building no earlier than the afternoon before collection is due, and returned to the bin storage room as soon as possible, and no later than 24 hours after collection.
174. The movement of waste bins between the bin storage room and the street level of George Street must be carried out using the bin tug provided for the purpose. The bin lifter provided must be used to decant all 240 litre recycling transfer bins into the larger 660 litre bins for emptying. Use of the bin tug and bin lifter are to be restricted to only individuals who have been trained and are insured to use that equipment.
175. The basement bin storage room is to be accessible to building management personnel and the agents of the building only.
176. Building management is to ensure that residents are provided with the relevant contact details and procedures to allow them to store all bulky household wastes in the room provided for that purpose. Building management is to make bookings with Council for bulky household waste collections as needed. Bulky household waste may only be placed at kerbside for collection by Council the evening before the date of a pre-booked collection.
177. The role of building management, including the strata manager and any person or company engaged to provide cleaning or waste handling, is to include providing feedback about correct waste disposal, education and guidance of residents with respect to waste separation, and the oversight of waste practices, including instituting corrective measures, where necessary.

Washing on Balconies

178. 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.

Offensive Noise

179. The proposed use of the premises and equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an Acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations provided in the report and approved by Council must be implemented.

Carpark Notices

180. Prominent notices shall be installed at the entry and exit to the car park informing people to enter and leave the car park quietly.

Lighting

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

G. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the 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 twelve (12) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or

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erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) 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.

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ATTACHMENT 6: SECTION 7.11 CONTRIBUTIONS

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2018 (Liverpool City Centre)

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

These figures have been calculated to the CPI 2019 First Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICANT: Benson McCormack Architecture Pty Ltd

LAND: 23 George Street, Liverpool

PROPOSED DEVELOPMENT: Construction of a nine-storey residential flat building comprising of 36 units (12 x 1-bedroom units, 20 x 2-bedroom units and 4 x 3-bedroom units) and a three-level basement car park.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Georges River Foreshore	\$54,369	GL.10000001869.10105
Pioneer Park	\$7,767	GL.10000001869.10105
Apex Reserve	\$3,883	GL.10000001869.10217
Georges River Pedestrian Crossing	\$9,709	GL.10000001869.10218
Discovery Park	\$9,709	GL.10000001869.10219
Community Facility Upgrade	\$23,301	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$58,252	GL.10000001865.10220
Peripheral Streetscape works	\$38,835	GL.10000001865.10221
Footpath widening in City Centre	\$7,767	GL.10000001865.10222
<u>TOTAL</u>	<u>\$213,592</u>	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____

Item no:	3
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Application Number:	DA-538/2019
Proposed Development:	The construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking.
Property Address	619-621 Hume Highway, Casula
Legal Description:	Lot B and Lot C, DP 373211
Applicant:	Dreamscapes Architects
Land Owner:	619 Hume Highway Pty Ltd
Cost of Works:	\$6,583,440.00
Recommendation:	Refusal
Assessing Officer:	Patrick Curmi

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-538/2019) seeking consent for the construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking at Lot B and C, DP 373211, 619-621 Hume Highway, Casula.

The site is zoned B6 - Enterprise Corridor pursuant to Liverpool Local Environmental Plan (LLEP) 2008, to which the proposed development is permitted with consent.

The DA was notified between 22 October and 13 November 2019 in accordance with Liverpool Community Participation Plan 2019. Three (3) submissions were received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Bulk, scale and height of the development;
- Setback on the western boundary;
- Visual amenity;
- Over shadowing and loss of solar access caused by the height, bulk and minimal setback;
- Vehicular access via the Hume Highway;
- Traffic impacts in the locality;
- Insufficient Parking in the locality;
- Loss of amenity and privacy; and
- Construction Issues.

As a result of the assessment of the DA, the key issues associated with the proposal relate to:

- The floor space ratio (FSR) of the proposed development exceeds the development standard for maximum FSR as per clause 4.4 of LLEP 2008. The consent authority does

not have the power to approve the subject variation to FSR in the absence of a written variation request by the applicant to vary this development standard;

- The proposed development does not comply with the development standard for maximum building height in Clause 4.3 of LLEP 2008. The proposed height variation is not considered to be justified having regard to the provisions of Clause 4.6 of LLEP 2008 and the assessment of the DA;
- Insufficient information has been submitted by the applicant to satisfy the provisions of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. Therefore, it cannot be established whether the proposal will have an unacceptable impact on the Georges River catchment;
- The amended proposal was not accompanied by an acoustic report that demonstrates how the development is consistent with SEPP (Infrastructure) 2007, Impact of road noise or vibration on non-road development;
- The proposed development is inconsistent with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land, in that insufficient evidence has been submitted to satisfy the consent authority that the land is free from contamination and will be suitable for the proposal;
- The proposed development is inconsistent with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, with regards to the provisions of Clause 28 – Determination of Development Applications. The proposal is not supported by Council’s Design Excellence Panel, is considered to be inconsistent with the ‘design quality principles’ of the SEPP and is not considered to be consistent with the objectives and guidelines of the Apartment Design Guide (ADG), in terms of the following sections:
 - i. Section 2E - Building depth
 - ii. Section 2G - Street setbacks
 - iii. Section 3A – Site Analysis
 - iv. Section 3C - Public Domain Interface
 - v. Section 3G - Pedestrian access and entries
 - vi. Section 4A - Solar and Daylight Access
 - vii. Section 4E - Private open space and balconies
 - viii. Section 4F - Common circulation and spaces
 - ix. Section 4H - Acoustic Privacy
 - x. Section 4J - Noise Pollution
 - xi. Section 4K - Apartment Mix
 - xii. Section 4V - Water Management and Conservation
 - xiii. Section 4W - Waste Management
- The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development, in terms of the following sections:
 - i. Section 6 – Water Cycle Management
 - ii. Section 10 – Contaminated Land Risk
 - iii. Section 25 – Waste Management

- The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 6 – Development in Business Areas, in terms of the following sections:
 - i. Section 3 - Site Planning
 - ii. Section 4 - Setbacks
 - iii. Section 5 - Landscaped Areas and Pedestrian Areas
 - iv. Section 6 - Building Form, Streetscape and Layout
 - v. Section 9 - Amenity and Environmental Impact
 - vi. Section 12 - Shop Top Housing

In accordance with Council's Design Excellence Charter the DA was referred to the Liverpool Design Excellence Panel (DEP), for design excellence review and advice. The DA has been reviewed by the DEP twice during the assessment process and has not yet obtained support from the panel. The panel have most recently noted design changes to the proposal that they wish to be incorporated into the development for their further review.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a sensitive development in that it is a development to which State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be refused, for reasons as outlined in this report.

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by a mix of business uses and low density and medium density residential development. Although the general locality is currently and predominantly characterised by low density single and double storey dwellings with some business uses along the Hume Highway, the immediate locality east and west is zoned B6 - Enterprise Corridor and is under transition, whilst the immediate locality north and south is zoned for low and medium density residential development.

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Figure 1: Locality Surrounding 619-621 Hume Highway, Casula (Source: Geocortex)

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

Orientation	Description of Site
North (Front)	44-48 Myall Road, Casula (Retirement Village) 13 Pine Road, Casula (Single Dwelling House) 15 Pine Road, Casula (Single Dwelling House)
South (Front)	Hume Highway and Leacocks Intersection (Traffic Lights at intersection)
East (Front)	12 Pine Road, Casula (Double Storey Multi-Dwelling Housing)
West (Rear)	615-617 Hume Highway, Casula (BP Service Station)

2.2 The site

The subject site is identified as Lot B and Lot C, DP 373211, and is known as 619-621 Hume Highway, Casula. With the amalgamation of the two sites, the site becomes a trapezoidal allotment with an overall area of 2827.00m². The site has frontage to the Hume Highway of 40.09m and frontage of 34.75m to Pine Road. The site appears to currently contain a business stockpiling unknown material.



Figure 2: Aerial view of 619-621 Hume Highway, Casula (Source: Nearmap)

3. BACKGROUND/HISTORY

3.1 Background

- The subject DA was lodged with Council on 22 August 2019.
- Application deferred regarding vehicular access, contamination and plans including registered architects registration number. Request for additional information sent by Acting Coordinator 29 August 2019.
- Amended plans and additional reports received on 01 October 2019.
- DA-538/2019 presented to the Design Excellence Panel on 12 December 2019.
- Design Excellence Panel meeting minutes finalised on 03 February 2020 (*Outcome: The proposal was not supported by the DEP in its current form*).
- Application deferred on 04 February 2020 regarding numerous considerations relating to issues raised by the Design Excellence Panel, Basement Definition, Floor Space Ratio, Building Height, Solar Access to Apartments, Communal Open Space, Deep Soil/Landscaping, Building Separation and Residential Amenity, Pedestrian Access, Landscaping, Waste Management and Engineering.
- Meeting was held with applicant on 17 March 2020 to clarify Councils requests and how to demonstrate compliance with Council controls.
- Amended plans and reports received on 24 September 2020.
- DA-538/2019 presented to the Design Excellence Panel on 13 October 2020.
- Council requested that DA-538/2019 be withdrawn on 21 October 2020.
- Applicant confirmed they wish to proceed with determination of the application based on the current information available on 23 October 2020.
- Design Excellence Panel meeting minutes finalised on 04 November 2020 (*Outcome: The proposal was not supported by the DEP in its current form*).

3.2 Design Excellence Panel

Design Excellence Panel (second meeting) – 13 October 2020

The subject application was considered by Council's Design Excellence Panel (DEP) on 13 October 2020. The main issues raised by the panel from the meeting are summarised below:

Context:

- *The Panel acknowledges that the subject site for the proposed Residential Flat Building (RFB) has several constraints that needs to be incorporated within the design and recommend that the proposal should aim to achieve design excellence for all aspects of the proposal. It is advised that all subsequent submissions should be peer reviewed prior to resubmission to the panel.*

Council Comment: Noted.

- *The Panel notes that the design outcome has improved over time and recommends to further improve the design quality of the proposal. The Panel also advises to re-evaluate the idea of maximising the yield on site and encourages the applicant to strive for a better design outcome.*

Council Comment: Given that the proposed development fails to comply with both the height and FSR controls of the LEP, it is considered that these non-compliances demonstrate the proposal results in the over-development of the site which has effected the proposal achieving design excellence.

- *The Panel identifies that the RFB lacks a strong pedestrian connection to Hume Highway and strongly recommends that a proper link across the site should be established for the residents. This might be best achieved by providing a 3m landscape setback along the western boundary of the site (i.e. connecting Pine Road with Hume Highway), and moving the western wall of the showroom to accommodate the 3m landscape setback with improved pedestrian access and connection to public transport along Hume Highway.*

Council Comment: Pedestrian links through sites should facilitate direct connections to main streets and public transport. Access from the shop top housing to the Hume Highway is not provided via a safe continuous defined pathway. This is particularly important when factoring in the proximity of a bus stop (Stop ID: 2170358) on the Hume Highway (26.1m west of the subject site).

- *It is identified that the proposed development could have a better street presence along Hume Highway and the southern façade of the showroom building can be moved closer to the street to improve the relationship of the development with Hume Highway Replace the proposed car parking along the Hume Highway with additional landscaping/vegetation and reconsider the façade to improve the visual amenity and street presence.*

Council Comment: Noted.

- *The Panel strongly recommends ensuring all landscape drawings, 3D renders and visualisations represent the latest design outcome and are consistent in the level of information being provided.*

Council Comment: Noted.

Built Form + Scale

- *The Panel advises that the minimum standards set out within SEPP 65 are fundamental in achieving a better design. The Panel recommends that the proposal should aim for a high-quality design outcome while achieving one hundred percent compliance with SEPP 65 (i.e. Apartment Design Guide - ADG).*

Council Comment: The proposed development has not provide sufficient compliance with the ADG. This is discussed further in the report, see ADG assessment.

- *The Panel notes that there is lack of natural light and ventilation in the corridor; and the floor plan needs to be revised to comply with this requirement of the ADG. That is, the plan will need to incorporate openings within the residential lobby to provide ventilation and solar access to the lobby.*

Council Comment: Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.

- *The Panel notes that the western façade of the RFB has a potential to improve the overall solar amenity within the residential units. It is advised to redesign the internal layout for Unit 14, Unit 24 and Unit 34; incorporating windows and other openings along with appropriate sun controls to improve the overall amenity and achieve compliance.*

Council Comment: A total of 16.67% (2 out of 12) units receive no direct sunlight. Council has not deemed unit 23 as receiving direct sunlight between 9 am and 3 pm at mid-winter as it does not receive a minimum of 1m² of direct sunlight, achieved for at least 15 minutes. This is discussed further in the report, see ADG assessment.

Density

- *The Panel recommends reconsidering the proposed density on site to achieve a better design outcome for the residential flat building. The proposed design could introduce one-bedroom units within the floor plan to improve the internal configuration for the residential units. This would improve the overall aesthetics for the building and achieve compliance with SEPP 65.*

Council Comment: Given that the proposed development exceeds both the height and FSR development standards of the LEP, it is considered that these non-compliances demonstrate the proposal results in the over-development of the site and has inhibited the proposal in achieving design excellence.

Sustainability

- *The panel recommends that the applicant should incorporate Environmentally Sustainable Development (ESD) principles within the proposed design. This could include the provision of skylights on the roof of the showroom and RFB to improve the overall amenity for the upper floors. The proposal should also include adequate insulation for the roof of both buildings.*

The Panel notes that the surface area of the roof for the showroom block has immense potential to incorporate Photovoltaic panels, which should be incorporated as part of the submission.

Council Comment: Noted.

Landscape

- *The Panel identifies that the landscape interface of the development along Hume Highway has an immense potential for improvement and recommends incorporating further landscaping/vegetation to improve the visual amenity and street frontage.*

Council Comment: Noted.

- *The Panel strongly recommends incorporating a 3m wide continuous landscape zone along the western boundary of the site. This will act as a buffer along the lot boundary and provide the required pedestrian through site link.*

Council Comment: Noted.

- *The Panel advises the applicant to ensure that the landscape design integrates the proposed central courtyard with the 3m landscape buffer along the western lot boundary.*

Council Comment: Noted.

Amenity

- *The Panel notes that the applicant needs to provide a detailed plan to demonstrate the overall solar amenity and highlight the level of compliance being achieved by the proposed RFB.*

Council Comment: A total of 16.67% (2 out of 12) units receive no direct sunlight. Council has not deemed unit 23 as receiving direct sunlight between 9 am and 3 pm at mid-winter as it does not receive a minimum of 1m² of direct sunlight, achieved for at least 15 minutes. The proposal does not demonstrate sufficient solar amenity.

- *The Panel recommends incorporating adequate measures to improve the solar amenity and overall compliance for Unit 33*

Council Comment: Noted.

- *The provision of Communal Open Space (COS) on the roof level is supported by the panel. It is recommended to incorporate additional shade and landscaping for the COS. Include pergolas and trellises as part of the landscape design to achieve the desired shade and improve the amenity value of the COS. The Panel also recommends providing an accessible toilet on the roof level for the residents/visitors using the Communal Open Space.*

Council Comment: Noted.

Safety

- *The Panel recommends the proposal to incorporate adequate Crime Prevention through Environmental Design (CPTED) measures as part of the overall design strategy.*

Council Comment: Noted.

Aesthetics

- *The Panel notes that the design of the showroom building along Hume Highway can be improved with appropriate detailing of the facade and recommends incorporating additional architectural elements to achieve a better design outcome.*

Council Comment: Building walls of the proposed showroom have not been appropriately articulated to address the Hume Highway. Articulation can be improved with appropriate detailing of the facade and incorporating additional architectural elements to achieve a better design outcome.

- *The Panel notes that the materiality of the building is not clear and needs to be elaborated. It also notes that the scale and composition of the built form needs to be improved.*

Council Comment: Council requires external colours and finishes for the proposed showroom.

Outcome

- *The proposal is not supported by the DEP at this stage and must return to the panel, with all feedback incorporated and addressed.*

Council Comment: Given the above comments, the proposal has not satisfied the requirements of the DEP and is required to be sent back to the DEP for further review upon incorporation of their design advice. As such, the proposal does not yet achieve design excellence and cannot be supported.

4. DETAILS OF THE PROPOSAL

The construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking.

Shop Top Housing

Basement

- Parking for twenty-three (23) vehicles inclusive of three visitor spaces, two (2) staircases, one (1) switch room and lift.

Ground Floor

- Two (2) Retail/Café spaces, staircases, one (1) lobby, residential bin room, shop bin room and showroom bin room, shop bin room, lift, waste and parking for five (5) vehicles.

Levels 1-3

- 12 residential units proposed with the following apartment mix on levels 1-3:
 - 3 x 2-bedroom apartments; and

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- 1 x 3-bedroom apartment.

Level 1	Internal Arrangement
Unit 11	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony, walk in wardrobe and ensuite.
Unit 12	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 13	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 14	Three (3) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Level 2	
Unit 21	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony, walk in wardrobe and ensuite.
Unit 22	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 23	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 24	Three (3) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Level 3	
Unit 31	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony, walk in wardrobe and ensuite.
Unit 32	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 33	Two (2) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.
Unit 34	Three (3) bedrooms, one (1) combined living/dining room, bathroom, kitchen, balcony and ensuite.

Rooftop

- Roof Top Garden and Communal Open Space.

Showroom

Basement

- Parking for seventeen (17) vehicles, one (1) loading bay, staircase, switch room, plant room and lift.

Ground Floor

- Parking for five (5) vehicles, three (3) showroom tenancies, two (2) bathrooms, offices, one (1) lift and staircase.

Access and Parking

- Vehicular access will be provided from Pine Road via a combined entry and exit driveway;

- A main pedestrian access point is proposed from both the Hume Highway and Pine Road, however a safe through site link has not been provided.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 6: Development in Business Areas

Contributions Plans

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

6. ASSESSMENT

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

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

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

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

Principle	How does the development address the principles?
<p>Principle 1: Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the</p>	<p>Inconsistent</p> <p>The proposed shop top housing development is in an area zoned for business enterprise uses.</p> <p>However, proposal is considered to be an overdevelopment of the site and has not been designed in a manner that</p>

<p>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.</p> <p>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.</p>	<p>responds appropriately to planning provisions applicable to the locality and the desired character of the area.</p> <p>It is considered that the proposal is inappropriate for its context and should be redesigned to better address the constraints of the site with the incorporation of design advice by the DEP.</p>
<p>Principle 2: Built Form and Scale</p> <p>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.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Inconsistent</p> <p>The proposed development is inconsistent with the relevant built form and scale provisions and controls set out in the LLEP 2008, ADG and LDCCP 2008. Therefore, is considered that the proposal has an unacceptable built form and scale.</p> <p>Furthermore, the built form of the proposal has not been supported by the DEP at this stage.</p>
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>Inconsistent</p> <p>The development does not comply with Council's FSR or height development standards and is inconsistent with multiple considerations of the ADG. Due to the extent of these non-compliances and inconsistencies, it is considered that the development would not achieve a density that is appropriate for the site and its context.</p> <p>It should be noted that the DEP has requested that the applicant reconsiders the proposed density in order to achieve a better design outcome from the proposal.</p>
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the</p>	<p>Inconsistent</p> <p>The proposed development will result in 16.67% of units receiving no direct sunlight. Accordingly, the design of the proposed development is not considered to appropriately respond to the site constraints.</p>

<p>amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>Furthermore, the proposed development is inconsistent with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land in that insufficient evidence has been submitted to satisfy the consent authority that the land is free from contamination and will be suitable for the proposal.</p> <p>The DEP have noted that the development design should investigate and provide further information regarding employment of skylights, insulation and solar panels to increase the energy efficiency of the building. This has not yet been resolved by the applicant.</p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. 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.</p>	<p>Inconsistent</p> <p>The proposed landscape plan has merit.</p> <p>Notwithstanding, it is considered that a better landscaping outcome can be obtained through incorporating a 3m wide continuous landscape zone along the western boundary of the site, as per the advice of the DEP. This will act as a buffer along the lot boundary and provide the required pedestrian through site link.</p>
<p>Principle 6: Amenity</p> <p>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</p>	<p>Inconsistent</p> <p>Given inconsistencies with the ADG, the proposed development is unlikely to result in a development that acceptably contributes to the amenity of future occupants. Accordingly, amendments could be made to the proposed development to achieve better consistency with the ADG.</p> <p>As per design advice noted by the DEP, improvements can be made to the site design that would decrease the overall impact of the proposed on the western neighbouring property by way of increasing separation to the shared boundary.</p>
<p>Principle 7: Safety</p>	<p>Consistent</p>

<p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Proposed orientation of building and floor layouts provide natural passive surveillance of public domain and common open space.</p> <p>Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines and minimise potential for 'hiding places'. The main entry, lift lobby and hallways will be well lit for better visibility at night.</p> <p>The DEP notes however, that the design of common circulation areas within the residential component of the development could be improved upon with access to daylight. This is considered likely to promote higher safety in these spaces.</p>
<p>Principle 8: Housing Diversity and Social Interaction</p> <p>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.</p>	<p>Inconsistent</p> <p>Housing diversity is not considered to have been appropriately addressed by the proposed development. The proposal includes only 2 and 3 bedroom apartments.</p> <p>The DEP noted that the design quality of the proposal may be improved with the inclusion of 1 bedroom apartments.</p>
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>Inconsistent</p> <p>The architectural quality of the proposal was considered by the DEP and is not supported at this stage. Therefore, the proposed development does not achieve design excellence until such time as the applicant adequately addresses the advice of the DEP.</p> <p>The DEP has noted that the materiality of the building could be improved and requires further consideration by the designers.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the proposal against the relevant provisions of the ADG.

Provisions	Comment
2C Building Height	
Helps shape the desired future character and defines the relationship between	Refer to detailed assessment under LLEP 2008. Does not comply, not considered acceptable.


<p>buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.</p>	
<p>2D Floor Space Ratio</p>	
<p>Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.</p>	<p>Refer to detailed assessment under LLEP 2008. Does not comply, not considered acceptable.</p>
<p>2E Building depth</p>	
<p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation</p>	<p>Does not comply. The building has a maximum apartment depth of 20.02m.</p>
<p>2F Building separation</p>	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> - <u>12m between habitable rooms/balconies</u> - <u>9m between habitable and non-habitable rooms</u> - 6m between non-habitable rooms. 	<p>Complies.</p> <p>Ground Level</p> <p><u>East Boundary: 615-617 Hume Highway (Service Station)</u></p> <ul style="list-style-type: none"> • A separation of 12.250m is provided to the eastern boundary. <p><u>West Boundary: 12 Pine Road (Multi-Dwelling)</u></p> <ul style="list-style-type: none"> • A setback of 3m is provided to the western boundary. • A minimum separation of 9.4m is provided between habitable (Multi-Dwelling) and non-habitable rooms. <p>Level 1 – 3</p> <p><u>East Boundary: 615-617 Hume Highway (Service Station)</u></p> <ul style="list-style-type: none"> • A separation of 12.250m is provided to the eastern boundary. <p><u>West Boundary: 12 Pine Road (Multi-Dwelling)</u></p> <ul style="list-style-type: none"> • A setback of 3m is provided to the western boundary. • A minimum separation of 9.4m is provided between habitable (Multi-Dwelling) and non-


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	habitable rooms.
2G Street setbacks	
Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.	<p>Does not comply.</p> <p>The proposed development is not consistent with the primary controls with respect to street setbacks to both the Hume Highway and Pine Road.</p> <p>LDCP 2008 (Part 6) street setback controls:</p> <ul style="list-style-type: none"> • 15m primary setback (ground floor) • 12.5m primary setback (first floor) • 10m secondary setback <p>Proposed Setbacks:</p> <ul style="list-style-type: none"> • Pine Road setback: Ground Floor = 6m Upper Floors = 5m • Proposed Hume Highway setback: 12.2m (Not applicable to ADG assessment).
2H Side and rear setbacks	
Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.	<p>Complies.</p> <p>The proposed development is considered to generally be compliant with the primary side setback controls.</p>
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	<p>Does not comply.</p> <p>A detailed site analysis plan has been provided. However, as per DEP comments, the site design could be improved with continuous 3m separation to western boundary.</p>
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	<p>Complies.</p> <p>Shadow diagrams for mid-winter show shadows extending over established development to the west of Pine Road. The shadow diagrams indicate that overshadowing of neighbouring properties is minimised during mid-winter.</p>
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	<p>Does not comply.</p> <p>As identified by Council's Design Excellence Panel, the transition between the shop top housing building</p>
3C-2 Amenity of the public domain is	

retained and enhanced	and the Hume Highway would compromise safety between vehicles and pedestrians and needs further resolution.
3D Communal and public open space	
<p>3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <p>1. Communal open space has a minimum area equal to 25% of the site</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>Considered Acceptable.</p> <p>The applicant has sought consent for two land uses on the site, being the shop top housing development and showroom. As the ADG applies to the shop top housing development, it is considered unreasonable to apply the communal open space criteria to the part of the site that is occupied by the showroom use.</p> <p>Ground Floor = 214.00m² Rooftop = 233.65m² Overall = 447.65m²</p> <p>Component of site utilised for residential purposes = 1226.55m² Overall site area = 2827m²</p> <p>Residential Portion of site = 36.49% Overall = 15.83%</p> <p>The site provides for approximately 447.65m² of communal open space comprising of a ground floor courtyard and a rooftop courtyard. The proposed communal spaces are of an adequate size and dimension to allow for a range of activities.</p> <p>The rooftop receives greater than 2 hours direct solar access in mid-winter.</p>
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
<p>Site Area >1500m² Min. Dimensions 6m Deep soil zone (% of site area) - 7%</p>	<p>Considered acceptable.</p> <p>The applicant has sought consent for two land uses on the site, being the shop top housing development and showroom. As the ADG applies to the shop top housing development, it is considered unreasonable to apply the deep soil zones criteria to the part of the site that is occupied by the showroom use.</p> <p>Deep soil = 88.28m²</p> <p>Component of site utilised for residential purposes = 1226.55m² Overall site area = 2827m²</p> <p>Component of site utilised for residential purposes = 7.2% Overall site = 3.1%</p> <p>The site provides for approximately 88.28m² of deep soil and is of appropriate dimensions.</p>
3F Visual Privacy	

<p>Requirement:</p> <table border="1"> <tr> <td>Building Height</td> <td>Habitable Rooms and Balconies</td> <td>Non Habitable Rooms</td> </tr> <tr> <td>Up to 12m (4 Storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 Storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Complies.</p> <p>Setbacks from the side boundaries have been provided in accordance with the requirements of this section.</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 Storeys)	6m	3m											
Up to 25m (5-8 Storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
<p>3G Pedestrian access and entries</p>													
<p>3G-1. Building entries and pedestrian access connects to and addresses the public domain</p>	<p>Does not comply.</p> <p>Pedestrian links through sites should facilitate direct connections to main streets and public transport. Access from the shop top housing to the Hume Highway is not provided via a safe continuous defined pathway with potential conflicts between pedestrians and vehicles. This was highlighted in the DEP comments as follows:</p> <p><i>The Panel identifies that the RFB lacks a strong pedestrian connection to Hume Highway and strongly recommends that a proper link across the site should be established for the residents.</i></p> <p>This is particularly important when factoring in the proximity of a bus stop (Stop ID: 2170358) on the Hume Highway.</p> 												
<p>3G-2. Access, entries and pathways are accessible and easy to identify</p>													
<p>3G-3. Large sites provide pedestrian links for access to streets and connection to destinations</p>													
<p>3H Vehicle Access</p>													
<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>Complies.</p> <p>The proposed vehicle entry has been located along Pine Road. This is considered to be the most suitable location as the other site frontage is the Hume Highway, to which not vehicle entry was supported by RMS.</p>												

3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	<p>Complies.</p> <p>Car parking must comply with either the DCP 2008 or the RMS Guide to Traffic Generating Development, whichever is less. Car parking has been provided in conjunction with the requirements of the LDGP 2008 and RMS Guide to Traffic Generating Development as detailed elsewhere in this report and has been considered acceptable by Councils Traffic Engineer.</p>
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6. Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Does not comply.</p> <p>A total of 75% (9 of 12) apartments achieve a minimum of two hour solar access between 9am and 3pm in mid-winter.</p> <p>A total of 16.67% (2 out of 12) units receive no direct sunlight. Council has not deemed unit 23 as receiving direct sunlight between 9 am and 3 pm at mid-winter as it does not receive a minimum of 1m² of direct sunlight, achieved for at least 15 minutes.</p> 
4A-2 Daylight access is maximised where sunlight is limited	<p>Does not comply.</p> <p>As articulated above, the site does not provide optimum solar access to apartments given the orientation of the site and its multiple street frontages.</p>
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	<p>Complies.</p> <p>All 12 apartments are shown to be capable of being naturally cross ventilated.</p>
4B-2 The layout and design of single aspect apartments maximises natural ventilation	

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

<p>the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>																
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies.</p> <p>Habitable rooms are generally limited to 2.5 x the ceiling height.</p>															
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies.</p> <p>All master bedrooms and other bedrooms achieve the required areas.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>All cross-through apartments have widths greater than 4m.</p>															
<p>4E Private Open Space and Balconies</p>																
<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="193 1541 742 1727"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Minimum Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Does not comply.</p> <p>All apartment balcony sizes and depths are consistent with the minimum requirements, with the exception of the following apartments (2 bedrooms units):</p> <p>Unit 12: 1.8m Unit 22: 1.88m Unit 32: 1.88m</p> <p>It is considered that the proposal can be amended to provide the minimum depths for all balconies.</p>
Dwelling type	Minimum Area	Minimum Depth														
Studio	4m ²															
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3+ bedroom	12m ²	2.4m														
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																
<p>4E-3 Private open space and balcony</p>																

design is integrated into and contributes to the overall architectural form and detail of the building											
4E-4 Private open space and balcony design maximises safety											
4F Common circulation and spaces											
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Complies.</p> <p>Single lift core provided. Maximum 4 units are proposed off one lift.</p>										
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents.</p> <p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground</p>	<p>Does not comply.</p> <p>The lobby is not seen to achieve good amenity for the apartments due to the lack of natural light and ventilation.</p>										
4G Storage											
<p>4G-1 Adequate, well designed storage is provided in each apartment.</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Complies.</p> <p>The proposal provides for storage within each apartment. These areas comply with the minimum volume specified in the ADG.</p>
Dwelling Type	Storage volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3+ bedroom	10m ³										
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments											
4H Acoustic Privacy											
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Does not comply.										
4H-2 Noise impacts are mitigated within apartments through layout and acoustic Treatments	The site is mapped as being impacted by classified road noise. Applicant has not supplied acoustic report which reflects current design of shop top housing building.										
4J Noise Pollution											
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Does not comply.										
	The site is mapped as being impacted by classified road noise. Applicant has not supplied acoustic report										

4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	which reflects current design of shop top housing building.
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Does not comply. No one bedrooms apartments proposed. Two-bedroom apartments represent 75% (9) of the total number of apartments and three bedroom apartments represent 25% (3) of the total number of apartments.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	N/A. No ground floor units proposed.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies. The articulation of balconies and walls adds visual interest and results in a quality design outcome consistent with modern residential buildings.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies. The proposed roof form is of a modern flat roof which will integrate with the style consistent with mixed use development. The proposal incorporates a communal roof top courtyard for use by the residents which will achieve good levels of solar access.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies. A comprehensive landscape plan has been provided for the communal open space at the ground floor and on the rooftop. Appropriate species have been selected for the environment.
4O-2 Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies. As demonstrated in the landscape plan the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies. Apartment layouts are generously apportioned and

4Q-2 A variety of apartments with adaptable designs are provided	flexible.
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable. The development does not propose new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Complies. Retail premises located appropriately on the ground floor presenting to Pine Road. Residential levels of the building are integrated within the development and provides appropriate safety.
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
4T-1 Awnings are well located and complement and integrate with the building design	Complies. Awnings have been provided above building entrances and on the communal roof top area.
4T-2 Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies. The proposal satisfies the thermal targets of BASIX. The majority of apartments are cross ventilated.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Does not comply. The proposal is likely to have an adverse impact on water quality as sufficient stormwater information has not been submitted for assessment.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. A waste management plan should be prepared.	Does not comply. Waste Management matters have not yet been satisfied by the development. Further information is requested of the applicant.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	

4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	<p>Complies.</p> <p>The proposal incorporates overhangs to protect walls and openings. The proposed external walls are constructed of robust and durable materials.</p>

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

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

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

Evaluation by Council indicates that there is potential contamination at the site after the detailed site investigation was submitted to Council on 30 September 2019. Therefore, a Preliminary Contamination Investigation (Stage 1) is required to be undertaken. The applicant has not supplied a Preliminary Contamination Investigation (Stage 1) for the subject site. An assessment of Clause 7 of the SEPP is provided below:

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Investigation by Council indicates that there is potential contamination at the site subsequently after the detailed site investigation was submitted to Council on 30 September 2019. Therefore, an updated Preliminary Contamination Investigation (Stage 1) is required to be undertaken. The applicant has not supplied an updated Preliminary Contamination Investigation (Stage 1) therefore this provision cannot be satisfied.
(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 applicant has not submitted a Stage 1 - preliminary investigation for the property since the presence of new materials were observable on the site. Therefore, Council cannot be satisfied that the land is suitable in its contaminated state (or will be potentially suitable if remediation would be required)
(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 applicant has not submitted a Stage 1 - preliminary investigation for the property for the property since the presence of new materials were observable on the site or adequately addressed clause 7 of SEPP 55, therefore Council is unable to assess if land remediation would be required.

Aerial images from 15 April 2020 to 01 October 2020 found on nearmap (Figure 4 and 5), indicate the presence of stockpiling unknown materials.

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Figure 3: Aerial view of 619-621 Hume Highway, Casula: Image captured 24 October 2019
(Source: Nearmap)



Figure 4: Aerial view of 619-621 Hume Highway, Casula: Image captured 15 April 2020
(Source: Nearmap)



Figure 5: Aerial view of 619-621 Hume Highway, Casula: Image captured 01 October 2020 (Source: Nearmap).

With regards to the above, the proposed development is seen to be inconsistent with State Environmental Planning Policy No. 55 Remediation of Land and therefore should be refused.

(c) State Environmental Planning Policy (Infrastructure) 2007

The subject site has a frontage to a classified road, being the Hume Highway, therefore the provisions of the Infrastructure SEPP 2007 are to be considered.

Considerations	Comments
101. Development with frontage to classified road	
<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: Where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately</p>	<p>Complies.</p> <p>The development proposes vehicular access to the land via Pine Road and not the classified road (Hume Highway).</p> <p>In this regard, it is likely that the proposed development would uphold the safety and efficiency of the ongoing operation of the classified road and would not adversely affect this roadway.</p>

<p>located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	
102. Impact of road noise or vibration on non-road development	
<p>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</p> <ul style="list-style-type: none"> - In any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, - Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. <p>In this clause, <i>freeway</i>, <i>tollway</i> and <i>transitway</i> have the same meanings as they have in the <i>Roads Act 1993</i>.</p>	<p>Does not comply.</p> <p>The proposed development is for shop top housing development which would be used for the purposes of residential accommodation.</p> <p>The acoustic report provided by the applicant is inconsistent with the most recent amended proposal submitted to Council for assessment. Therefore, it cannot be determined if appropriate measures can be taken to ensure that LAeq levels are not exceeded for the residential component of the development.</p>

The proposed development is not considered to be consistent with the relevant provisions of the SEPP (Infrastructure) 2007.

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

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

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

A BASIX Certificate (**Certificate number: 612556377**) has been submitted for the proposed development.

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

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

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

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

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

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	<p>The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.</p> <p>The proposal is likely to have an adverse impact on water quality as sufficient stormwater information has not been submitted for assessment.</p>
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	<p>An adequate stormwater concept plan is required to assess the impact of the development on adjacent or downstream local government areas. The applicant has not provided this information, as a result a full and proper assessment of the impact on adjacent or downstream local government areas cannot be conducted.</p> <p>Therefore, it is considered that the current proposal may have a negative impact on adjacent or downstream local government areas.</p>
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	<p>An adequate stormwater concept plan is required to assess the impact of the development on the Georges River and its tributaries. However, the applicant has not provided this information. As a result a full and proper assessment of the impact on the river and its tributaries cannot be conducted. Therefore, it is considered that the current proposal may have a negative impact on the Georges River and its tributaries.</p>
(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),	<p>The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.</p>
(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),	<p>The proposal may have an adverse impact on the Georges River as an adequate stormwater concept plan has not been submitted. Therefore, the proposal is considered to be inconsistent with the strategy.</p>
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	<p>Not required to be referred.</p>

(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and specialised retail premises.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified on LLEP 2008 Acid Sulphate Soil mapping as containing acid sulphate soils.
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The subject site is not identified as being affected by flooding.
(4) Industrial discharges	Not applicable as the site is located within a residential area.
(5) Land degradation	Cannot determine this as Land Development Engineering has not endorsed the submitted erosion and sediment control details.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	An adequate stormwater concept plan is required to assess the impact of the development on adjacent or downstream local government areas and the Georges river system. However, the applicant has not provided an adequate stormwater plan. As a result, a full and proper assessment of the impact on adjacent or downstream local government areas and the Georges river system cannot be conducted. Therefore, it is considered that the current proposal may have a negative impact on adjacent or downstream local government areas and the Georges river system.
(10) Urban development areas	The subject site is not located within an urban development area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Cannot determine this as Land Development Engineering has not endorsed the submitted erosion and sediment control details.
(13) Wetlands	Not applicable.

It is considered that the proposal does not satisfy all the relevant provisions of the GMREP No.2. and cannot be supported on this basis.

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

(i) Zoning

The subject site is zoned B6 - Enterprise Corridor pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008).

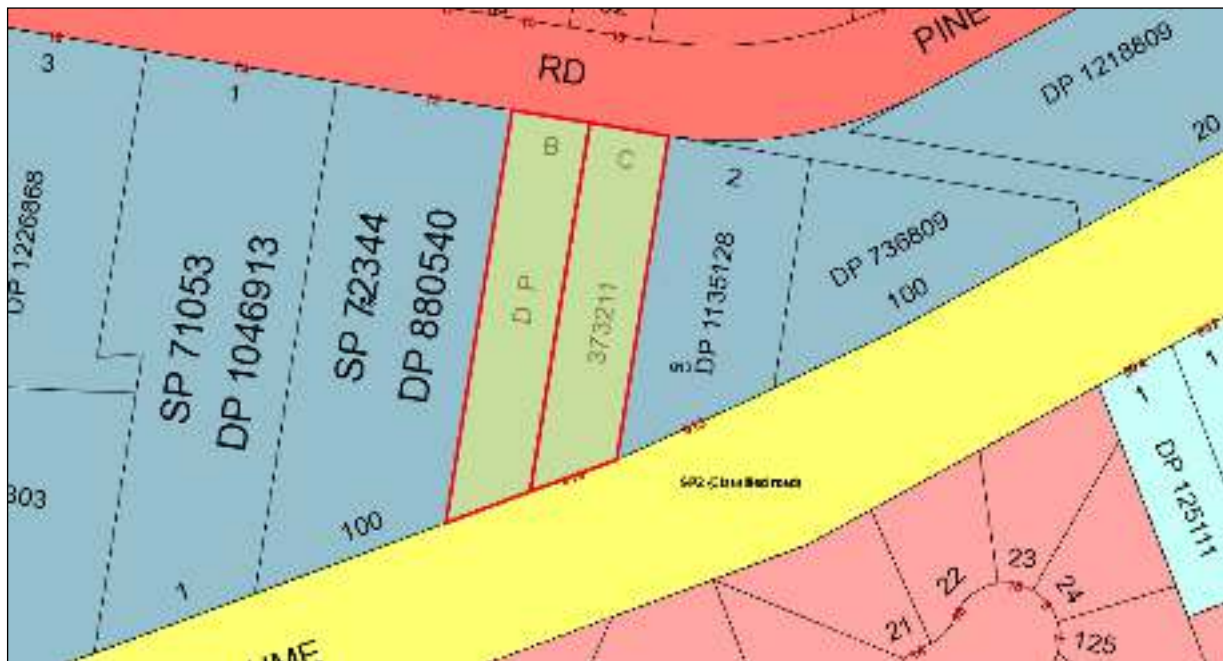


Figure 6: Zoning Map extract (Source: GeoCortex)

(ii) Permissibility

The proposal is best described as a **'Shop Top Housing'** and a **'Specialised Retail Premises'**, which are defined as follows:

- **Shop top housing** means one or more dwellings located above ground floor retail premises or business premises.
- **Specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—
 - (a) a large area for handling, display or storage, or
 - (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

The proposed development is permissible with consent in the B6 - Enterprise Corridor Zone.

(iii) Objectives of the zone

The objectives of the B6 - Enterprise Corridor Zone are:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.

- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

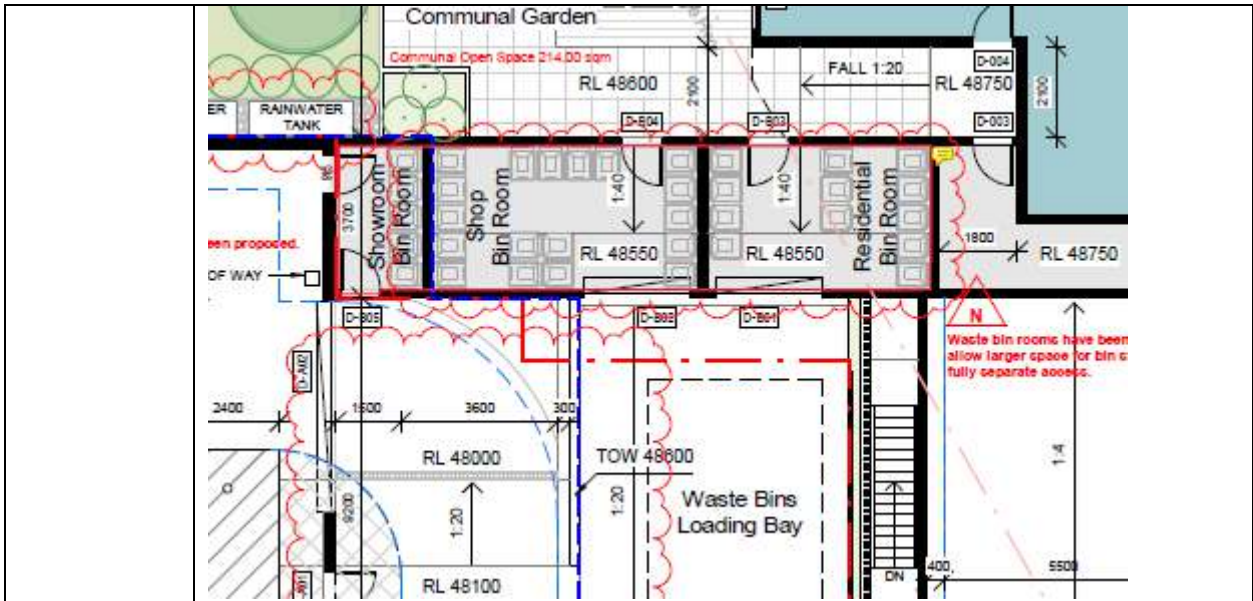
The proposal to construct a bathroom and kitchen showroom and shop top housing in the B6 zone is in keeping with the objective of the zone. It is the form in which the development is proposed to be delivered that is questionable.

(iv) Principal Development Standards

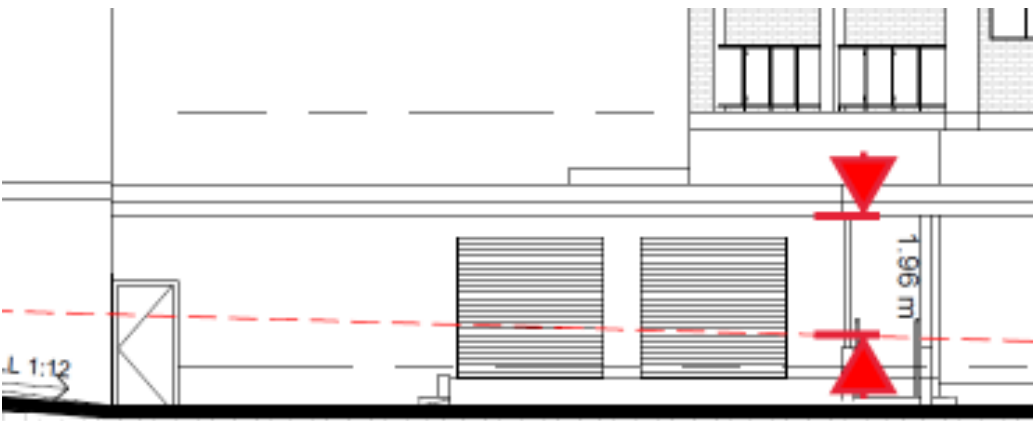
The LLEP 2008 contains a number of relevant development standards which are discussed with respect to the proposal as follows: -

Clause	Requirement	Proposed	Comment
4.1 Minimum subdivision lot size	Minimum lot size of 2,000m ²	The two sites will be amalgamated and achieve the minimum lot size of 2827m ² .	Complies.
4.3 Height of Buildings	Max Height 15m	16.5m (max.)	Does not comply. The maximum building height applicable to the site is 15m. The development proposes an overall maximum height of 16.5m. This represents a numerical variation of 10%. A Clause 4.6 variation has been submitted refer to detailed discussion below.
4.4 Floor Space Ratio	0.75:1	GFA Calculations Shop top Housing Ground = 347.98m² Level 1 = 381.25m² Level 2 = 381.25m² Level 3 = 381.25m² Showroom = 674.42m² GFA = 2166.15m² Site Area: 2827m² Proposed FSR: 0.766: 1	Does not comply. <i>See comment below.</i>

	<p>4.4 Floor Space Ratio</p> <p>The maximum FSR applicable to the site is 0.75:1. The development proposes an overall FSR of 0.766:1. The applicant has stated the proposed development complies with the FSR development standard, however a discrepancy between the applicant and Councils FSR calculations is evident with counting the bin rooms as GFA.</p> <p>Gross floor area is defined as:</p> <p><i>the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—</i></p> <ul style="list-style-type: none"> <i>(a) the area of a mezzanine, and</i> <i>(b) habitable rooms in a basement or an attic, and</i> <i>(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—</i> <i>(d) any area for common vertical circulation, such as lifts and stairs, and</i> <i>(e) any basement—</i> <ul style="list-style-type: none"> <i>(i) storage, and</i> <i>(ii) vehicular access, loading areas, garbage and services, and</i> <i>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</i> <i>(g) car parking to meet any requirements of the consent authority (including access to that car parking), and</i> <i>(h) any space used for the loading or unloading of goods (including access to it), and</i> <i>(i) terraces and balconies with outer walls less than 1.4 metres high, and</i> <i>(j) voids above a floor at the level of a storey or storey above.</i> <p>A basement is defined as:</p> <p><i>The space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).</i></p> <p>The proposed garbage rooms have areas more than 1 metre above existing ground level (1.96m above ground level at its highest point). Accordingly, the proposed garbage rooms are not considered to meet the definition of a basement and has been classified and assessed as a storey of the development and counted in GFA calculations.</p>		



Proposed Garbage Rooms: Floor Plan



Proposed Bin Rooms in relation to natural ground level: Section.

Council highlighted the basement definition and previous FSR non-compliances in an additional information letter to the applicant, dated 04 February 2020. The applicant responded to Council's concern however did not submit a written 4.6 variation request for FSR. Therefore, the consent authority is unable to grant consent to the DA due to the variation to the FSR development standard.

<p>6.5 Public Utility Infrastructure</p>	<p>Public utility infrastructure must be available</p>	<p>The area is an existing residential area and will utilise existing Public Utility Infrastructure.</p>	<p>Complies.</p>
<p>7.15 Minimum building street frontage in Zone B6</p>	<p>Development consent must not be granted to the erection of a new building or to an addition to an existing building on land in Zone B6 Enterprise Corridor unless any frontage of the site to a classified road is at least: (a) 90 metres, or</p>	<p>The proposed development has frontage to the Hume Highway of 40.04m, however also has frontage to Pine Road of 34.748.</p>	<p>Complies.</p>

	(b) if the site also fronts a road other than the classified road, 30 metres.		
7.22 Development in Zone B6	<p>Except as provided by subclause (4), development consent must not be granted to development for the purposes of a dwelling unless the dwelling is at least 50 metres from any boundary of the land that adjoins a classified road.</p> <p>Development consent must not be granted to development for the purposes of a dwelling on land shown edged heavy green on the Key Sites Map and that adjoins the Hume Highway or Elizabeth Drive unless the dwelling is at least 8 metres from any boundary of the land that adjoins either of those roads.</p> <p>Development consent must not be granted to development that would result in total gross floor area of all retail premises (other than timber and building supplies, landscape and garden supplies or vehicle sales or hire premises) in a single building being more than 8,000 square metres.</p> <p>Development consent must not be granted for development for the purposes of a building on land to which this clause applies that is within 50 metres of a classified road unless the consent authority is satisfied that the ground floor of the building will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.</p>	<p>The residential component of the proposed development would be located within 50 metres from the boundary of the site which adjoins the Hume Highway.</p> <p>The subject site is not mapped as being a key site.</p> <p>Proposed retail component would be a maximum of 1022.4m².</p> <p>The proposed showroom would have will have at least one entrance and one other door/window on the front of the building presenting to the Hume Highway.</p>	Complies.
7.23 Bulky goods premises and retail	Development consent must not be granted to development for the purposes of specialised retail	The proposed specialised retail premises would be 680.91m ² .	Complies.

<p>premises in Zone B6</p>	<p>premises on land in Zone B6 Enterprise Corridor if the gross floor area of the specialised retail premises is more than 2,500 square metres.</p> <p>Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,600 square metres</p>	<p>Proposed retail component would be a maximum of 1022.4m².</p>	
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4.3 Height of Buildings

Clause 4.6 Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the LLEP 2008, stipulates that:

“The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”

The maximum building height applicable to the site is 15m. The development proposes an overall maximum height of 16.5m to the lift overrun. This represents a numerical variation of 1.5m or 10%. Building height as defined by the LLEP 2008 is as follows:

“building height (or height of building) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

In accordance with the above definition the full extent of the variation is 1.5m or 10%.

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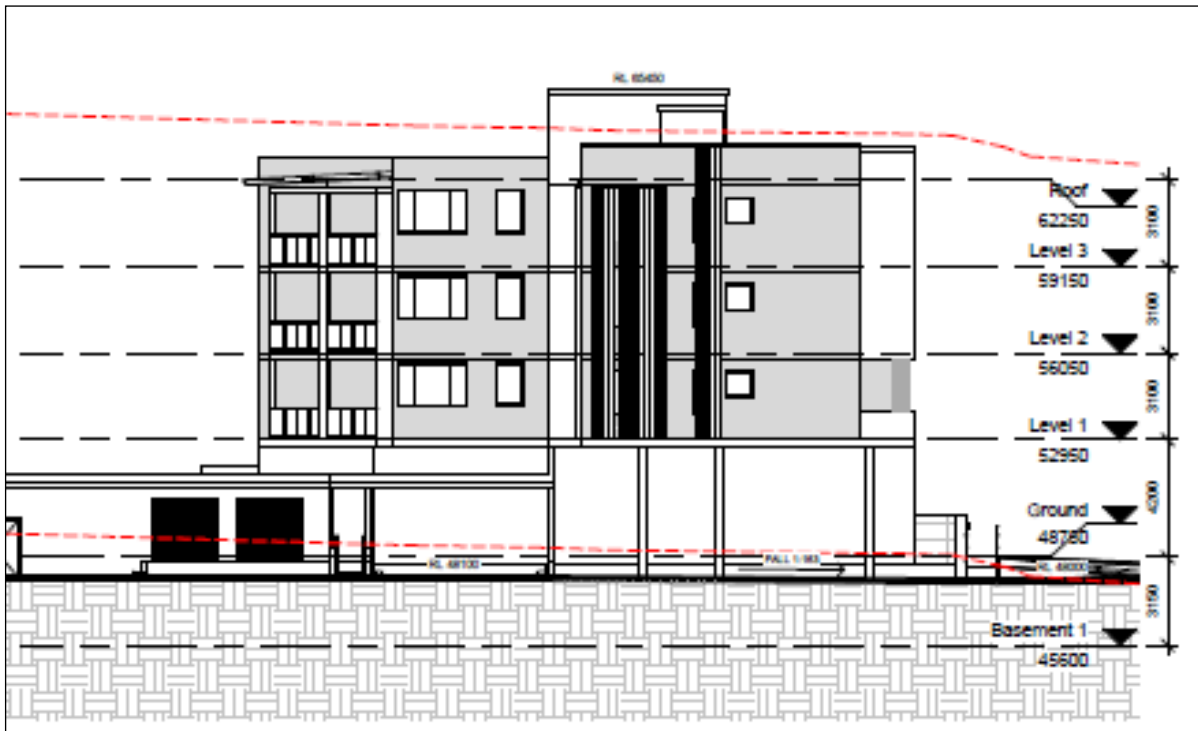


Figure 7: Section plan showing building elements which exceed the 15m height control limit.

Consequently, pursuant to Clause 4.6 of the LLEP 2008 the applicant has submitted a written request seeking a variation to the building height development standard as prescribed by Clause 4.3. The submitted written request to vary Clause 4.3 has been assessed against the provisions of Clause 4.6, and is discussed below:

Clause 4.6(3) states, consent must not be granted unless the consent authority has considered a written request to justify the variation of the development standard. The clause is listed and addressed below:

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*

Applicant Comment:

- *Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.*

Council Comment:

- The built form and scale of the proposed development is inconsistent with numerous applicable requirements set out in the LLEP 2008, ADG and LDGP 2008 and therefore is considered to be inconsistent with the future desired character of the locality and streetscape.

- In this regard, compliance with the height control is not considered to be unreasonable where the proposal has not satisfactorily resolved inconsistencies with the relevant planning provisions for a development of this nature.
 - The proposal has not been supported by the DEP and therefore does not achieve design excellence. Considering commentary by the DEP and incorporation of their design advice, there are likely to be amendments to the proposal that by effect the proposed building height.
 - The proposed development is not consistent with the objectives of 4.3 Height of Buildings and therefore the height variation is not considered acceptable in this case.
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Applicant Comment:

- *The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.*

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

As acknowledged in this letter, the breach occurs generally as a result of the stair and lift overrun, open lightweight pergola. The stairwell and lift overrun allows for sensible and equitable access to the proposed rooftop communal open space for all future residents.

We respectfully submit that the proposal will result in a better planning outcome as residents of the proposed mixed-use development and their guests will have an area of communal open space that provides high levels of amenity where recreational activities may occur. This space receives ample amounts of solar access and natural ventilation due to its location on the roof of the development.

Furthermore, the proposal has ensured that all habitable floor levels are provided within the maximum building height control despite the breach to the standard. The proposed variation is only sought to allow for the proposed rooftop communal open space and associated access, safety, and amenity measures (i.e. shading with the lightweight pergola, landscaped planter boxes and accessible access). It is unreasonable to not provide a rooftop communal open space with access by stair and lift, for use by all residents.

Furthermore, the proposal has ensured that all habitable floor levels are provided within the maximum building height control despite the breach to the standard. The proposed variation is only sought to allow for the proposed rooftop communal open space, as requested by Council in their DEP Minutes.

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In this case, strict compliance with the height of buildings development standard of the LLEP 08 is unnecessary and unreasonable.

Council Comment:

- The applicant's grounds for the variation is reliant on the proposal providing a better planning outcome, as the variation will facilitate roof-top COS, when compared to a proposal with a compliant building height. However, it has not been sufficiently demonstrated by the applicant that the proposed development could not provide both roof-top COS and a compliant building height.
- In the case of this DA, the development is required to be consistent with SEPP 65 and subsequently the ADG. As previously discussed, the proposal is not consistent with multiple objectives of the ADG and the DEP has noted the proposed development does not show design excellence in its current form, with recommendations to improve the design quality of the proposal. It is therefore considered that the development is inconsistent with important considerations under Section 4.15 of the Act. Accordingly, there is not considered that there are sufficient planning grounds to justify contravening the building height standard.
- It is considered that the likely impacts of the proposal have not been entirely and appropriately considered by the applicant, particularly the floor space ratio non-compliance. Accordingly, the applicant has not demonstrated that there are sufficient planning grounds to justify contravening the building height standard.

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

(a) the consent authority is satisfied that—

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

The objectives of building height standard are as follows:

(1) The objectives of this clause are as follows:

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

Comment: It is considered the proposed development does not meet the objectives Development Standard 4.3 Building Height lot size, as listed below:

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

- The objectives of building height is to establish the maximum height limit in which buildings can be designed and floor space can be achieved, however, the proposed development exceeds the applicable FSR development standard. The applicant notes that the comply with FSR, however, this is not consistent with Council's assessment of FSR. Accordingly, the proposed building height is likely encourage an unacceptable variation to floor space onsite.

(b) *To permit building heights that encourage high quality urban form,*

- The proposed shop top housing and showrooms do not encourage high quality urban form at this stage, with the scheme not demonstrating consistency with design qualities required under SEPP 65 and also the ADG. Furthermore, the DEP has not yet provided support for the proposal and instead has provided design recommendations to improve it's urban form.

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

- As stipulated in part 4A of the ADG, a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. A total of 16.67% (2 out of 12) units receive do not receive a minimum of 1m² of direct sunlight, achieved for at least 15 minutes. Therefore, it may be the case that the proposed building may enjoy better sunlight if the overall building height was reduced.

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

- As the proposed development is the first of its kind within the immediate locality and varies building height, breaches floor space ratio and does not provide design excellence, there is unresolved concerns that the proposal is inappropriate for its immediate context and will not provide an appropriate transition in built form.

The objectives of the B6 - Enterprise Corridor Zone are as follows:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

The proposed development is considered to be consistent with all of the objectives of the B6 Enterprise Corridor Zone.

The objectives of Clause 4.6 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.”*

It is not appropriate in this instance to apply a degree of flexibility when applying variation in height of building controls given the above discussion. Based on that discussion it is not conclusive that a better outcome would be achieved where the development varies the maximum building height standard.

Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 *“Building of Heights”* does not adequately address the provisions of Clause 4.6 of the LLEP 2008 and is not supported in this case.

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

No applicable draft EPIs.

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

Liverpool Development Control Plan 2008

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

Part 1.1 General Controls for all Development		
Control	Requirement	Proposed
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	N/A. No trees or existing vegetation on site.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	N/A. No trees or existing vegetation on site.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	N/A. The site does not contain bushland nor is it adjacent to bushland.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	N/A. The site is not identified on Council's bushfire prone land maps as being bushfire prone.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Does not comply. Stormwater matters have not yet been satisfied by the

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		development. Further information is requested of the applicant.
Section 7 – Development Near Watercourse	Consideration of impact to riparian corridors	N/A. Development is not located in proximity to any watercourse or riparian corridors.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Complies. An erosion and sediment control details have been submitted. Appropriate conditions could be imposed regarding the implementation of erosion and sediment control during construction works if consent were granted.
Section 9 – Flooding Risk	Flood affection of property to considered	N/A. The site is not identified on Council's flooding maps as being flood prone.
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Does not comply. Evaluation by Council indicates that there is potential contamination at the site subsequently after the detailed site investigation was submitted to Council on 30 September 2019. Therefore, an updated Preliminary Contamination Investigation (Stage 1) is required to be undertaken. The applicant has not supplied an updated Preliminary Contamination Investigation (Stage 1), therefore has not demonstrated compliance with this control.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Complies. Condition of consent may be included on a consent requiring design to respond to salinity.
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	N/A. The site is not mapped as containing acid sulfate soils.
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	N/A.
Section 14 – Demolition of Existing Development	Appropriate measures proposed	Complies by condition. Demolition work would need to comply with AS 2601-2001 standards.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	N/A. The proposal does not propose any such facilities. The site is connected to sewer.
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	Complies. No known items of aboriginal archaeology are present on the subject property.
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage	Complies. Site is not associated with any heritage items nor is it known to

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	significance on any heritage buildings, sites, streetscapes or areas.	have any indigenous or non-indigenous heritage or archaeological sites.
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	N/A. No charity bins located on site.
Section 20 – Car Parking and Access	<p><u>Car Parking Controls</u> Residential & Business Zones</p> <p>1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms</p> <p>2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms</p> <p>1 visitor car space for every 4 dwellings or part thereof</p> <p>Café/Retail Developments of LFA < 12,000sqm: 1 space per 20sqm LFA,</p> <p>1 space per 75sqm factory/warehouse LFA or 1 space per 2 employees, whichever is the greater</p>	<p>Complies.</p> <p>Proposed:</p> <p>2 bedroom: 1.5 x 2 = 14 parking spaces 3 bedroom: 2 x 3 = 6 parking spaces Visitor 12/4 units = 3 parking spaces</p> <p>Retail: 251.82/20 = 12.59 spaces</p> <p>Showroom: 674.42m² = 12 spaces (Based off RMS Development Guidelines)</p> <p>= 47.59 Spaces required.</p> <p>Total = 50 Car Parking Spaces provided</p> <p>Car parking has been provided in accordance with the requirements of Part 4 of the DCP 2008 and RMS Development Guidelines as outlined above. The proposed car parking has been reviewed by Council's Traffic Engineer who raised no objections.</p>
Section 21 – Subdivision	<p>Subdivision of land shall meet the minimum lot width requirements as set out below:</p> <p>R1, R2, R3 requires a minimum lot width of 8 metres</p>	<p>N/A.</p> <p>Subdivision is not proposed. Sites to be amalgamated to meet minimum lots size requirements.</p>
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced	<p>Complies.</p> <p>A BASIX Certificate has been provided which outlines water and energy conservation commitments.</p>

	apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	
Section 23 – Energy Efficiency	Dwellings, including multi-unit development within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	<p>Complies.</p> <p>A BASIX Certificate has been provided which outlines water and energy conservation commitments.</p>
Section 25 – Waste Management	<p>Waste Management Plan shall be submitted for demolition, construction and on-going waste management.</p> <p>In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site.</p>	<p>Does not comply.</p> <p>Waste Management matters have not yet been satisfied by the development. Further information is requested of the applicant.</p>

Controls	Comment
Part 6 – Development in Business Areas	
<p>2. Subdivision, Frontage and Allotment Size</p> <p>Development for new buildings (other than a maximum 10% addition to an existing structure) in the B6 zone must not leave adjacent land such that it cannot achieve either:</p>	
<ul style="list-style-type: none"> • A site frontage of at least 30m (where the site also has a frontage to a local street that intersects with and would permit access to and from the Classified road): or 	<p>Considered acceptable.</p> <p>The proposed development would not isolate adjoining sites.</p>
<ul style="list-style-type: none"> • 90m otherwise 	
<p>3. Site Planning</p> <p>Neighbourhood Centres, Local Centres and Enterprise Corridor (B2, B1 & B6 zones)</p>	
<p>1. The siting of buildings and the development should:</p>	
<p>1. Provide safe pedestrian, cycle and vehicle access to and from the public street.</p>	<p>Does not comply.</p> <p>The proposed development would not provide safe pedestrian access to and from the Hume Highway from the shop top housing component of the site.</p>
<p>2. Be compatible with nearby residential development in terms of appearance, overshadowing, privacy, views, setbacks and height.</p>	<p>Does not comply.</p> <p>As discussed, the proposed development is not considered to be compatible with nearby residential development in terms of appearance and height.</p>
<p>3. Address the street and consider its presentation to the public domain.</p>	<p>Complies.</p> <p>The two proposed buildings address the streetscape appropriately for the nature of the development.</p>
<p>4. Consider the impact on existing and potential pedestrian links.</p>	<p>Does not comply.</p> <p>The proposed development would not provide safe pedestrian access to and from the Hume Highway from the shop top housing component of the site.</p>
<p>5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Refer to Water Cycle Management in Part 1.</p>	<p>Does not comply.</p> <p>Stormwater matters have not yet been satisfied by the development. Further information is requested of the applicant.</p>

<p>2. Enterprise Corridor (B6 zones)</p> <p>3. In Enterprise Corridor the siting of buildings and the development should also:</p>	
<p>1. Be compatible with existing business development in terms of scale, bulk, setbacks, materials and visual amenity.</p>	<p>Complies.</p> <p>The proposed development is considered to be compatible with existing business development near the site in terms of scale, bulk or visual amenity.</p>
<p>2. Address the street and consider its presentation to the arterial road environment.</p>	<p>Complies.</p> <p>The proposed development will adequately address the street and consider its presentation to the arterial road environment.</p>
<p>4. Setbacks</p> <p>Neighbourhood Centres, Local Centres, Business Development and Enterprise Corridor</p>	
<p>Rear Setbacks</p> <p>Where there is no rear lane access and the site adjoins land that is in a residential zone, the building shall be setback from the rear boundary as follows:</p>	
<p>- 5m for non-residential component of building up to 10m high.</p>	<p>N/A.</p>
<p>- 8m otherwise for components of building up to 15m high.</p>	<p>N/A.</p>
<p>Side setbacks</p> <p>Where the site adjoins land that is also in a business zone there is no setback requirement.</p>	<p>Noted.</p>
<p>Front Setbacks</p> <p>15m primary setback (ground floor)</p> <p>12.5m primary setback (first floor)</p> <p>10m secondary setback</p>	<p>Does not comply.</p> <p>Hume Highway Setback: 12.2m</p> <p>Pine Road Setback: Ground Floor = 6m First Floor = 5m</p>
<p>5. Landscaped Areas and Pedestrian Areas</p> <p>Business Development and Enterprise Corridor (B5 and B6 zones)</p>	

1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths.	Complies. Changes in levels are minimised within pedestrian areas.
2. Pedestrian areas should link all major activity areas of the centre.	Does not comply. The proposed pedestrian areas do not sufficiently link all major activity areas of the centre.
3. Pedestrian areas should be separate from loading areas.	Does not comply. Pedestrian areas are not separated from loading areas.
4. Separate pedestrian access should be provided to adjoining public footpaths, community facilities and open space.	Complies. Pedestrian access would be via proposed footpaths in Hume Highway and Pine Road.
5. Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car parking areas.	Complies. A sufficient area would be provided for landscaping and tree planting.
6. Building Form, Streetscape and Layout Neighbourhood Centres, Local Centres and Enterprise Corridor Building Form	
1. Articulate building walls addressing the street to add visual interest.	Does not comply. Building walls of the proposed showroom have not been appropriately articulated to address the Hume Highway. Articulation can be improved with appropriate detailing of the facade and incorporating additional architectural elements to achieve a better design outcome.
2. Development adjoining open space shall address the open space and avoid blank walls.	N/A. Proposed development does not address open space.
Building Materials	
1. Highly reflective finishes are not permitted above the ground floor.	Complies. Proposed buildings would not incorporate highly reflective finishes above ground floor.
2. Colour & materials of the buildings shall be consistent with the existing adjoining development.	Does not comply. Materiality of the showroom building is not clear and needs to be elaborated.
Entrances	
1. Orientate entrances to buildings towards the public street and provide clear lines of sight	Complies. The proposed development orientates entrances of

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between entrances, foyers and the street.	the buildings towards the public street and provides clear lines of sight between entrances, foyers and the street.
2. The common lobby to a home unit development should face the street	Complies. Lobby faces street.
3. Where the ground floor of a business development, mixed-use development, and shop-top housing faces the street, the ground floor must incorporate shopfront style windows with clear glazing so that pedestrians can see into the premises and vice versa.	Complies. The ground floor would incorporate shopfront style windows with clear glazing.
Street Frontage	
1. Ground floor uses are to be at the same general as the footpath and be accessible directly from the street.	Complies. The ground floor of both proposed buildings would be at an acceptable level to the street.
2. Provide predominately glazed shop fronts to all ground floor retail areas.	Complies. A suitable amount of glazing has been provided for both proposed buildings.
3. Developments on corner sites shall address the corner and the secondary street frontage.	N/A.
4. Avoid blank or solid walls and the use of dark or obscured glass on street frontages.	Complies. The proposed buildings would not incorporate blank or solid walls or the use of dark or obscured glass on the street frontage.
5. Roller shutters that obscure windows are not permitted.	N/A. No roller shutters proposed.
6. Provide opportunities for table seating along shop frontages.	Complies. Table seating proposed along retail frontage.
7. Any Automatic Teller Machine (ATM) must be located at a highly visible location at street level, and must be well lit at night and incorporate mirrors or reflective materials so that users can observe people behind them.	N/A. No ATM indicated on the plans.
8. The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	Can be conditioned.
Roof Forms	

9. Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.	Complies. Acceptable overshadowing demonstrated.
10. Provide eaves with a minimum length of 400mm in dwellings with pitched roofs.	Complies. Eaves proposed acceptable.
11. Where flat roofs are proposed, lift overruns and rooftop plant and machinery are to be obscured from view by parapets or designed to be incorporated within rooftop activities/features	Complies. Lift overruns and rooftop plant and machinery would to be obscured from view by incorporating them within rooftop activities/features.
12. Incorporate lift overruns and service plant etc. into the design of the roof.	Complies. The proposed development would incorporate lift overruns and service plant into the design of the roof.
13. Wherever possible provide landscaped and shaded areas on roofs to serve as communal private open space for residents of the building.	Complies. The proposed development would provide landscaped and shaded areas on roofs to serve as communal private open space for residents of the building.
Material and Finishes	
1. Avoid expanses of any single material.	Complies. The proposed buildings provide adequate breaks in material and colour.
2. Utilise high quality and durable materials and finishes, such as face brick with / without coloured render; and plain glass windows.	Complies. The proposed buildings would be designed with high quality and durable materials.
3. Avoid large wall tiles, rough textured render, polished metal and curtain walls or reflective glass.	Complies. The proposed buildings would avoid the incorporation of large wall tiles, rough textured render, polished metal and curtain walls or reflective glass.
Adjoining Residential Areas	
1. Development should minimise impact of the privacy of adjoining and nearby dwellings.	Complies. The proposed development would minimise impact of the privacy of adjoining and nearby dwellings.
2. Development should be compatible with any adjoining and nearby dwellings.	Complies. The development is typical within a B6 Enterprise Corridor zone.

<p>Links to nearby Community Facilities and Open Space</p>	
<p>1. Developments should incorporate opportunities for pedestrian links to adjoining Community Facilities and Open Space.</p>	<p>N/A. The development does not directly adjoin open space or community facilities.</p>
<p>7. Landscaping and Fencing Neighbourhood Centres, Local Centres, Business Development and Enterprise Corridor</p>	
<p>1. Where landscaping is to be provided a detailed landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p>	<p>Complies. Landscape plan has been provided and considered satisfactory. The proposal was referred to Council's Natural Environment Landscape department. Council's Natural Environment Landscape officer has reviewed the submitted landscape plan and has no objections to the proposal, subject to conditions of consent.</p>
<p>8. Car Parking and Access Business Development and Enterprise Corridor (B6 zones)</p>	
<p>1. Car parking shall generally be located toward the front of the site.</p>	<p>Complies. Car parking generally appropriate.</p>
<p>9. Amenity and Environmental Impact Neighbourhood Centres, Local Centres and Enterprise Corridor</p>	
<p>Privacy</p> <p>1. Development shall be designed to minimise overlooking of adjoining and nearby residential development.</p>	<p>Complies. The proposed buildings would not overlook adjoining residential development.</p>
<p>Access to sunlight</p> <p>1. Dwellings above shops shall be designed to maximise solar access.</p>	<p>Does not comply. As abovementioned, dwellings not designed to maximise solar access.</p>
<p>Acoustic privacy</p> <p>1. Where an allotment adjoins a Classified Road, dwellings must comply with AS 3671 – Acoustics – Road Traffic Noise Intrusion.</p>	<p>Does not comply. The proposed development is for shop top housing development which would be used for the purposes of residential accommodation. The acoustic report provided by the applicant is inconsistent with the most recent set of plans submitted to Council, therefore Council is unable to determine if appropriate measures could be taken to ensure that LAeq levels are not exceeded.</p>

<p>2. Dwellings should be located to minimise the impact of noise from car parking and loading areas.</p>	<p>Does not comply. As above-mentioned, applicant has not demonstrated dwelling location suitable to mitigate impact of noise.</p>
<p>Lighting 1. External lighting to a development must give consideration to the impact of glare on the amenity of adjoining and nearby residents.</p>	<p>Can be conditioned.</p>
<p>10. Site Services Frontage works and damage to Council assets Where a footpath, road shoulder, new or enlarged access driveway or is required to be provided this shall 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. Electricity Sub Station In some cases it may be necessary to provide an electricity sub station at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area. Waste Management Development involving dwellings shall provide at least two waste storage areas to separately cater for the dwellings and non-residential uses on an allotment. A development must provide a waste storage area inside every food premises, and inside any shop that is capable of accommodating a food premises. A development must locate a waste storage area inside the building, or adjacent to a lane where it is convenient and safe for residents, tenants, and waste collection trucks to access the waste storage area and the location and floor level are to the satisfaction of Council and Part 1.2.</p>	<p>Can be conditioned. Can be conditioned. N/A. No consent expressed or implied for an electricity substation. Complies. N/A. No use proposed. Complies. Internal waste storage areas proposed for each building.</p>
<p>11. Non Business Uses</p>	<p>N/A.</p>
<p>12. Shop Top Housing</p>	<p>N/A.</p>

<p>Building Appearance and Streetscape</p> <p>1. Shop top housing shall comply with State Environmental Planning Policy No 65 – Design Quality of Shop top housing, and should consider the Residential Flat Design Code.</p>	<p>Does not comply.</p> <p>The proposed development does not demonstrate sufficient compliance with the ADG.</p>
<p>Roof Design</p> <p>1. Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.</p>	<p>Complies.</p> <p>The proposed roof form is of a modern flat roof which will integrate with the style consistent with mixed use development.</p> <p>The proposal incorporates a communal roof top courtyard for use by the residents which will achieve good levels of solar access.</p>
<p>Building Entry</p> <p>1. Provide as direct a physical and visual connection as possible between the street and the entry.</p>	<p>Complies.</p> <p>A direct physical and visual connection has been provided between the street and entry.</p>
<p>Balconies</p> <p>1. Balconies may project up to 1m from the façade of a building.</p>	<p>ADG takes precedence. <i>See ADG Discussion.</i></p>
<p>Daylight Access</p> <p>1. Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows</p>	<p>ADG takes precedence. <i>See ADG Discussion.</i></p>
<p>Internal Design</p> <p>1. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.</p>	<p>Complies.</p> <p>Site appropriately sited away from Classified Road.</p>
<p>Ground Floor Dwellings</p> <p>1. 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.</p>	<p>N/A.</p> <p>No ground floor dwellings proposed.</p>
<p>Security</p> <p>Entrances to buildings should be orientated towards the front of the site and facing the street.</p>	<p>Complies.</p> <p>Entrances to the shop top housing development would be orientated towards Pine Road.</p>

<p>Natural Ventilation</p> <p>1. Utilise the building layout and section to increase the potential for natural ventilation</p>	<p>Complies.</p> <p>Building layout promotes natural ventilation.</p>
<p>Storage Areas</p> <p>1. A secure storage space is to be provided for each dwelling with a minimum volume 8m³ (minimum dimension 1sqm). This must be set aside exclusively for storage as part of the basement or garage.</p>	<p>Complies.</p> <p>A secure storage space would be provided for each dwelling with a minimum volume of 8m³.</p>
<p>Planting on Structures</p> <p>1. To contribute to the quality and amenity of communal open space on podiums and internal courtyards.</p>	<p>Complies.</p> <p>Communal open space and landscaping generally acceptable.</p>
<p>Car Parking</p> <p>1. Private car parking for shop top housing residents must be clearly identified and separated from regular business car parking.</p>	<p>Complies.</p> <p>Shop top housing resident parking would be clearly identified and separated from regular business car parking.</p>
<p>Pedestrian Access</p> <p>1. Utilise the site and it's planning to optimise accessibility to the development.</p>	<p>Does not comply.</p> <p>Pedestrian links through sites should facilitate direct connections to main streets and public transport. Access from the shop top housing to the Hume Highway is not provided via a safe continuous defined pathway. This was highlighted in the DEP comments as follows:</p> <p><i>The Panel identifies that the RFB lacks a strong pedestrian connection to Hume Highway and strongly recommends that a proper link across the site should be established for the residents.</i></p> <p>This is particularly important when factoring in the proximity of a bus stop (Stop ID: 2170358) on the Hume Highway.</p>
<p>Privacy</p> <p>1. To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents.</p> <p>2. To avoid any external impacts of a development, such as overlooking of adjoining sites.</p>	<p>Does not comply.</p> <p>The site is mapped as being impacted by classified road noise. Applicant has not supplied acoustic report which reflects current design of shop top housing building.</p> <p>Complies.</p> <p>Windows cited appropriately to avoid overlooking.</p>

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<p>Acoustic Impact</p> <ol style="list-style-type: none"> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas. 	<p>Does not comply.</p> <p>The site is mapped as being impacted by classified road noise. Applicant has not supplied an acoustic report which reflects current design of shop top housing building.</p>
<p>13. Restaurants/Outdoor Cafes</p> <ol style="list-style-type: none"> These controls apply to outdoor eating areas on public footpaths. Other than Hours of operation, these controls do not apply to outdoor eating areas that may also take place on private land. 	<p>N/A.</p> <p>No eating areas proposed on public footpaths.</p>
<p>14. Child Care Centres</p>	<p>N/A</p>
<p>15. Telecommunication Facilities</p>	<p>N/A</p>
<p>16. Used Clothing Bins</p>	<p>N/A</p>
<p>17. Service Stations</p>	<p>N/A</p>
<p>18. Restricted Premises</p>	<p>N/A</p>

Given the assessment above, the proposal is considered to be inconsistent with the relevant controls outlined in the LDCP 2008.

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

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

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

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

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

Natural and Built Environment

The site is not considered to be appropriate to accommodate the size and scale of development proposed. The design of the development is considered to be out of character with the existing and desired character of development in the locality. The proposed development seems to compromise key design parameters that apply to quality design under SEPP 65 and the ADG. As identified by the DEP, multiple inconsistencies with the ADG and deficiencies in the site design are problematic for amenity with regards to adjoining sites and for future residents of the subject proposal. The proposal is also inconsistent with the provision of SEPP 55, SEPP Infrastructure and the Georges River SEPP.

Accordingly, the development is likely to have an unacceptable impact on both the built and natural environments.

Social Impacts and Economic Impacts

It is considered that until certain ADG requirements and site design matters are met by the proposal, it is likely to have an unreasonable social impact.

The retail components of the proposal are considered likely to contribute positively to the locality.

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

The site is not considered suitable to accommodate the proposed development as approval of the application would create an undesirable present in the area.

The development is inconsistent with various objectives and provisions of SEPP No.55 – Remediation of Land, SEPP Infrastructure and the Georges River SEPP and until these matters are resolved by the applicant the site is not suitable for the proposal.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineer	Not supported.
Waste Management	Not supported.
Natural Environment Landscape	No objection raised, subject to conditions of consent.
Traffic	No objection raised, subject to conditions of consent.
DEP	Not supported. Design advice to be incorporated into proposal.

(b) External Referrals

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ORGANISATION	COMMENTS
RMS	No concerns or objections to the proposal raised.

(c) Community Consultation

Pursuant to the notification requirements outlined in the Liverpool Community Participation Plan 2019, the application was notified between 22 October 2019 and 13 November 2020. Three (3) submissions were received in response to the public consultation process objecting to the proposal.

The key issues raised in the submissions relate to:

- Bulk, scale and height of the development;
- Setback on the western boundary;
- Visual amenity;
- Over shadowing and loss of solar access caused by the height, bulk and minimal setback;
- Vehicular access via the Hume Highway;
- Traffic impacts in the locality;
- Insufficient Parking in the locality;
- Loss of amenity and privacy; and
- Construction Issues.

ISSUE 1: *Bulk, scale and height of the development*

The proposed development does not comply with Councils building height and floor space ratio development standards. The proposal is not supported with regards to height and scale at this stage.

ISSUE 2: *Setback on the western boundary*

The proposed development provides compliant building separation to the western boundary in accordance with the ADG and Councils controls for the shop-top housing component. Further separation to the western boundary, for the length of the proposed development, has been advised by the DEP.

ISSUE 3: *Visual amenity*

The building walls of the proposed showroom have not been appropriately articulated to address the Hume Highway, as per the DEP comments. Articulation can be improved with appropriate detailing of the facade and incorporating additional architectural elements to achieve a better design outcome. The shop top housing component of the site is deemed to demonstrate sufficient visual amenity based off ADG consistency with setbacks and building separation.

ISSUE 4: *Over shadowing and loss of solar access caused by the height, bulk and minimal set back.*

The proposed development is unlikely to generate any unreasonable impacts in terms of overshadowing on adjoining properties in accordance with the provisions of the ADG or Council's Development Control Plan. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and 3pm in mid-winter to a living

room window on any adjoining property and to at least 50% of the private open space of an adjoining site. This is considered to be consistent with Council's Development Control Plan and the ADG.

ISSUE 5: *Vehicular access via the Hume Highway*

Vehicular access for the whole development has been provided off Pine Road. This is consistent with previous advice from the RMS.

ISSUE 6: *Traffic impacts in the locality*

The application was accompanied by traffic impact assessment which was assessed by Council's Traffic Section. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objections, subject to conditions of consent. As such, generated traffic associated with the proposal are considered acceptable based on Council's Traffic engineers review and for a mixed use development of this nature in a B6 Enterprise Corridor zone.

ISSUE 7: *Insufficient Parking in the locality*

The development requires 47.59 car spaces onsite in accordance with the provisions of Part 1 Section 20 of the LDCP 2008 and RMS Development Guidelines. The DA proposed 50 car parking spaces. Therefore, the development provides adequate car parking spaces with regards to Council and RMS policies. It is likely that any visitors to the site will be temporary and that any on-street parking associated with the development is unlikely to obstruct access to dwellings in the locality where road users adhere to road rules.

ISSUE 8: *Loss of amenity and privacy*

The applicant is considered to have satisfactorily demonstrated that the proposed development would not generate any unreasonable impacts on adjoining properties in terms of overshadowing, privacy or amenity issues. The shadow diagrams submitted with the application indicate the proposed development will not prevent any adjoining sites from receiving the minimum required 3 hours of solar access between 9am and pm in mid-winter to a living room window on any adjoining property and to at least 50% of the private open space of an adjoining site.

While noise associated with the site is likely to increase given the intensification of the residential accommodation and showroom at the premises, it is considered to be typical with that generated by a business enterprise development in a B6 zone. Accordingly, without further evidence that demonstrates the proposal would unreasonably impact the acoustic amenity locality beyond what is envisaged under Council's local policies, it is difficult to address this matter further. The development has also been designed with a landscape plan that provides peripheral landscaping treatments in order to soften the development from the adjoining properties. This may also assist in mitigating acoustic transfer between the subject site and the immediate locality.

ISSUE 9: *Construction Issues*

Council's standard conditions of consent would be incorporated if consent were granted, reflecting standardised hours of construction and construction management procedures to reduce impacts to the locality during work. This includes conditions relating to excavation and mitigation of impacts to adjoining properties. Any breaches of conditions of consent will be

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handled by Council's compliance section. The contact detail of the PCA must be displayed during works so that they can be contacted regarding any issues during construction.

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

Approval of the application would not be in the public interest, for the reasons outlined in this report.

7. DEVELOPMENT CONTRIBUTIONS

The proposed development is not supported. Contributions are not required in this instance. However, in the event the application was approved contributions would be applied.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the provisions of the LLEP 2008, LDCP 2008. Accordingly, it is recommended that the application be refused.

9. RECOMMENDATION

That Development Application DA-538/2019 for the construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking is to be refused for the following reasons:

1. The development application be refused as the floor space ratio of the proposed development is excessive and does not comply with the development standard for maximum floor space ratio in clause 4.4 of LLEP 2008, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. The consent authority does not have the power to approve the proposed variation to the floor space ratio in that clause, in the absence of a written variation request under Clause 4.6 of LLEP 2008.
2. The development application be refused as the proposed development does not comply with the development standard for maximum building height in Clause 4.3 of LLEP 2008 in clause 4.4 of LLEP 2008. The proposed variations are not justified having regard to the matters in clause 4.6(3) and (4) of LLEP 2008.
3. Insufficient information has been submitted with the proposed development in order to satisfy the provisions of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. Insufficient acoustic information has been submitted with the proposed development that demonstrates consistency with the provisions of SEPP (Infrastructure) 2007, Clause 102 – Impact of road noise or vibration on non-road development, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is inconsistent with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land in that insufficient evidence has been

submitted to satisfy the consent authority that the land is free from contamination and will be suitable for the proposed use, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

6. The proposed development is inconsistent with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – in that the design of the proposed development is not consistent with the design quality principles and does not give appropriate regard to the objectives specified in the Apartment Design Guide (ADG), pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in terms of the following ADG sections:

- i. Section 2E - Building depth
- ii. Section 2G - Street setbacks
- iii. Section 3A – Site Analysis
- iv. Section 3C - Public Domain Interface
- v. Section 3G - Pedestrian access and entries
- vi. Section 4A - Solar and Daylight Access
- vii. Section 4E - Private open space and balconies
- viii. Section 4F - Common circulation and spaces
- ix. Section 4H - Acoustic Privacy
- x. Section 4J - Noise Pollution
- xi. Section 4K - Apartment Mix
- xii. Section 4V - Water Management and Conservation
- xiii. Section 4W - Waste Management

7. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:

- i. Section 6 – Water Cycle Management
- ii. Section 10 – Contaminated Land Risk
- iii. Section 25 – Waste Management

8. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 6 – Development in Business Areas, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:

- i. Section 3 - Site Planning
- ii. Section 4 - Setbacks
- iii. Section 5 - Landscaped Areas and Pedestrian Areas
- iv. Section 6 - Building Form, Streetscape and Layout
- v. Section 9 - Amenity and Environmental Impact
- vi. Section 12 - Shop Top Housing

9. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, an inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.

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10. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
11. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
12. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

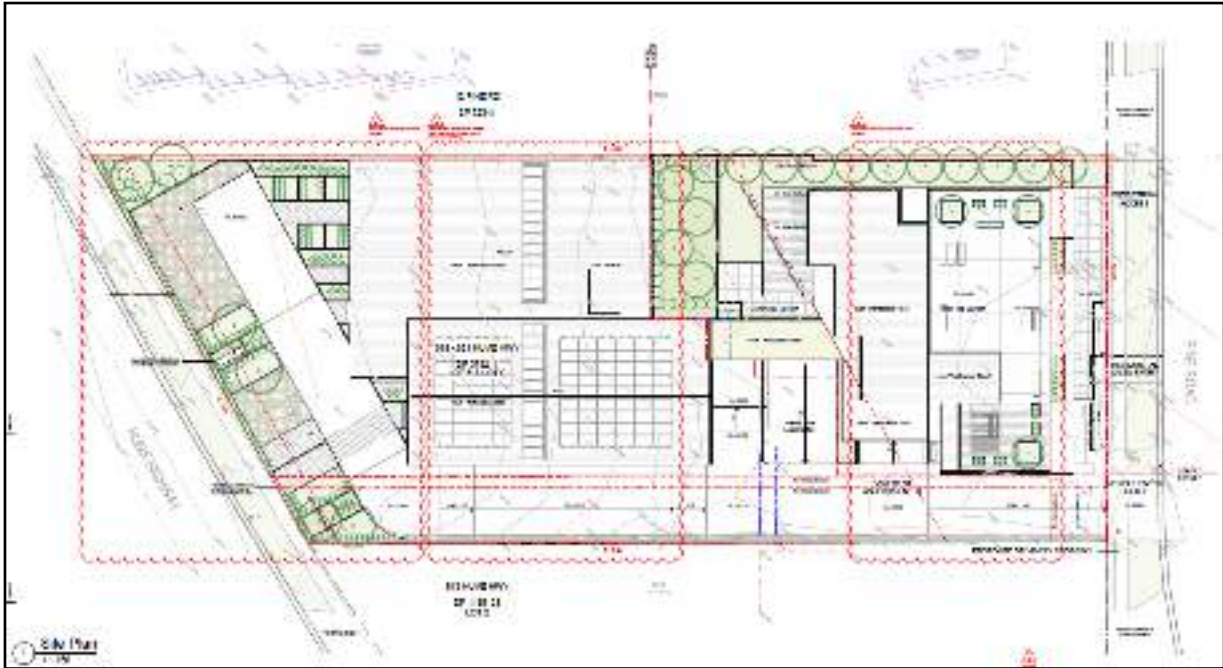
ATTACHMENTS

1. **Plans of the Proposal**

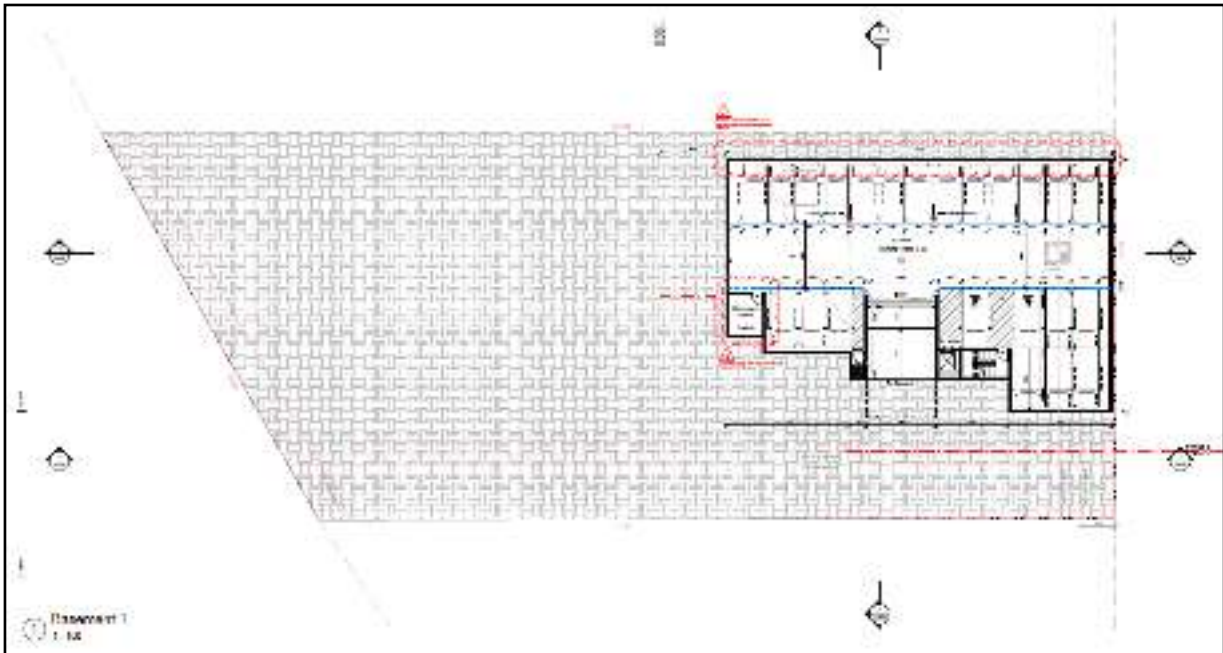
ATTACHMENT 1: PLANS OF THE PROPOSAL

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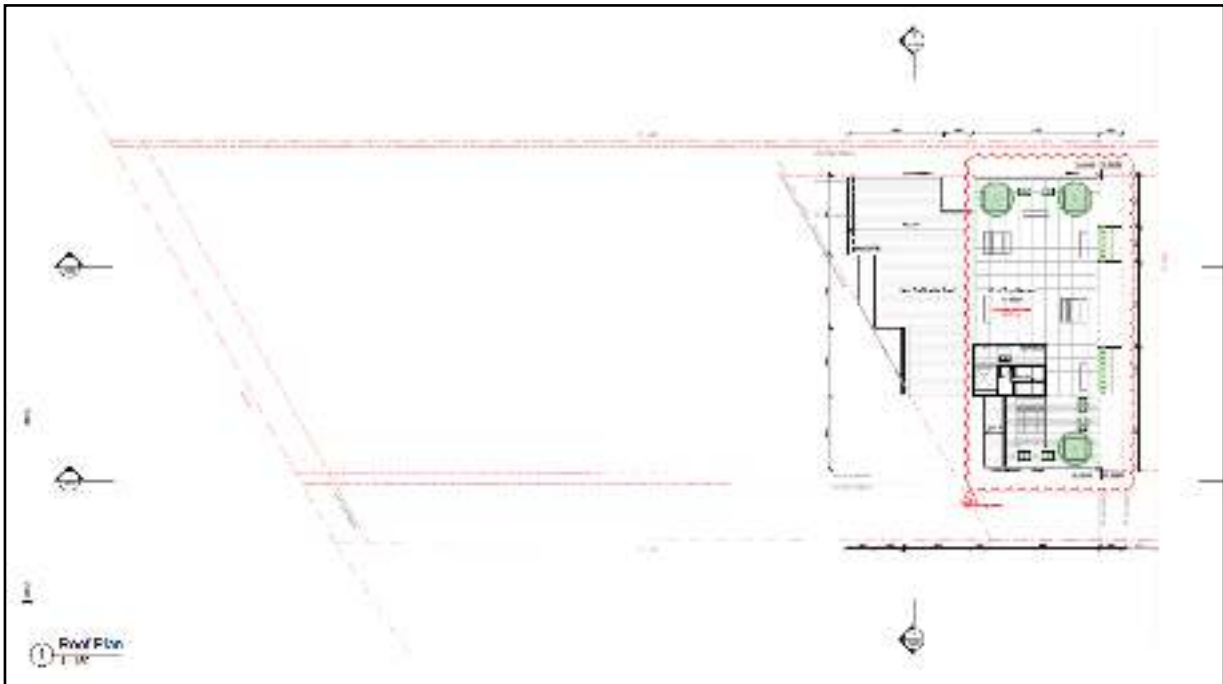
Site Plan



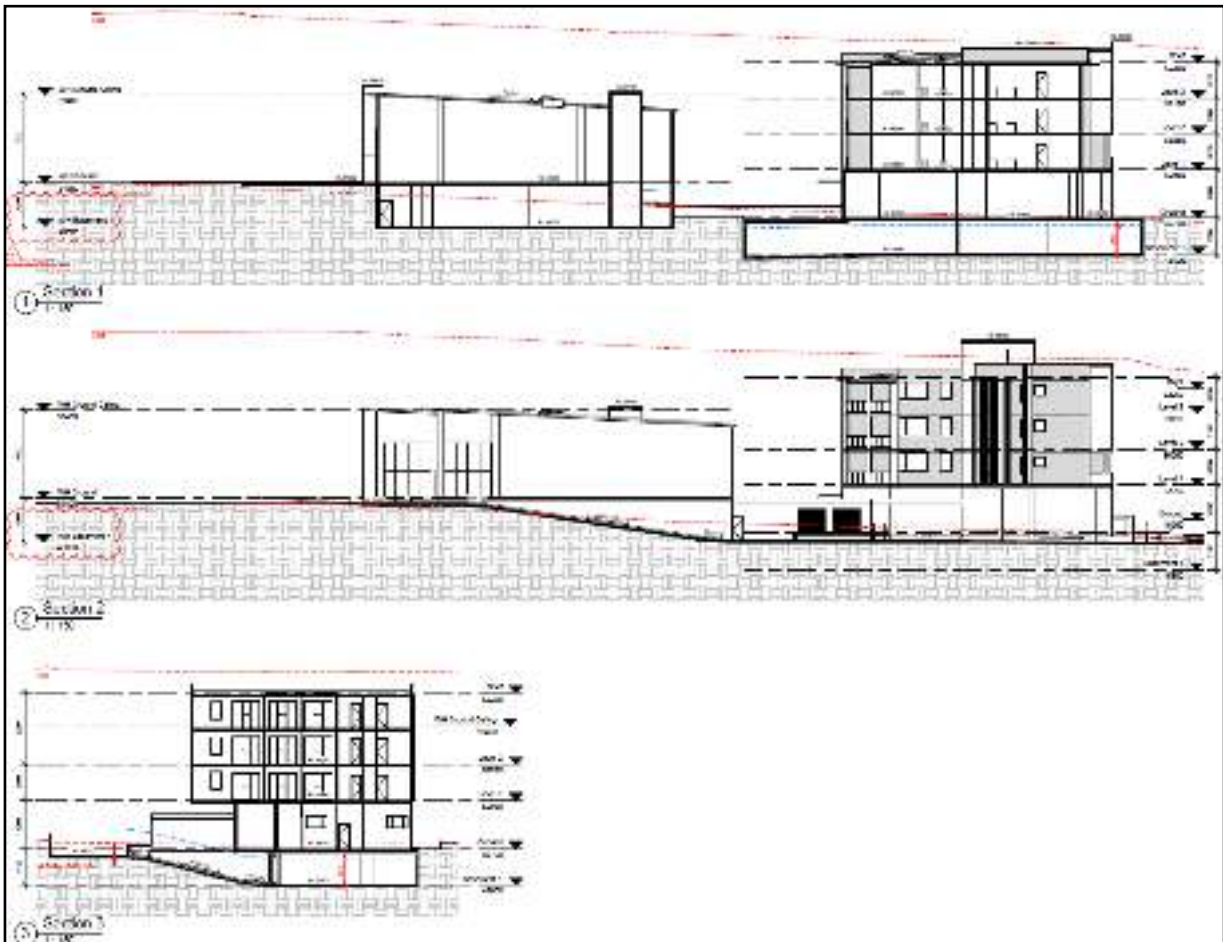
Basement Plan

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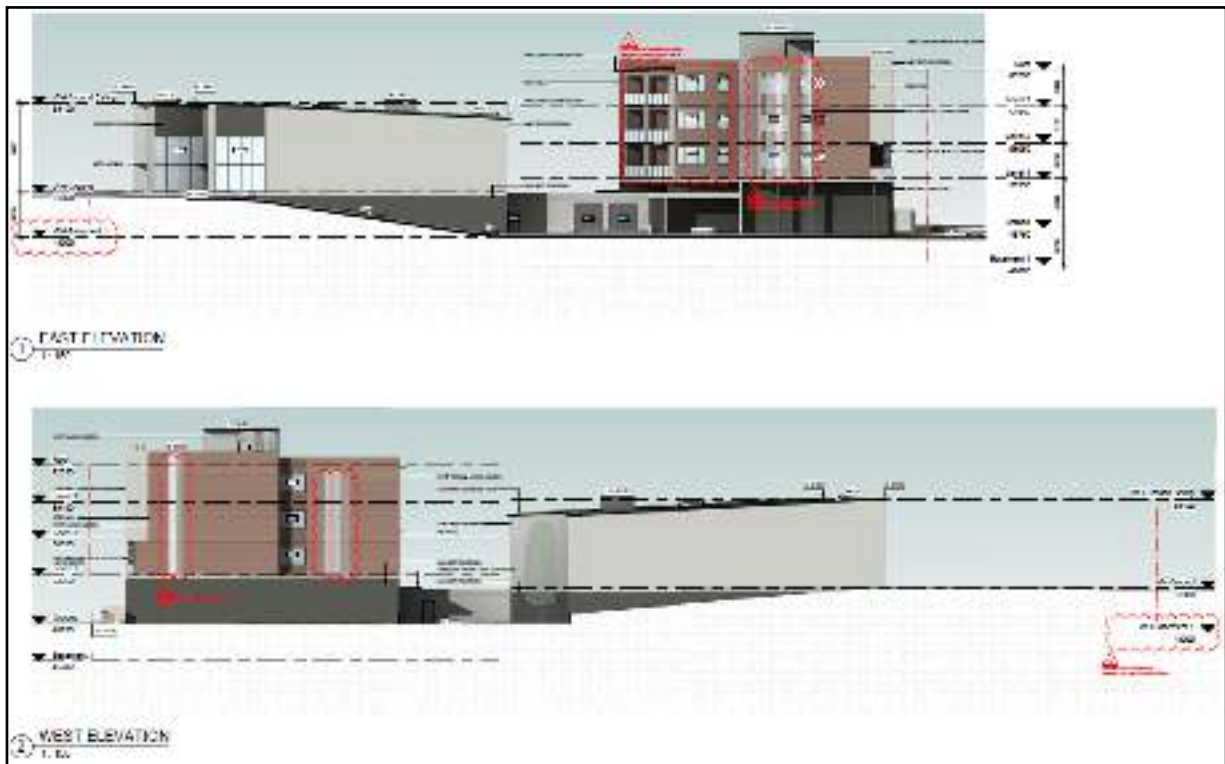
Roof Plan



Sections

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East and West Elevations



North and South Elevations

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Item no:	4
Application Number:	DA-778/2020
Proposed Development:	Construction of a double storey house and attached single garage
Property Address	44 York Street, Casula
Legal Description:	LOT 18, Sec I DP 2314
Applicant:	Croft Land Pty Ltd
Land Owner:	MR JASMIN SMAJLAGIC
Cost of Works:	\$319,000
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Zahra Hamed

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.778/2020) seeking consent for the construction of a double storey house and attached single garage at 44 York Street, Casula, Lot 18, Sec I DP 2314.

The site is zoned R2 Low Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP), within which the proposed development is permissible with consent.

The development application was not required to be placed on public exhibition in accordance with Liverpool Community Participation Plan 2019, and no submissions were received.

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 conflict of interest, as the landowner is a Council employee.

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

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2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The site is located approximately 5km from the Liverpool CBD. The area is characterised by low density and medium density residential development with single or double storey dwellings constructed of fibro, weatherboard, brick veneer and brick with open space located to the front and rear of each property. The locality is currently characterised by low density single and double storey dwellings, the immediate locality is zoned R2 – Low Density Residential.



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

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

Orientation	Description of Site
North (side)	46 York Street, Casula (Detached dwelling house)
South (side)	42 York Street, Casula (Detached dwelling house)
East (Rear)	Open Space/Reserve – Future residential lot fronting newly created Ayshford Street, Casula
West (Front)	43 York Street, Casula (Detached dwelling house)

2.2 The site

The subject site is identified as Lot 18, Sec I DP 2314 and is known as 44 York Street, Casula. It is regular in shape with a frontage of 7.6 metres to York Street and a depth of 40.23 metres, with a total area of 306.7m². Currently, the subject site is vacant with five trees along the southern property boundary, and two large trees along the western boundary (front of the lot).



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

3. BACKGROUND/HISTORY

- The subject DA was lodged with Council on 21 September 2020.
- Application deferred regarding cut and fill, landscaping and side setbacks. Request for additional information sent by Assessing Officer 19 October 2020.
- Amended plans received on 9 November 2020.

4. DETAILS OF THE PROPOSAL

The proposed development application seeks approval for the erection of a double storey dwelling with attached single garage.

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 (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 2.2: Carnes Hill, Hoxton Park & Prestons Residential Release Areas
 - Part 3.5: Dwelling Houses on Land Less than 400sqm in the R2, 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 2000, as follows:

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

(a) 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. A condition of consent will be imposed requiring the applicant to provide BASIX Completion Statement prior to the release of any Occupation Certificate.

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

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

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

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

(c) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R2 Low Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.

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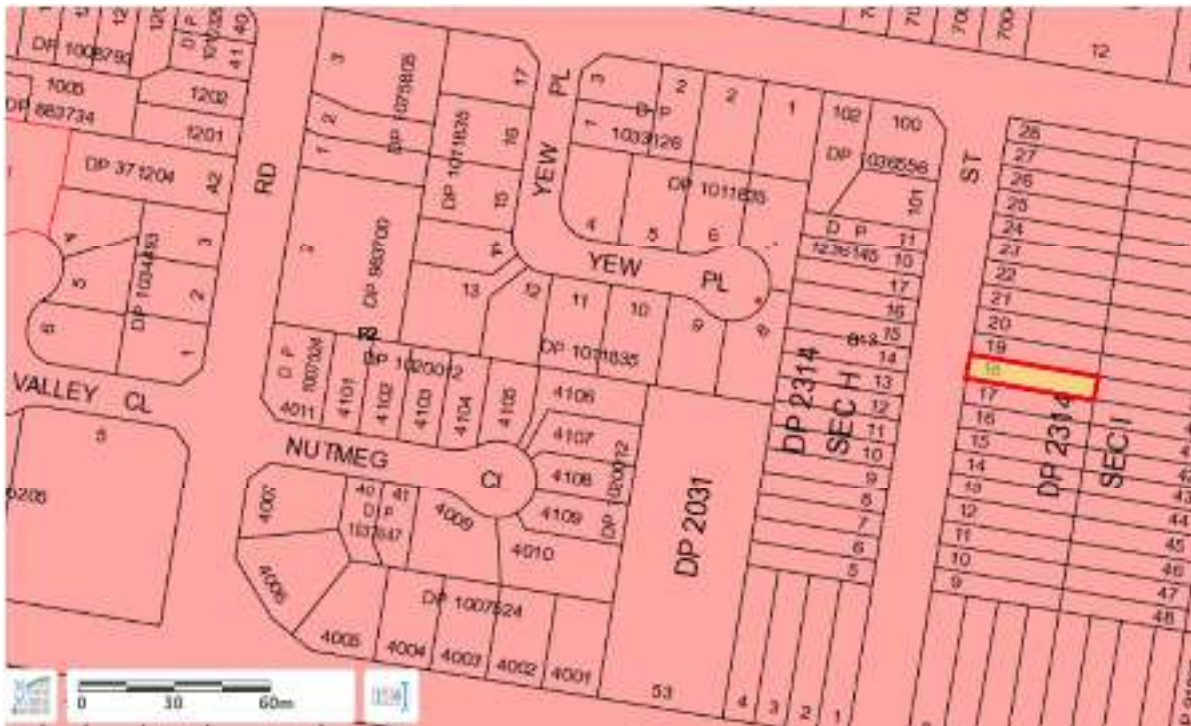


Figure 3: Zoning Map (Source: Geocortex)

(ii) Permissibility

The subject site is zoned R2 Low Density Residential. The proposal is best described as a “dwelling house” which is a permissible form of development in the zone with development consent.

The LLEP 2008 defines a dwelling housing as “a building containing only one dwelling.”

(iii) Objectives of the zone

The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

It is considered that the proposal is a permissible type of development within the R2 Low Density Residential zone and is consistent with the above zone objectives.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Complies
4.1 Minimum Lot Size	Minimum lot size permitted: 300m ²	N/A. No Torrens title subdivision is proposed.	N/A
4.3 Height of Buildings	Maximum height permitted: 8.5m	Complies. 7.10m maximum building height proposed.	YES
4.4 Floor Space Ratio	Maximum FSR permitted: 0.6:1	Complies. FSR Proposed = 0.416:1	YES
5.10 Heritage Conservation	To protect and conserve existing items/locations identified as containing significant heritage value	N/A the site is not identified as being located in close proximity to a heritage item.	N/A
7.7 Acid Sulfate Soils	Class 1, 2, 3, 4 or 5	N/A the site is not identified as being impacted by Acid Sulfate Soils.	N/A
7.8 Flood Planning	To minimise the flood risk to life and property associated with the use of land	N/A The site is not identified as being affected by flooding.	N/A
7.31 Earthworks	Earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Council to consider matters listed (a)-(g)	Excavation works are required during the construction of the proposed dwelling house that will allow for a compliant driveway gradient. However, the proposed is not envisaged to cause detrimental impacts on the surrounds. Conditions of consent are to be implemented that will ensure appropriate sediment controls are utilised during the construction phase.	YES

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

As demonstrated in the above compliance table, the proposed development is consistent with the 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*, Part 2.2: Carnes Hill, Hoxton Park & Prestons Residential Release Areas and *Part 3.5 - Dwelling Houses on land less than 400 sqm in the R2, R3 and R4 zones*. The development is found to achieve full compliance with the relevant provisions of the LDCP 2008, as detailed within the compliance table in Attachment 2 of the report. Overall, the proposal is considered to be consistent with the relevant 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 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

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

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

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

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

Social Impacts and Economic Impacts

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

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

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Development Engineer	Approval, subject to conditions of consent

(b) External Referrals

No external referrals were required as part of this application.

(c) Community Consultation

The development application was not required to be notified in accordance with the Liverpool Community Participation Plan 2019. No submissions have been received by Council regarding the proposed development.

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

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

7. DEVELOPMENT CONTRIBUTIONS

No Development Contributions are applicable to the proposed development.

8. CONCLUSION

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

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

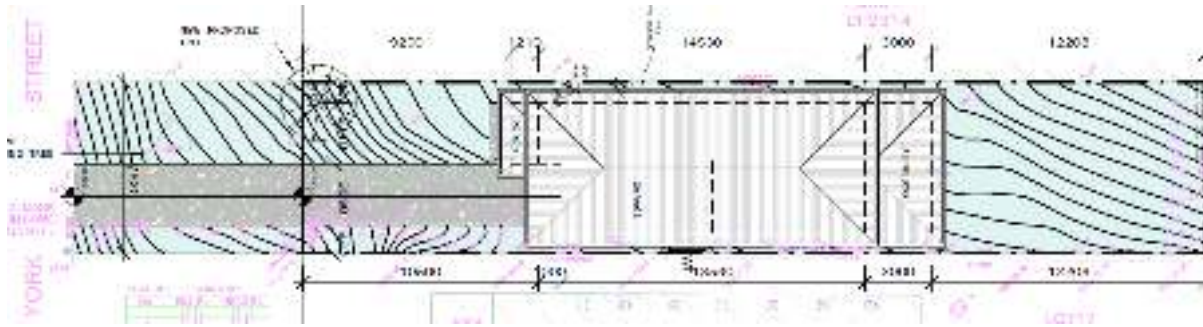
9. RECOMMENDATION

That Development Application DA-778/2020 seeking approval for the construction of a double storey dwelling with attached single garage be approved subject to conditions of consent.

10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DCP COMPLIANCE TABLE**
- 3. DRAFT CONDITIONS OF APPROVAL**

ATTACHMENT 1: PLANS OF THE PROPOSAL



Site Plan



Front Elevation

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Rear Elevation



Left Elevation



Right Elevation

ATTACHMENT 2: LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

LDCP 2008 Part 1 - General Controls for all Development		
Control	Requirement	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Complies. The proposal seeks consent for the removal of 1 street tree to enable construction of the driveway. This will be replaced with a mature tree within the front setback of the site.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	N/A. No existing trees within the site. Proposed new tree to be introduced within the front setback of the property to replace street tree to be removed.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Complies. Minimal to no impact on bushland and habitats envisaged.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	N/A. The subject site is not classified as Bushfire prone land.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Complies. Council's Land Development Engineer has reviewed this proposal and has no objection to stormwater management, subject to conditions of consent.
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	N/A. The location of the proposed works is not considered to be within close proximity to a watercourse.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Complies. Some excavation works will be required during the construction process. As such appropriate conditions of consent will be implemented to ensure compliance.
Section 9 – Flooding Risk	Flood affection of property to be considered	N/A. The subject site is not mapped as being flood affected.
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Complies. Existing and historical residential use does not warrant a land contamination assessment.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Complies. Condition of consent included requiring design to respond to salinity.
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	N/A. The site is not mapped as containing acid sulfate soils.
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	N/A.
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	N/A. by condition. No demolition works proposed.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Complies. Property is connected to sewer.
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	N/A. No known items of aboriginal archaeology are present on the subject property.
Section 17 –	Consideration of the impact on the	N/A. The subject site is not associated with

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Heritage and Archaeology	heritage significance on any heritage buildings, sites, streetscapes or areas.	any heritage items.
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	N/A as no charity bins located within the subject property.
Section 20 – Car Parking and Access		Complies. 1 Large sized Dwelling proposed Complies. A single garage has been provided as well as area for parking on the driveway within the property boundary.
Section 21 – subdivision of land buildings	Minimum lot width for proposed residential subdivision	N/A as no subdivision proposed.
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	Complies. A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments.
Section 23 – Energy Conservation	Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	Complies. A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments.
Section 24 – Landfill	This section applies to development, which involves cutting and or filling of land. It does not involve land cut and filling in conjunction with a development application for a building(s).	N/A.
Section 25 – Waste Disposal and Re-use Facilities	Waste Management Plan Required	Complies. A waste management plan has been provided with the application.

Liverpool Development Control Plan 2008 Part 3.5 - Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 Zone

The proposed development is subject to the LDCP 2008. Part 3.5 of the LDCP 2008 covers controls specifically relating dwelling housing in areas less than 400sqm and zoned R2, R3 or R4. The following key controls are discussed in the following table:

LDCP 2008 Part 3.5 - Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 Zone		
Control	Requirement	Comment
Site Planning	<p>The dwelling layout must be designed around the site attributes, such as slope, existing vegetation, land capability, and/or solar access.</p> <p>There must be a direct link from at least one living area to the principal private open space.</p> <p>Building siting, window location, balconies and fencing must consider the importance of the privacy on site and adjoining buildings and private open space.</p> <p>The siting of windows of habitable rooms on the first floor shall minimise overlooking to the private open space of neighbouring properties.</p> <p>Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.</p>	<p>Complies. The proposed dwelling is considered to have been designed around the site attributes.</p> <p>Complies. The dwelling will provide a direct link to the POS from the living rooms which has been demonstrated in the approved plans.</p> <p>Complies. The siting of windows of habitable rooms is considered to have been designed to minimise overlooking to POS of neighbouring properties.</p> <p>Noted.</p> <p>Complies. The stormwater plans indicate that stormwater will be discharged to the street via silt arrestor pits. This has been reviewed by Council's Land Development Engineer who posed no objections subject to conditions.</p>
Setbacks	<p><u>Front Setbacks</u> Ground Floor: 4.5m First Floor: 5.5m</p>	<p>Complies. Ground Floor: 10.5m First Floor: 10.5m</p>
	<p><u>Side Setbacks</u> Single Storey Dwelling Houses: 0.9m Second Storey Component: 0.9m</p>	<p>Complies. Single Storey Dwelling Houses: 0.9m Second Storey Component: 0.9m</p>
	<p><u>Rear Setbacks</u> Single Storey Dwelling Houses: 4.0m Second Storey Component: 7.0m Living Room Doors: 4.0m</p>	<p>Complies. Single Storey Dwelling Houses: 4.0m Second Storey Component: 7.0m Living Room Doors: 4.0m</p>

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	Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling. (The main face is the first wall of a habitable room)	Complies. Garage setback 1m behind building line.
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	N/A
	The secondary setback is the longest length boundary.	N/A.
	Garages that address the secondary frontage must have a minimum setback of 5.5m.	N/A.
	Zero Lot Boundaries	N/A.
Landscaped Area	<p>A minimum of 25% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.</p> <p>A minimum of 50% of the front setback area shall be Landscaped Area.</p> <p>A minimum unincumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.</p> <p>A minimum unincumbered area of 3 x 3m shall be provided in front setback to accommodate deep rooted trees.</p>	<p>Complies. The proposed landscaped area across the site is 55%.</p> <p>Complies. The proposed landscaped area in the front setback area is 50%</p> <p>Complies. Area in excess of 4x5m provided in rear setback to accommodate deep rooted trees.</p> <p>Complies. Area in excess of 3x3m provided in front setback to accommodate deep rooted trees.</p>

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<p>Private Open Space (POS)</p>	<p>Private Open Space must have an area greater than 60sqm. Areas less than 2.5 m in width does not qualify as Private Open Space.</p> <p>Private Open Space areas are not permitted within the primary street setbacks.</p> <p>Private Open Space must have an area for clothes drying with at least 2 hours of full sun between 9.00am and 5.00pm at 21 June.</p> <p>The Private Open Space shall include a Principal Private Open Space area, which is directly accessible from the main living area of a dwelling with a minimum dimension of 4 x 6m.</p> <p>The Principal Private Open Space must receive 3 hours of sunlight to at least 50% of the area between 9:00am and 5:00pm on 21 June.</p>	<p>Complies. Private Open Space proposed 94.5m².</p> <p>Complies. POS located within rear setback area</p> <p>Complies. Area for clothes drying provided</p> <p>Complies. POS directly accessible from Living and Dining Area.</p> <p>Complies.</p>
<p>Cut and Fill</p>	<p>Maximum Cut permitted: 600mm</p> <p>Maximum Fill permitted: 1m</p>	<p>Considered Acceptable. See justification below. Proposed cut approximately 1.5m</p> <p>Complies. Maximum fill 1m.</p>
	<p><u>Justification</u></p> <p>The proposed cut across the site is approximately 1.5m which is greater than the 600mm maximum permitted. Despite this non-compliance with the cut and fill control, the variation is considered justifiable for the following reasons:</p> <ul style="list-style-type: none"> - The change in natural ground levels is required to achieve an acceptable driveway gradient - Battering of land and construction of retaining walls where required will minimise incidence of soil erosion and subsequent sedimentation of waterways - Proposed cut soil to be retained within the building footprint facilitated with the use of drop edge beams, also used to fill/even out other sections of the site (beneath the driveway) - Despite the non-compliance, the proposal does not result in any unreasonable overshadowing of adjoining properties, and remains compliant with the provisions of the LDCP 2008 in this regard. 	
<p>Building Design and Appearance</p>	<p>Small lot housing with a street frontage must orientate the dwelling to that street. The front pedestrian entrance must be visible from the street.</p> <p>The front Building facades shall be articulated, this articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs</p>	<p>Complies. Dwellings oriented to street with front pedestrian entrance visible.</p> <p>Complies. Building façade articulated with front porch</p>

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	Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling.	Complies. Eaves provided throughout all sides of the dwelling.
	<u>Garages</u> The maximum width of garage doors or carports must be no greater than 50% of the building frontage width.	Complies. The proposed garage door is 45% of the building frontage width.
Internal Design	All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street. Living rooms should take advantage of northern aspects. The internal layout of the dwelling is encouraged to incorporate cross ventilation.	Complies. The first floor master bedroom is located at the front of the dwelling. Noted. Noted.
Landscaping	The setback areas of development are to be utilised for canopy tree planting. At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8 m. Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.	Complies. Setback areas of the development have been utilised for canopy tree planting. Complies. Blueberry Ash tree proposed to be planted in front setback area, mature height of 8-10m. Complies. Landscaping appears to be generally appropriate.
Fencing	<u>Primary Frontage</u> The maximum height of a front fence is 1.2m. <u>Boundary Fencing</u> The maximum height of side boundary fencing within the front setback to the street is 1.2m.	N/A. No front fencing proposed. N/A. No front fencing proposed.
Car Parking and Access	Two car parking spaces shall be provided for each dwelling. At least one car parking must be provided behind the front setback. A single garage is to be a minimum of 3m wide internally and unobstructed.	Complies. Two spaced provided. Complies. Both spaces provided behind the front setback. Complies. Proposed internal width of garage is 3m.

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<p>Amenity and Environmental Impact</p>	<p><u>Overshadowing</u> Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least; - One living, rumpus room or the like; and - 50% of the private open space.</p>	<p>Complies. The shadow diagrams indicate that the adjoining properties would receive 3 hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.</p>
	<p><u>Privacy</u> Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p> <p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p> <p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>	<p>Complies. The amended design of the dwellings, landscaping and fencing is considered to maximise privacy to the subject site and adjoining properties.</p> <p>Complies. Landscaping would be incorporated in the rear setbacks to increase visual privacy between adjoining properties.</p> <p>Complies. Windows to habitable rooms are located so as to not of adjoining dwellings.</p>
	<p><u>Acoustic Privacy</u> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	<p>Complies. The site is not mapped as being on land where the ANEF exceeds 20. The development is not mapped to be impacted by road or rail noise.</p>
<p>Site Services</p>	<p>Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements</p> <p>Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.</p> <p>Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.</p>	<p>Approval subject to conditions of consent.</p> <p>Advisory conditions will be imposed outlining Australia Post requirements.</p>

Liverpool Development Control Plan 2008 Part 2.2 – Carnes Hill, Hoxton Park & Prestons Residential Release Areas. Includes Carnes Hill Centre and Inghams Land

The proposed development is subject to the LDCP 2008. Part 2.2 of the LDCP 2008 covers controls specifically relating dwelling housing in Carnes Hill, Hoxton Park & Prestons residential release areas. The following key controls are discussed in the below table:

LDCP 2008 Part 2.2 - Carnes Hill, Hoxton Park & Prestons Residential Release Areas		
Control	Requirement	Comment
2.1 Street Network	<p>All applications to subdivide and/or develop land shall be consistent with the street network shown on Figure 2 unless a variation can be justified.</p> <p>Any development of Lot B DP 418231 shall ensure vehicular access is provided to Lot 100 DP 1126218.</p> <p>The design of the street network has generally been based on the Australian Model Code for Residential Development 1990, referred to in this plan as the "Model Code".</p>	Not applicable. No subdivision proposed.
2.2 Open Space	<p>The provision of open space shall be consistent with the maps, which show:</p> <ul style="list-style-type: none"> - size and location of major open space areas for active recreation and the retention of native bushland; - location of open space along the creek systems; - notional location of neighbourhood open space. <p>Where it is proposed to embellish land, which is to be, dedicated as public open space in conjunction with a proposed development, this shall be carried out in accordance with details in Appendix 2. A landscape plan shall be submitted with the engineering plans.</p>	Not applicable. Site is existing, no subdivision proposed.
2.3 Street Tree Planting	<p>Street trees shall be required to be planted in conjunction with the creation of a new street or the extension of an existing street.</p>	Existing street tree proposed to be removed to accommodate the driveway. Another street tree existing at the property to be retained.

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	<p>One street tree shall be planted for each allotment created.</p> <p>The street trees shall be planted prior to the release of the subdivision certificate.</p> <p>The trees shall be provided with protection to ensure their survival during the construction of buildings in the street. Refer to Figure 12 for details.</p>	
3.1 Horningsea Park Heritage Area	<p>Development in the vicinity of the Horningsea Park House shall be carried out in accordance with the following requirements:</p> <p>The minimum curtilage for the historic house shall be as shown on the map. There shall be no development within this curtilage that is unrelated to the conservation and use of the house.</p>	Not applicable. Subject site not located within the vicinity of the Horningsea Park House.
3.2 Carnes Hill Centre	<p>The shopping centre shall be designed to achieve the following:</p> <ol style="list-style-type: none"> 1. Compatibility with adjoining residential area. 2. Capability to permit individual shops to trade out of normal business hours. 3. Car parking area and surrounds being landscaped to Council's satisfaction. 4. Design and location of loading area to minimise adverse impact on amenity of the adjoining residential area. 5. Convenient access from the adjacent bus routes. 	Not applicable.
3.3 Bushland Preservation	<p>Land shown on the map as Bushland Preservation has been identified as Endangered Ecological Communities, listed under the Threatened Species Conservation Act (1995). The land shown, as Bushland Preservation shall not be cleared or disturbed for any purpose</p>	Noted.

	<p>and shall be retained as bushland.</p> <p>Development applications for land parcels, which include land shown on the map as Bushland Preservation shall be accompanied by a Plan of Management showing how the bushland shall be properly managed to maintain the bushland once residential subdivision takes place adjoining the land. Development in the vicinity of the bushland will need to comply with "Planning for Bushfire Protection" published by the NSW Rural Fire Service.</p> <p>The Department of Environment and Climate Change has determined that Council may assume concurrence for those developments carried out in accordance with this Development Control Plan, provided that the following conditions are met:</p> <ul style="list-style-type: none">- The land identified in the DCP as reserves is transferred to Council ownership and managed as community land, designated as bushland, under the Local Government Act 1993.- A management plan is prepared and implemented for the land. <p>Accordingly development, which proposes to dedicate the land shown on the map as Bushland Preservation free of charge to Council will not be required to be referred to the Department of Environment and Climate Change under the Threatened Species and Conservation Act (1995).</p> <p>Those developments, which include the land shown as Bushland Preservation and are not in accordance with these conditions, and which will have a significant effect on threatened species or ecological communities, will require the preparation of an SIS and the concurrence of the Director-General of the Department of Environment and Climate Change.</p>	
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ATTACHMENT 3 – DRAFT CONDITIONS OF CONSENT

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

A. THE DEVELOPMENT

1. Approved Plans

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

- a) Architectural Plans prepared by Croftland Homes, including:
 - Site Plan, Drawing No A1_1, Revision C, Dated 09.11.20;
 - Ground Floor Plan, Drawing No A1_2, Revision C, Dated 09.11.20;
 - First Floor Plan, Drawing No A1_3, Revision C, Dated 09.11.20;
 - Shadow Diagrams, Drawing No A3_4, Revision B, dated 11.09.20;
 - Front and Rear Elevations, Drawing No A1_4, Revision C, dated 09.11.20
 - Left and Right Elevations, Drawing No A1_5, Revision C, dated 09.11.20
 - Section and Driveway Section, Drawing No A1_6, Revision D, dated 11.11.20
 - Window and Door Schedule, Drawing No A2_1, Revision C, dated 09.11.20
 - Landscape Plan, Drawing no A3_7, Revision C, dated 09.11.20
- b) Stormwater Report and Plans prepared by Nastasi & Associates Consulting Engineers, Job No. 22454, Revision B sheets C1 to C4 dated 11 November 2020, including:
 - Cover Sheet and Notes, Drawing No C1;
 - Drainage Plan, Drawing No C2;
 - Stormwater Details, Drawing No C3;
 - Mixed Use Rainwater Tank Details, Drawing No C4
- c) External Colour Schedule prepared by Croftland Homes, dated 10 September 2020
- d) Survey Plan by John McDonald Group, Job No. 200411.DWG, dated 24 August 2020
- e) BASIX Certificate, Certificate No: 1136034S prepared by Croftland Homes Pty Ltd, Dated 15 September 2020;
- f) Statement of Environmental Effects, prepared by Croftland Homes Pty Ltd, Revision 1 dated September 2020;
- g) Waste Management Plan, prepared by Croftland Homes Pty Ltd, Revision 1 for 44 York Street, Casula.

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2. General Compliance

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

3. National Construction Code

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

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

4. Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

5. Fee Payments - Land Development

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

The following fees are applicable and payable:

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

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forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

6. S138 Roads Act – roadworks requiring approval of civil drawings

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 Vehicular Concrete Dish Drain in York 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.

7. Stormwater Concept Plan

A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Nastasi & Associates, reference number 22454 Drawing Numbers C1 – C4, revision A, dated 03.09.2020

- a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
- b) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

8. Access, Car Parking and Manoeuvring – Minor Development

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

- a) Off street access and parking complies with AS2890.1

9. Dilapidation Report

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in York 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.

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10. Stormwater – Dish Drain

The existing concrete dish drain shall be reconstructed and shall match into the existing concrete dish drain to the south of the development site.

11. Construction Requirements - Retaining Walls

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

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.

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

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

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

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

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

13. Notification to Council

The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

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

C. PRIOR TO WORKS COMMENCING

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

14. Building Work

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

15. Construction Certificates

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

16. Construction Certificates

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

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

17. Site Facilities

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

18. Residential Building Work

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

19. Residential Building Work

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.

20. Excavation

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

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

21. Notification

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

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

22. Site Notice Board

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

- a) The name, address and telephone number of the principal certifying

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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.

23. Dial Before You Dig

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

24. Sydney Water

Development plans must be processed and approved by Sydney Water.

25. Sediment & Erosion Control

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

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

26. Toilet Facilities

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

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

D. DURING CONSTRUCTION

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

27. Building Work

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

28. Building Work

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

29. Building Work

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

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

30. Identification Survey Report

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

31. Excavation

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

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

damage,

- c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

32. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note. Fencing is not to be located on Council's reserve area.

33. Hours of Construction Work and Deliveries

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

34. Construction Noise and Vibration

Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

35. General Site Works – Surface contours

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

36. General Site Works - Sediment

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

37. Erosion Control - Measures

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

38. Major Filling/ Earthworks

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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.

39. Contamination

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

40. Air Quality - Dust Screens

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

41. Air Quality – Stabilisation

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

42. Air Quality - Vehicle movement

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

43. Waste Management

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

44. Waste Management

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

45. Occupation Certificate

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

46. Certificates

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

47. Section 73 Sydney Water Certificate

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

48. Stormwater Compliance

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

a) On-site detention system/s,

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

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

49. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

a) On-site detention system/s,

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

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50. Rectification of Damage

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

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

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

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

52. BASIX

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

53. Road Works

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

54. Display of Street Numbers

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

G. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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

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

- i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their

own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- l) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.